

THE CITY UNIVERSITY OF NEW YORK

*Office of the General Counsel and Vice Chancellor for Legal Affairs*

535 East 80 Street, New York, N.Y. 10021


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**Briefing Memorandum #2-92**

February 13, 1992

To: College Presidents

From: Vice Chancellor Robert E. Diaz 

Re: Section 504 Complaint Relating to Use of Calculators by Disabled Students with Dyscalculia On Examinations in Mathematics Classes - (Case No. 02-91-2071)

In Briefing Memorandum No. 6 which was distributed on September 13, 1991, I reported to you the resolution of a complaint alleging the failure to allow the use of calculators on the mathematics section of the CUNY Freshman Skills Assessment Test (FSAT). This complaint was resolved by the presentation to the Office of Civil Rights of the Department of Education (OCR) of statements from each college setting forth its practices for determining whether a learning disabled student would be permitted to use a calculator on the mathematics portion of the FSAT. In addition, OCR was provided with an assurance that each handicapped student is provided academic adjustments and auxiliary aids/services according to his/her individual needs and no auxiliary aid and/or service (e.g., use of a calculator) is categorically denied on the mathematics section of the FSAT, in accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and the policy issued by the Office of Academic Affairs for the testing of disabled students on the FSAT.

A new complaint has been filed with OCR alleging discrimination by the University in failing to allow the use of calculators by learning disabled students with dyscalculia during the administration of examinations in mathematics classes. After consultation with our Office of Academic Affairs, we have advised OCR that, as a matter of University policy, the use of calculators is permitted in appropriate circumstances by documented learning disabled students consistent with Section 504, and we have agreed to distribute this briefing memorandum.

I am therefore writing to inform you that consistent with Section 504, it is the policy of the University that a learning disabled student be permitted to use a calculator during the administration of examinations in mathematics classes, provided there is a documented learning disability in the area of mathematics (e.g., dyscalculia). This position also applies to tests in other classes such as accounting, the sciences, and the social sciences where calculations are necessary. An exception is provided in that the use of calculators does not have to be allowed where it can be demonstrated that the ability to do calculations without the use of a calculator is an academic requirement essential to the course, program of instruction being pursued by the student, or to any directly related licensing requirement.

c: Chancellor's Cabinet  
Legal Affairs Designees  
Chief Student Affairs Administrators  
Coordinators for Disabled Students

MDS/je/iv  
CALCULATORS