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<th>Cabinet</th>
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<td>2/4/2015</td>
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Note: This procedure is legally required. Local practice may be inserted. Safety in the workplace is addressed in AP 6800. Districts may merge the two procedures if desired.

The District is committed to providing a safe work environment that is free of violence and the threat of violence.

Responding to Threats of Violence
The top priority in this process is effectively handling critical workplace incidents, especially those dealing with actual or potential violence.

Violence or the threat of violence against or by any employee of the District or any other person is unacceptable.

Should a non-employee on District property demonstrate or threaten violent behavior, he/she may be subject to criminal prosecution.

Should an employee, during working hours, demonstrate or threaten violent behavior he/she may be subject to disciplinary action.

The following actions are considered violent acts:

- Striking, punching, slapping or assaulting another person.
- Fighting or challenging another person to fight.
- Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
- Engaging in dangerous, threatening or unwanted horseplay.
- Possession, use, or threat of use, of a firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job.
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.
- Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer who is engaged in the performance of his/her duties.

Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a
District employee or a non-employee, shall immediately report the incident to his/her supervisor or other appropriate person a Cabrillo College law enforcement official.

[List the names of those in the chain of command with a contact number for each person. Included would also be the contact number for the local law enforcement or indicate 911.]

No one, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.

Any employee reported to be a perpetrator will be provided both due process and representation before disciplinary action is taken.

In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, appropriate law enforcement personnel will be called.

ASM Council: 9/11/13; 11/13/14
VPAS: 11/20/13,
Cabinet: 1/6/15
PPTF:
CPC:
Approved:
Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title I, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

Claims must be presented according to this policy and related procedures as a prerequisite to filing suit against the District.

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

- Claims by public entities: claims by the state or by a state department or agency or by another public entity.
- Claims for fees, wages and allowances: claims for fees, salaries or wages, mileage, or other expenses and allowances.

The designated place for service of claims, lawsuits or other types of legal process upon the District is:

- Superintendent/President’s Office
  Cabrillo College
  6500 Soquel Drive
  Aptos, CA  95003

The designated place for subpoena requests is:

**Human Resources Department**
Cabrillo College
6500 Soquel Drive
Aptos, CA  95003

Reference: Education Code Section 72502; Government Code Sections 900 et seq.; 910

Adopted: June 15, 2009
ASM: 11/13/14
VPAS:
Cabinet:
PPTF:
CPC:
The Superintendent/President or designee is delegated the authority to purchase supplies, materials, apparatus, equipment, and services as necessary to the efficient operation of the District. No such purchase shall exceed the amounts specified by Public Contract Code Section 20651 of the California Public Contract Code as amended from time to time.

All such transactions shall be reviewed by the Board every 60 days.

Legal References: -Education Code Section 81656 82656
-Public Contracts Code Section 20650 and 20651

Adopted: November 5, 2007
Revised: insert board date
In March 2004, Measure D was **If a bond measure has been** authorized pursuant to the conditions of Proposition 39 as defined in the California Constitution, the Superintendent/President shall establish a Citizens’ Oversight Committee in accordance with the applicable law and necessary regulations.

See AP 6740.

Legal References:  Education Code Sections 15278, 15280, 15282;  
California Constitution Article XIII A Section 1(b), Article XVI Section 18(b)

Adopted:  -June 15, 2009  
Revised:  insert board date

ASM:  11/13/14  
VPAS:  
Cabinet:  
PPTF:  
CPC:
CITIZENS’ OVERSIGHT COMMITTEE

Purposes:

- To inform the public concerning the District’s expenditure of bond proceeds;
- To review and report on the proper expenditure of taxpayers’ money for school construction; expenditure reports produced by the District to ensure that bond proceeds have been expended only for the purposes set forth in Measure D and
- To advise the public as to the District’s compliance with proposition 39 requirements as contained in the California Constitution. present to the Board, in public session, an annual written report which shall include the following:
  - A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and
  - A summary of the committee’s proceedings and activities for the preceding year.

Activities:

- Receive and review copies of the annual, independent performance audit;
- Receive and review copies of the annual, independent financial audit;
- Inspect school facilities and grounds to ensure that bond revenues are expended properly;
- Receive and review copies of any deferred maintenance proposals or plans developed by the District; and
- Review efforts by the District to maximize bond revenues by implementing cost-saving measures.

Members: The committee shall consist of at least seven (7) members to serve for a term of two (2) years and for no more than two (2) consecutive terms. Members shall serve without compensation.

The committee shall be comprised of at least:

- One member active in a business organization representing the business community located within the District.
- One member active in a senior citizen’s organization.
- One member active in a bona fide taxpayer’s organization.
- One member of a student both currently enrolled in the District and active in a campus group. The student may serve up to six months after his/her graduation;
- One member active in the support and organization of the District.

No employee, official, vendor, contractor, or consultant of the District shall be appointed to the committee.

Assistance: The District shall provide the committee with any necessary technical or administrative assistance, as well as other resources, to publicize its conclusions.

Public Meetings: Meetings shall be open to the public and notice provided in accordance with the provisions of open meetings laws.

Reports: At least once a year the committee shall issue a report on the results of its activities.
Minutes from its proceedings, all documents received, and reports issued are a matter of public record and shall be made available on an internet website maintained by the District.

Reference: Education Code Sections 15278, 15280, 15282.

Board review: May 11, 2009
ASM: 11/13/14
VPAS:
Cabinet:
PPTF:
CPC:
The Superintendent President or designee shall establish such administrative procedures regarding vehicles and parking on campus as are necessary for the orderly operation of the instructional program. No person shall drive any vehicle or leave any vehicle unattended on the campus except in accordance with such procedures.

Parking fees may be established in accordance with these board policies. (See BP 5030 titled Fees)

Legal reference: CA Education Code Section 76360 and CA Vehicle Code Section 21113.

Adopted: March 1, 2010
Reviewed: insert board date

ASM: 11/13/14
VPAS:
Cabinet:
PPTF:
CPC:
The Superintendent/President or designee shall establish administrative procedures to ensure the safety of employees and students on District sites, including the following:

- Compliance with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the District shall comply with the regulations of the Federal Highway Administration (FHWA) and, if applicable, the Federal Transit Administration (FTA). Compliance with these policies and procedures may be a condition of employment.

- Establishment of an Injury and Illness Prevention Program in compliance with applicable OSHA regulations and state law. These procedures shall promote an active and aggressive program to reduce and/or control safety and health risks.

- Establishment of a Hazardous Material Communications Program, which shall include review of all chemicals or materials received by the District for hazardous properties, instruction for employees and students on the safe handling of such materials, and proper disposal methods for hazardous materials.

- Prohibition of the use of tobacco in all public buildings.


Adopted: March 1, 2010
Reviewed: insert board date

ASM: 11/13/14
VPAS:
Cabinet:
PPTF:
CPC:
The Governing Board recognizes the need for representation at conferences and activities which relate to the mission and objectives of the college. Therefore, the Superintendent/President is authorized to attend conferences, meetings, and other activities that are appropriate to the functions of the District.

The Superintendent/President shall establish procedures regarding the attendance of other employees at conferences, meetings, or activities. The procedures shall include authorized expenses, advance of funds and reimbursement.

*Legal Reference: Education Code Section 87032.*

Adopted: May 2, 1988
Revised: June 15, 2009
Reviewed: insert board date

ASM: 11/13/14
VPAS:
Cabinet:
PPTF:
P CPC:
The Superintendent/President or designee is authorized to issue and execute change orders on behalf of the District which increase the cost of a construction project and contract subject to the following conditions:

- Individual change orders shall not exceed the amount specified in the applicable Public Contract Code Section 20651 or 20655, or ten percent (10%) of the original contract price, whichever is less.

The Superintendent/President or authorized designee is authorized to direct the performance by the contractor/vendor under a Change Order, subject to the Board subsequent review of a change order.

The Superintendent/President or designee is authorized to issue and execute change orders on behalf of the District which decrease the cost of a construction project.

Change orders which exceed $25,000 and which do not meet the foregoing conditions, shall be ratified by the Board.

Legal Reference: Public Contract Code 20651, 20655, 20659

Adopted: December 3, 2007
The inventory system shall be under the supervision of the Vice President, Business Services.

Adopted: May 2, 1988
Revised: November 5, 2007
The equipment inventory shall serve both the functions of control and conservation. The inventory shall include items with a current value of $500 or more and the description, name, date of acquisition, identification numbers, original cost, and location of use of all items. A record of the date and mode of disposal of all equipment removed from the inventory shall also be kept.

Revised: October 1, 2007
BP 7128
OATH OR AFFIRMATION OF ALLEGIANCE POLICY

Each newly proposed employee of Cabrillo College, except for individuals who are not United States citizens and who are legally permitted to be employed by the College, prior to confirmation of employment by the Governing Board, shall be required to file in writing, an oath or affirmation as follows.

No teaching certification or other employment certification document shall be processed or granted to any person unless and until he/she has subscribed to the following oath or affirmation:

"I, ___________________, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. The oath or affirmation shall be subscribed and certified or declared, pursuant to Section 2015.5 of the Code of Civil Procedure.

Legal Reference: Education Code Sections 7050-7058 Government Code sections 3100 through 3109. California Constitution, Article XX, Section 3

Adopted: April 4, 1988
Revised: June 10, 2013
CERTIFICATED EMPLOYEE TENURE POLICY

Any contract employee whose assignment requires certification qualifications, and who has successfully completed four consecutive years as a contract employee, and is re-employed for a fifth consecutive year as a regular employee, shall be classified as a regular employee for all subsequent years and is deemed to have attained tenure.

Administrative regulations regarding the attainment of regular certificated employment status shall be followed in all employment transactions as prescribed in part one of the Cabrillo College District Personnel Procedures Manual.

Legal Reference: Education Code Section 87609.

Adopted: April 4, 1988
Revised: August 6, 2012
Note: Procedures on personal services contracts are legally required. Local practice may be inserted, but must comply with the following conditions.

The District may enter into personal services contracts to achieve cost savings when each of the following conditions are met:

- It can be clearly demonstrated that the proposed contract will result in actual overall cost savings to the District;
- The contractor’s wages are at the industry's level and do not undercut District pay rates;
- The contract does not cause the displacement of district employees;
- The savings are large enough to ensure that employees will not be eliminated by private sector and District cost fluctuations that could normally be expected during the contracting period;
- The amount of savings clearly justifies the size and duration of the contracting agreement;
- The contract is awarded through a publicized, competitive bidding process;
- The contract includes specific provisions pertaining to the qualifications of the staff that will perform the work under the contract, as well as assurance that the contractor's hiring practices meet applicable nondiscrimination standards;
- The potential for future economic risk to the District from potential contractor rate increases is minimal;
- The contract is with a firm; and
- The potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by the District.

Personal service contracts are also permissible when any one of the following conditions is met:

- the contract is for new functions mandated or authorized by Legislature to be performed by independent contractors;
- the services are not available within the District or cannot be satisfactorily performed by district employees;
- the services are incidental to a purchase or lease contract;
- the policy, administrative, or legal goals and purposes of the District cannot be accomplished through the regular or ordinary hiring process;
- the work meets the criteria for emergency appointment;
- equipment, materials, facilities, or support services could not feasibly be provided by the District; or
- the services are of an urgent, temporary, or occasional nature.
**Note:** The following language is optional and provides definitions of types of personal services contracts.

**Professional Experts** – Contracts for the services of persons who qualify as professional experts may be let without competitive bidding. Professional experts are persons specially qualified to provide services and advise in financial, economic, accounting, engineering, legal or administrative matters. They must be specially trained, experienced and competent to perform the services required. Compensation for special services and advice from professional experts may be paid from available funds in the amounts deemed proper for the services rendered.

**Independent Contractors** – To be an independent contractor, substantial conformance with the following conditions must exist:

- The contractor controls the way in which work is performed.
- The contractor sets his or her own hours.
- The contractor is not restricted from taking jobs from other businesses at the same time that they are doing work for the District.
- No District employees have duties similar to the independent contractor.
- The District does not provide assistants to the contractor.
- The duration of employment is for a specific job, not for a specified period of time.
- The District does not furnish tools, training, or equipment to the contractor. Contractors should be able to perform their services without the District’s facilities (e.g., equipment, office furniture, machinery).
- The contractor's investment in his or her trade must be real, essential, and adequate.
- The contractor has employer identification numbers with the Internal Revenue Service and the California Employment Development Department for reporting employer payroll taxes and employee wages.
- The individual is not presently employed by the District to do the same type of work.
- Contractors are hired to provide a result and usually have the right to hire others to do the actual work.
- Contractors are hired for the final result, and therefore should not be asked for progress or interim reports.
- Contractors are generally responsible for their incidental expenses.
- Contractors should be able to make a profit or a loss. Five circumstances show that a profit or loss is possible:
  - If the contractor hires and pays assistants
  - If the contractor has his own office, equipment, materials, or facilities
  - If the contractor has continuing and reoccurring liabilities
  - If the contractor has agreed to perform specific jobs for prices agreed upon in advance
  - If the contractor's services affect his own business reputation

Contractors can't be fired so long as they produce a result that meets the contract specifications.

Contractors are responsible for the satisfactory completion of a job or they may be legally obligated to compensate the hiring firm for failure to complete.
Consultants – Consulting services contracts refer to all services that:

- are of an advisory nature,
- provide a recommended course of action or personal expertise,
- have an end product which is basically a transmittal of information either written or verbal, and,
- are obtained by awarding a procurement-type contract, a grant, or any other payment of funds for services of the above type.

The product may include anything from answers to specific questions to design of a system or plan, and includes workshops, seminars, retreats, and conferences for which paid expertise is retained by contract.

Revised 2/03

Legal References: Education Code Section 88003.1; Government Code Section 53060

ASM Council: 10/16/14
VPAS:
Cabinet:
PPTF:
Approved:
The Board will be informed about all grant applications made and grants received by the District.

The Superintendent/President shall establish procedures to assure timely application and processing of grant applications and funds, and that the grants that are applied for directly support the purposes of the District.

*Legal Reference:* Education Code Section 70902

*Adopted:* March, X 2015
The District may require students enrolled in credit and non-credit courses and programs to provide certain instructional and other materials including, but not limited to textbooks, tools, equipment and clothing, if:

1. The instructional and other materials are used in the production of an “end product” that has continuing value to the student outside the classroom, or

2. The instructional and other materials required for the class have a continuing value to the student outside of the classroom.

Legal Reference: Ca. Adm. Code, Title 5, Sections 59402 and 59404.
Adopted: April 4, 1988
Revised: May 7, 2012
Safety glasses, deemed to be appropriate by industry standards, shall be required to be worn during activities in all courses in which the student, teacher or visitor, in a classroom situation, is engaged in or observing an activity in which the presence of hazardous substances is likely to cause injury to the eyes. The safety concerns for an activity requiring such protection shall be identified by persons charged with supervision of the activity. Such protection shall be provided by the District, at no cost.

The District may provide safety glasses for purchase, by individuals who choose to do so, at cost.

Legal Reference: Education Code Sections 32030 through 32034.

Adopted: April 4, 1988
Reviewed: January 11, 2010
Revised:
Chapter Five: Student Services and Operations

Disabled Student Services and Programs

Students with disabilities shall be reasonably accommodated pursuant to federal and state requirements in all applicable programs in the District.

The Accessibility Support Center (ASC formerly known as Disabled Students Programs and Services/DSPS) program shall be the primary provider for support programs and services that facilitate equal educational opportunities for disabled students who can profit from instruction as required by federal and state laws.

DSPS-ASC services shall be available to students with verified disabilities. The services to be provided include, but are not limited to, reasonable accommodations, academic adjustments, accessible facilities, equipment, instructional programs, rehabilitation counseling and academic counseling.

No student with disabilities is required to participate in the Disabled Students Programs and Services-ASC program.

The District shall respond in a timely manner to accommodation requests involving academic adjustments. The Superintendent/President or designee shall establish a procedure to implement this policy which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee.

The Superintendent/President or designee shall assure that the DSPS-ASC program conforms to all requirements established by the relevant law and regulations.

Reference: Education Code Sections 67310 and 84850; Title 5 Sections 56000 et seq. and 56027

Adopted: June 10, 2013
Revised:
Chapter Five: Student Services and Operations

Disabled Student Services and Programs and Equal Access

The District maintains a plan for the provision of programs and services to disabled students designed to assure that they have equality of access to District classes and programs. The Accessibility Support Center (ASC – formerly known as Disabled Student Programs and Services/ (DSP&S) is authorized for this purpose per Title 5 Implementing Guidelines, Section 56000 – 56076.

The Plan for the provision of DSP&S ASC addresses the following per Title 5:

Long range goals and short term objectives for the program:
- Under Section 504 of the Rehabilitation Act, students with disabilities must have access to the general college services and instructional process. The DSP&S ASC program is intended to provide the additional, specialized support which allows students with disabilities to more fully access and benefit from the general offerings and services of the college. Services should support students with disabilities in educational activities that comply with the mission of the college. These services may include integrating students with disabilities into the general college program; facilitating general education, transfer, or vocational preparation; increasing independence; and making referrals to community resources.

Definitions of disabilities and students eligible for the program:
- To qualify a person must: be enrolled at a community college, have a verifiable disability (see Section 5603244 Title 5), be unable to fully benefit from the regular programs and services offered by the college due to the educational functional limitation of a disability; and need specialized services or instruction in order to mitigate these disability related educational limitations.

Support services and instruction that is provided:
- Support services or instruction as used in Section 56005 means any service or classroom instruction that is above and beyond the regular services or instruction offered by the college. These classes, activities, or services are offered to enable the student with an educational limitation due to a disability to fully benefit in the offerings of the college.
- Verification of disability
- Every student participating in the DSP&S ASC program must have a verified disability and determination should be performed in one of three ways:
  - DSP&S ASC professional staff, with review by the DSP&S ASC Director, may, through personal observation, verify the existence of an observable disability.
  - A licensed professional in the field may diagnose specified condition which verifies the existence of a disability.
  - DSP&S ASC professional staff with review by the DSP&S ASC Director may verify a student’s disability based on documentation provided by an appropriate agency or certified professional capable of diagnosing the disability in question.
Chapter Five: Student Services and Operations

Student rights and responsibilities:

- Participation by student with disabilities in DSP&S ASC shall be entirely voluntary. Receiving support services or instruction authorized shall not preclude a student from also participating in any other course, program or activity offered by the college.
- All records maintained by DSP&S ASC personnel pertaining to students with disabilities shall be protected from disclosure and shall be subject to all other requirements for handling of student records as provided in Title 5 and FERPA.
- A student with a disability, like any other student on the campus, must adhere to the student code of conduct adopted by the college. Termination of services to the student under the code of conduct must go through the same procedures as with any other student.
- A Student Educational Contract is developed by DSP&S ASC professional staff in consultation with the student and placed in the file of each student receiving services.
- The Student Educational Contract is designed to serve as an educational plan and is reviewed annually with required signatures from both the DSP&S ASC Specialist and student.

Academic Accommodations:

- The provision of DSP&S ASC accommodation must relate directly to the educational limitations of the student. DSP&S ASC specialists provide the services and accommodations to ensure that the college’s programs and services are accessible to, and useable by, students with academic and functional limitations.

Staffing:

- The DSP&S ASC Program has an elected Faculty Director, who has day-to-day responsibility for the DSP&S ASC Program. The Director of Facilities and Planning is responsible for maintaining compliance with ADA Accessible Standards, in consultation with DSP&S ASC and 504 Coordinators.

Advisory Committee:

- The DSP&S ASC Advisory Committee meets at least once a year, and the roster of the members is in the DSP&S ASC Program Review and available for review for the public.

Service Animal Procedures and Guidelines:

- see AP 5140 A

Equal Access:

Cabrillo College is committed to providing access to all students, staff and members of the public and provides special programs that accommodate and facilitates these goals and objectives.
- Cabrillo College provides equal access to campus facilities for all students, staff, and members of the public with disabilities. All entrances to campus buildings and interior doors with automatic doors will comply with 2010 ADA Standards for Accessible Design published by the Department of Justice section 404.3 (ANSI/BHMA A156.10 or A156.19 (automatic doors or push plate openers). The college will also comply with the 2010 ADA
Standards, section 404.2.9 (opening force), and California Building Code 2007-Doors, section 1133B.2.5 (opening force) for exterior and interior non-automatic doors. In order to comply with these requirements, Cabrillo Facilities and Planning department contracts with Besam Entrance Solutions to randomly test and adjust doors. (See Attachment A). Future test results are on file in the Facilities Department.

- For building entrances that are not power assisted, the college provides a telephone outside of the entrance and posts signs on the doors instructing students, staff and the public to call the DSP&S ASC office for assistance (after 5:00 pm Campus Sheriff’s Office). DSP&S ASC, Campus Sheriff, Facilities, and/or branch campus directors will immediately respond to give the person access to the facility.

Disabled members of the public who are not able to operate non-power assist doors on campus should contact DSP&S ASC for assistance in accessing college programs and activities, as needed. DSP&S ASC Counselors and individuals with disabilities who need regular access to campus facilities will develop individualized plans to provide access to buildings, classrooms, restrooms, and other spaces that may not have power assist entrances. DSP&S ASC will provide staff to assist individuals with disabilities based on the individual’s schedule and abilities. The goal of the individualized plan is to maximize the disabled individual’s independence and access to all programs and activities of the college.

For public access to power assisted and non-power assisted entrances, the college provides access information on its facilities to groups (community and college groups) that reserve college facilities on how those facilities can be accessed. These include: phone number for access; campus maps with disabled parking locations, accessible paths and elevators; and the following statements on the college’s website, printed materials, promotional materials and tickets to public events, and facilities rental agreements.

For website, printed materials, etc. which is designed for public consumption:
Cabrillo College strives to provide the highest level of accessibility to students, visitors and guests with disabilities. For assistance with physical accessibility issues, please call Disabled Students Programs and Services ASC at (831) 479-6379, or the Sheriff’s Office at (831) 212-8464 (Aptos and Scotts Valley) or (831) 212-8466 (Watsonville).

For Facilities Contracts:
Cabrillo College strives to provide the highest level of accessibility to students, visitors and guests. As a renter of our facility, you agree to meet federal standards of accessibility (Title II ADA) in your use of the facility, including access for people with physical and visual disabilities. If you have questions about physical accessibility or other accommodations, please contact Disabled Students Programs and Services ASC at (831) 479-6379 at least five days in advance of your event.

Reference: Title 5, Sections 56000 et seq.

Approved by Office of Civil Rights March 22, 2013
Chapter Five: Student Services and Operations

Revised: Approved by Student Service Council April 17, 2013

Attachment A