Case Example of Fundamental Alteration in a Math Class

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6. College A has a student with a learning disability who is requesting the accommodation of the use of a calculator and a multiplication table in a beginning arithmetic class. The instructor of the class is adamant that the accommodations should not be allowed. In his opinion, the ability to perform the actual calculations is a basic requirement of the class. The student asserts that they can do the analytical work but that sheer memorization is a disability related problem for them. How should the DSP&S program and the college resolve this issue?

The key issue which needs to be analyzed to come to an appropriate conclusion is whether the ability to perform the arithmetic calculations without the stated accommodations is a fundamental academic requirement of the class. If it is a fundamental academic requirement, then the college would not be required to provide the accommodation under either Section 504 of the 1973 Rehabilitation Act. or the Americans with Disabilities Act (ADA). Critical factors to determine this include:

Is the ability to perform the arithmetic calculations with aids included in the course outline of record maintained by the college? If the ability to perform these functions, specifically without aids, is in the approved course outline of record, then the college may consider asserting that it is a fundamental academic requirement. It is not obligatory that they take this stance, but it may be an indicator of whether or not the function is a fundamental academic requirement. One caution to be made is that the course outline should have been reviewed in both the self evaluations required by Section 504 and the ADA to assure that all requirements listed are true fundamental requirements rather than traditional ones. In addition, the course outline should not be outdated when compared to current practice of the faculty teaching that class.

If the ability to perform the function without aids is not listed, what is the practice of other instructors of the same class at the college or of instructors of similar classes or other colleges? If the practice regarding the use of aids such as a calculator and multiplication tables differs between instructors, it is difficult to assert that it is a fundamental academic requirement.

It is important to note that a generalization about the use of aids as an accommodation should not be made across all classes in a given subject. For example, it may be a fundamental academic requirement to be able to perform the calculations for an arithmetic class but not for an algebra, geometry, or calculus class which teaches other aspects of mathematics.

Another critical element in this scenario is the availability of the campus academic accommodation policy required by Title 5, section 56027. It is critical to be able to act in an expeditious manner when disagreements arise about accommodations. It is very likely that the student is in the given class at the time of the dispute and will be in a very difficult position if a timely decision is not made.
It is important to note that this policy should be distinct from the campus grievance or complaint process required by Section 504 and the ADA.