

Modified Attendance Agreement

Modified Attendance Requirements as an Accommodation

Texas A&M University views class attendance as an individual student responsibility. Students are expected to attend class and to complete all assignments. Instructors are expected to provide notice of the dates on which major exams will be given and assignments will be due on the course syllabus (Texas A&M University Student Rule 7).

Students are expected to follow the attendance policy established by the instructor in each class. However some students with disabilities may be approved for an accommodation of consideration for absences due to a disability which may require the development of a modified attendance agreement for a student in a specific course. Generally these students have disabilities which are chronic or episodic in nature which may cause difficulties with regular class attendance. This might include, but is not limited to, students with diabetes, epilepsy, cancer, migraines and conditions requiring on-going or specialized medical treatment. Students with psychological disabilities who are experiencing an exacerbation of symptoms may also request modification of attendance policies.

Determining How Many Disability-Related Absences are Reasonable

The Office of Civil Rights (OCR) provided the following guidelines to be used in considering whether attendance is an essential element of a course:

1. Is there classroom interaction between the instructor and students and among students?
2. Do student contributions constitute a significant component of the learning process?
3. Does the fundamental nature of the course rely on student participation as an essential method for learning?
4. To what degree does a student's failure to attend constitute a significant loss to the educational experience of other students in the class?
5. What do the course description and syllabus say?
6. Which method is used to calculate the final grade?
7. What are the classroom practices and policies regarding attendance?

The accommodation should be provided unless the accommodation threatens the integrity of the course as offered. It is important that the student and course instructor discuss the issue so that the student can then make an informed decision regarding alternatives. Requests for accommodations for absences due to a disability should be considered on an individual and course-by-course basis.

Accommodating Class Absences

When a class is missed due to a disability related absence, a general rule for determining a reasonable timeframe for a makeup or postponement of an assignment (such as a paper, exam or quiz) is the time equivalent to that which was missed. In certain courses, it may be appropriate to consider an alternative assignment, reading or project to make up for missed class discussion or projects. Other examples of how disability related absences may be accommodated may include the ability to submit or make up missed assignments or assessments that have been impacted by the disability-related absence without grade penalty. To help facilitate the discussion, and set parameters between an instructor and a student a Modified

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Attendance Agreement should be completed by the student and instructor for each course to clarify expectations and set guidelines.

- The Modified Attendance Agreement should be completed at the beginning of the semester or as soon as the student presents the accommodations letter to the instructor.
- This agreement should be established before absences have become an issue. Instructors are only required to provide approved disability related accommodations after receiving an Accommodation Letter and a discussion between the student and professor has taken place.
- The method and timing of notification of absences and making up any materials, exams, assignments, etc. missed due to the absence should be mutually agreed upon and detailed in the Modified Attendance Agreement.
- When a student is absent due to their disability, they are responsible for the course content, lecture notes and information presented that day. The student needs to arrange how they will obtain this information.
- The student is not required to present the instructor with medical documentation verifying his/her disability-related absences, but may be required to document other non-disability related absences as per the syllabus requirements.
- In most instances, communication with Disability Services and the provision of additional documentation is not needed to verify the student's absence(s). However, if the absences meets or exceeds the number of absences agreed upon in the Modified Attendance Agreement, Disability Services should be informed. This will allow Disability Services to be of assistance in answering questions about the accommodations from both the student and the instructor.
- If the student requests a change to the number of absences initially agreed upon due to a change in their disability, the student should be referred to their Access Coordinator in Disability Services to discuss. Additional documentation or an update from the student's treating physician may be needed by Disability Services to determine if a modification to the agreement or other accommodation may be appropriate.

(Adapted from University of Washington Disability Resources for Students, Disability Related Absences Agreement and similar agreements from other colleges and universities)

References & Resources:

- **7. Attendance.** Retrieved July 1, 2015, from <http://student-rules.tamu.edu/rule07>
- **Questions and Answers on Disability Discrimination under Section 504 and Title II.** Retrieved July 1, 2015, <http://www2.ed.gov/about/offices/list/ocr/ga-disability.html>
- **Maczaczj v. New York**, 956 F.Supp. 403, 11 NDLR ¶ 59 (W.D.N.Y. 1997) (upholding requirement of in-person residency; participation by phone constituted fundamental alteration of program)
- **University of Illinois**, 30 NDLR 104, Case No. 05-04-2078 (OCR Region V 2004) (OCR found no fault with an instructor's announced policy of failing any student who missed in excess of ten classes; evidence adduced that policy was applied to nondisabled students as well)
- **Seattle University (WA)**, Case No. 10-03-2050, 27 NDLR ¶ 321 (OCR Region X 2003) (law school articulated legitimate educational rationale for requiring classroom attendance)
- **Metropolitan State College (CO)**, Case No. 08-98-2013, 15 NDLR ¶ 92 (OCR Region VIII 1998) (upholding accounting department's refusal to relax attendance policy after engaging in deliberative process and concluding such would result in fundamental alteration based of program)
- **Cabrillo Community College (CA)**, Case No. 09-96-2150 (OCR Region IX 1996) (essentiality of attendance decided on case-by-case basis in light of class requirements and methodology; when attendance is not essential, college should consider taping classes for students whose disabilities prevent attendance)
- **Project Shift: Faculty Development.** Retrieved August 4, 2015, <http://www.projectshift-refocus.org/faculty.htm>

Modified Attendance Agreement



Student Name: _____ **UIN:** _____

Course: _____ **Semester:** _____

Federal law requires colleges and universities to consider reasonable modification of attendance policies if needed to accommodate a student's disability. In making this determination, two questions must be answered:

- Does the student have a documented disability that directly affects his/her ability to attend class on a regular basis? Disability Services will make this determination based on a review of documentation from the student's physician or psychologist and provide verification in a letter the student presents to the instructor.
- Is attendance an essential part of the class? Would modification of attendance policies result in a fundamental alteration of the curriculum? Instructors make this determination in consultation with Disability Services.

The Office of Civil Rights (OCR) has provided the following guidelines to assess if attendance is an essential part of a class:

1. Is there classroom interaction between the instructor and students and among students?
2. Do student contributions constitute a significant component of the learning process?
3. Does the fundamental nature of the course rely on student participation as an essential method for learning?
4. To what degree does a student's failure to attend constitute a significant loss to the educational experience of other students in the class?
5. What do the course description and syllabus say?
6. Which method is used to calculate the final grade?
7. What are the classroom practices and policies regarding attendance?

Disability Services requires that students with a disability-related need for flexibility in attendance meet with their instructors to discuss the extent to which modification in attendance policies may be reasonable for a particular class. Following this meeting the student and instructor should have a clear understanding of what accommodations can be made for disability-related absences. To facilitate this discussion this Agreement should be reviewed and completed to clearly set out expectations. Disability Services staff is available to consult with instructors and students on issues concerning disability and attendance and can facilitate the completion of this Agreement.

Maximum number of disability-related absences allowed for this student for this course: _____

(Please do not restate the number of absences allowed for all students in the course. Be as specific as possible. Avoid vague phrases such as "flexible", "to be determined", or "open".)

How and when will the student notify the instructor of a disability-related absence (email, phone, etc.)?

Depending on the nature of the student's disability, is it reasonable for the student to notify the instructor of a disability-related absence either before or after the missed class session?

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Procedure for turning in homework/assignments/projects due the day of a disability-related absence; include maximum number of days assignments may be late and how they are to be submitted:

Procedure for making up a missed quiz, examination, or in-class graded assignment given on the day of a disability-related absence:

If it is thought that attendance can be justified as an integral part of how the course is taught and/or how learning is to be demonstrated and measured, there can be a point at which disability-related absences cannot be reasonably accommodated. If at any point, the instructor and/or the student have any questions or concerns about this process, the Modified Attendance Agreement and/or the provision of this accommodation, Disability Services should be notified as soon as possible so they can address the concerns and work to resolve them.

This agreement is valid with an approved disability-related absence accommodation and only when both the student and instructor have completed this form together. If necessary, Disability Services staff, the department chair or other appropriate administrator may also be included in the discussion. The student should provide a copy of the completed and signed Modified Attendance Agreement to their Access Coordinator in Disability Services. Both the instructor and student should retain copies as well.

If the maximum number of allowed absences is exceeded during the semester, the student and instructor must meet to discuss an appropriate course of action (such as: student will be granted an incomplete; student will be advised to withdraw from the course; the number of absences allowed will be reviewed, etc.). Disability Services should be informed as soon as possible so they can work with the instructor and student to come to a reasonable solution.

Student Name: _____

Student Signature: _____ **Date:** _____

Instructor Name: _____

Instructor Signature: _____ **Date:** _____