



UNIVERSITY OF MISSISSIPPI STUDENT DISABILITY SERVICES

Reasonable Modification of Policies Related to Attendance

Purpose

The purpose of this policy is to allow for relaxation of individual course attendance requirements for students who have severe, chronic disabilities that may occasionally impact the ability to attend class. While attendance is considered to be an essential component of a post-secondary education, The University of Mississippi recognizes that there may be times when a student with a severe episodic or cyclical disability may experience an acute episode or relapse and may be unable to attend class for a short period of time.

The Law

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act mandate that no otherwise qualified individual with a disability shall, by reason of that disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity. Subpart E of Section 504 of the Rehabilitation Act allows for the possibility that among the reasonable academic adjustments or accommodations that may be appropriate (subsection 104.44) is an “adaptation of the manner in which specific courses are conducted.” This has been interpreted by the Courts to mean flexibility in attendance where such flexibility does not fundamentally alter the nature of the course.

Policy

A relaxation of course attendance requirements simply means that the instructor will allow some flexibility in attendance requirements. Students approved for this modification are expected to fulfill all other course requirements and evaluation standards as specified in the course syllabus.

Students should be aware that absences will cause academic difficulties even if a relaxation of attendance can be approved. At this level of education, being present in class is essential for success. Special effort by the student should be made to attend class for quizzes, exams and deadlines for submission of assignments. Instructors are requested to allow reasonable flexibility of deadlines and permission to make-up missed assignments or tests where such flexibility does not cause a fundamental alteration of essential course elements.

Students who are approved for this modification are expected to contact instructors in advance of an anticipated absence. For emergencies or unexpected absences, contact should be made as soon as possible to discuss the possibility of any make-up work and/or to clarify the reason for the absence. *Communication between instructor and student is the key to making this modification work.*

If absences become excessive, and the student may possibly fail the course because of absences, the instructor will contact SDS. SDS will then review with the student any academic options that may be available at that time, such as requesting an incomplete in or a withdrawal from the course in question.

Relaxed attendance might not be approved for summer or inter-session terms because of the limited number of class periods scheduled during these times. As with all modifications and accommodations, relaxed attendance is not retroactive and becomes effective after the course instructor has been notified of the need for this modification.

Because attendance is considered to be essential at the post-secondary level of education, approval for this modification will be dependent upon the following two components:

1. Submission, to the Office of Student Disability Services (SDS), of detailed, comprehensive medical documentation which supports the presence of a severe, chronic disability that may occasionally impact attendance. Documentation should include clear diagnosis, history, prognosis, impact, triggering events, description of how a relapse manifests itself, medication issues, length of time an episode may last, and any other information that the medical professional thinks is relevant.
2. A class-by-class review, each semester, to determine the appropriateness of the modification in each class. When making these reviews, SDS uses as guidance the Office of Civil Rights Letter of Finding to Cabrillo College (Case No. 09-96-2150; OCR Region IX, 1996). This letter details the types of issues that should be considered during the interactive process involved in determining if a relaxation of attendance is appropriate in a particular class:

A primary factor in determining whether classroom participation is essential to the educational program of a particular course is the nature of the course itself. For example, is there classroom interaction between the instructor and the students, and among students? Do student contributions constitute a significant component of the learning process? Does the fundamental nature of this course rely upon student participation in class as an essential method of learning, and to what degree does a student's failure to attend constitute a significant loss to the educational experience of the other students in class. Other factors to consider are the course description and syllabus, the method by which the final course grade is calculated (e.g., are examinations the only factor), and classroom practices and policies regarding attendance. In short, the question is not whether a student who is not present in the class can simply, through alternative means, obtain the information that was dispensed in class. The question is whether the student who is not present in class is necessarily precluded by his/her absence from the fundamental experience of the course offered by the college.

Students should be aware that if this class-by-class review determines that attendance is essential in a particular class, relaxed attendance will not be approved for that class.