

## **Attendance Accommodation Procedure**

In most cases, class attendance is critical to a student's mastery of the knowledge and skills that are taught in a specific course and students are expected to follow the attendance policy established by the instructor in each class. If a qualified student with a disability believes it may not be possible to abide by the attendance policy of a particular faculty member due to disability related reasons, the student should contact the Disability Services Office (DSO) prior to the beginning of the semester, or as soon as possible after the need for an exception arises, to discuss the matter of a possible accommodation.

It is the responsibility of the University to provide reasonable accommodations for individuals with disabilities. When considering a student's request for modified attendance as an accommodation, the Disability Services Office will determine eligibility to be considered for the accommodation (of modification of the usual course attendance policy) based on whether the accommodation is aligned with the impact of the disability, and in consultation with appropriate individuals from Academic Affairs, will determine whether a modified attendance accommodation will fundamentally alter the essential requirements of the course. Eligibility for this accommodation is determined on an individual, case-by-case basis depending upon the extent to which the medical or psychological documentation from a licensed professional, qualified to diagnose and treat the disability, supports the need for this accommodation.

An attendance accommodation can be approved through the DSO when the following two conditions are met:

- 1) the student has one or both of the following:
  - an impairment/disability includes symptoms which could exacerbate unexpectedly causing them to miss class
  - OR
  - medical procedures of an emergency and/or non-elective nature which must be scheduled during the semester.

AND

- 2) it is determined through an interactive, deliberative process involving the student, the faculty and the Disabilities Services Office that this accommodation is a reasonable modification to any classroom attendance policies which are stated in a course syllabus (given the unique circumstances of the student at the time and carefully considering the requirements of the course).

### **IMPORTANT NOTES:**

As **an attendance waiver would generally be considered an unreasonable accommodation**, this accommodation is not intended to serve as one.

Other **absences not directly related to the impairment/disability are NOT covered by this accommodation** and therefore are subject to your usual attendance policy for the course.

The disability laws and regulations stipulate that once a student makes a request for an accommodation, the institution is obligated to engage in an interactive and deliberative process which should -

- identify the essential elements of a course, including attendance, through utilization of a deliberative process
- identify and determine what is reasonable for a given student, situation and course, through an interactive process, and

- involve the designated disability services professional on campus

Since each class and situation is different, the extent of the modification should be determined by a discussion between the professor and the Disability Services Office early in the semester or as notified by a student that such an accommodation is being requested. West Virginia State University will make every effort to reasonably accommodate students disability related academic needs. However, neither the university nor an individual faculty member is required to waive essential or fundamental academic requirements of a course regardless of the nature of a student's disability.

In examining the program/course requirements at issue and whether such requirements are essential, the US Department of Education Office of Civil Rights gives great deference to an institution's academic decision making. In order to receive such deference, the institution should convene a committee comprised of persons knowledgeable about the student's disability, and about the program, such as faculty and the department chair, to engage in a careful, thoughtful deliberation. The committee should include at a minimum the faculty member, the department chair and the disability services professional. This committee must engage in a careful, thoughtful, and rational review of

- the academic requirement,
- consider alternatives to the requirement and
- consider if modification of the requirement is possible for a specific student.

Once the committee determines through the deliberative process that attendance is an essential or fundamental requirement for the course (or to any directly related licensing requirements), the department should document the conclusions reached and the reasons for them and provide a copy of this documentation to the Disability Services Office to be included in the student's confidential file in the DSO. At this point, it is acceptable for the faculty to put in place reasonable attendance requirements for the student with a disability. What is considered reasonable will depend on the nature of the role of attendance in the course as well as the unique disability related situation of the particular student at the current time and should be determined in a collaborative manner. During the deliberative process, the committee will determine the appropriateness of an attendance accommodation by consideration of such things as statements in the syllabus and course description regarding attendance, grading methods, whether student participation is an essential method for learning, the need or lack thereof for classroom interaction, and the impact, if any, which non-attendance will have on the educational experience of other students.

Please note that the initial determination of essential elements process normally will only be utilized -

- as the need arises from an initial student's request for an accommodation in the course,  
AND
- if the faculty member wants to have some reasonable parameters around and involving the accommodation,  
AND
- then usually only once (unless there are significant changes to the course) - subsequent requests from other students will most likely be able to utilize the previously determined essential elements information.

For subsequent requests, there may still need to be some discussion and decision making around a specific student's request regarding alternatives and possible modifications to the requirement.

If attendance modification is considered reasonable, the Disability Services Counselor and the professor will meet and complete an Attendance Agreement Form. The student will be provided a copy of the agreement by the Disability Services Office. If the student has questions or concerns about the agreement they may notify the Disability Services Counselor of those concerns. The counselor will discuss the agreement further with the faculty member, if necessary. When necessary, the academic chair, dean or other academic administrator will be included in the discussions. The accommodation will be monitored and evaluated throughout the duration of the semester to evaluate effectiveness and identify any potential misuse of the accommodation.

Regardless of the accommodation, the student is required to meet all of the academic course requirements and to complete all assignments and examinations, unless arrangements are previously developed in collaboration with the faculty. The student will be graded according to the criteria stated in the class syllabus. If a student finds that he or she is not doing well in the class due to extended absences, the student is urged to consider options such as withdrawing from the class or taking an incomplete. It is important for the student not to abuse the modification of the attendance policy. The accommodation does not mean that unlimited absences will be permitted. The number of absences permitted will be determined on a case-by-case basis. It is important for the student to realize that even if excused, absences could impact the student's academic performance because the student will not have the benefit of such things as full classroom interaction and the opportunity to ask questions while the material is being presented.

*The following is the email that will be sent to the faculty of the respective courses in which the student is requesting some flexibility with attendance -*

From: **WVSU Disability Services office** <[dso@wvstateu.edu](mailto:dso@wvstateu.edu)>  
Subject: Accommodation - Attendance modification for \*\*\*

Having recently meet with \*\*\* who has made a request through the DSO for this accommodation, it appears that **this student is eligible for consideration** of a Modified Attendance accommodation through the DSO.

For this particular student there is an impairment for which -  
(brief explanation of student's current predicament)

The following is the DSO procedure utilized for considering an attendance policy modification:

### **STEPS FOR CONSIDERATION OF ATTENDANCE MODIFICATION**

**STEP 1** - Determine if an attendance modification accommodation through the DSO is needed.

**NO** - If you are willing to work with the student and allow absences without putting specific limitations or otherwise penalizing the student for such absences,  
please advise and no further action from the DSO is needed.

**YES** - If you wish to set parameters for what would be considered reasonable, proceed to step 2 -

**STEP 2** - Determine if attendance is an essential element of the course *using the deliberative process\** (see definition and first set of questions below the signature line).

If attendance is determined to be an essential element, proceed to step 3 -

**STEP 3** - Determine if an attendance modification is reasonable by discussing the specific role attendance plays in your course

The information will then be used to determine which of the following options are reasonable:

A) DSO completes a formal, written Attendance Accommodation Agreement with you and the student which will serve to outline what the reasonable modification will be for this student and help all parties understand what the limits, if any, will be to the accommodation.

OR

B) student should seek an incomplete

OR

C) student should withdraw from the course for the semester

If it is determined that an attendance modification is reasonable, proceed to step 4 –

#### STEP 4 - Draft and finalize an Attendance Accommodation Agreement.

I will utilize any information gathered during this process to fill out the agreement, and when completed, I will send you and then the student a draft before obtaining signatures and providing copies to yourself and the student.

The agreement will address the following four areas:

1. Classroom expectations
2. Quiz/Test/Exam expectations
3. Assignment expectations
4. Faculty notification

(Sample questions to be considered are included in the final set below.)

If you wish to set reasonable parameters for absences for this student, you may continue the process by responding to the questions below via email.

Alternately, if you have any questions/concerns or would like to meet so that we can discuss the Attendance Modification accommodation procedure or the Attendance Accommodation Agreement which will serve to outline what the reasonable modification will be for this student, please let me know a good time and manner in which to contact you.

Thanks,

Michael Casey, MS, CRC, CVE, PVE, AADC, CDF | Disability Services Counselor

Disability Services Office (DSO) | Counseling and Academic Support Services | West Virginia State University

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***\*Deliberative Process** - Prior to refusing any requested academic adjustment on the basis that it would lower or waive an essential requirement of a program, the institution should convene a committee comprised of persons knowledgeable about the student's disability, and about the program, such as faculty and department chairs, to engage in a careful, thoughtful deliberation of: the program/course requirements at issue; whether such requirements are essential; the feasibility, cost, and effect on the program of the requested academic adjustment(s); and any available alternatives. The committee, after engaging in such a deliberative process, should reach a rationally justifiable conclusion as to whether the requested academic adjustment would fundamentally alter the program or lower essential academic standards and should document the conclusions reached and the reasons for them. The institution should still provide adjustments or services that do not reach that level. (per US Department of Education, Office of Civil Rights)*

## **DETERMINATION OF ATTENDANCE AS ESSENTIAL ELEMENT OF THE COURSE**

The committee (see deliberative process above) considering if attendance is essential should answer the following questions:

1. What does the course description and syllabus say about attendance?
2. Is attendance factored in as part of the final course grade? What impact would an extended absence (1 week or more) have on the final grade?
3. What are classroom practices and policies regarding attendance?
4. How consistently is the attendance policy applied? Have you allowed absences for students on a formal or informal basis in the past?
5. Is there classroom interaction between the instructor and students, among students? How is that interaction assessed and how is it factored into the final course grade?
6. Do student contributions constitute a significant component of the learning process?
7. What are the primary and secondary instructional methods utilized? Does the course rely on student participation as a method for learning?
8. What is the impact of student's absence(s) on the educational experience of other students in the class?
9. Is there content only offered in class? Are there other methods in which this content might be offered?
10. Are assignments used as class content when they are due? (e.g. problem sets reviewed as the first lecture on that content)

## **DETERMINATION OF REASONABLE ACCOMMODATION FOR THIS STUDENT**

An attendance agreement can be developed to address four areas – classroom attendance, make up of quizzes/tests/exams, turning in assignments, and faculty notification of absences. The following are sample questions that can be utilized in developing the attendance agreement:

1. What are the expectations for classroom attendance? Is there a certain number of absences that are acceptable? Are there any specific dates the student needs to try to be in class?
2. What are the expectations for quizzes/tests/exams? If the student is unable to come to class on the day of the quiz/test/exam for a disability related reason, how long will the student have to make it up and will the student have the opportunity to have the test proctored at the DSO? Do you have a policy for dropping the lowest test score? Are there ways in which that might be modified to accommodate the student's particular situation?
3. What are the expectations around turning in assignments? Are they expected to be turned in by the stated deadline? Are assignments accepted prior to the deadline? What methods can be utilized in turning in the assignments (ie in-person, hand delivered, online, email, etc.)? If the student is hospitalized or otherwise unable to attend on the due date, can they be submitted within a reasonable timeframe after the deadline? If the student has an extended absence for disability reasons (ie hospitalization) and is unable to work on an assignment, what options will the student have for turning in any overdue assignments?
4. What are the expectations of the faculty regarding notification of absences? Does the student need to contact the institution each time they are going to be absent, if possible? Do reasons for absences need to be verified by the Disabilities Services Office?