

THE CITY UNIVERSITY OF NEW YORK

Office of the General Counsel and Vice Chancellor for Legal Affairs

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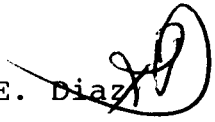
212/794-5382



**Briefing Memorandum
No. 6**

September 13, 1991

To: College Presidents

From: Vice Chancellor Robert E. Diaz 

Re: Section 504 Complaint Relating to Use
of Calculators by Disabled Students (i.e.,
Dyscalculia) in the Mathematics Section
of the Freshman Skills Assessment Test
(Case No. 02-90-2072)

On January 17, 1991, I wrote to the college presidents concerning a complaint which had been filed against The City University of New York with the Office for Civil Rights of the United States Department of Education, under Section 504 of the Rehabilitation Act of 1973. The complaint alleged that the University discriminates on the basis of handicap, in failing to provide (allow the use of) auxiliary aids (i.e., calculators) for learning disabled students with dyscalculia on the mathematics section of the CUNY-Wide Freshman Skills Assessment Test. In response to the complaint, this office submitted a statement from each college setting forth its procedures in determining whether a disabled student would be permitted to use a calculator on the mathematics portion of the CUNY Freshman Skills Assessment Test.

It is the position of the Office for Civil Rights that Section 504 requires that the University permit the use of a calculator during the administration of the mathematics section of the Freshman Skills Assessment Test, provided there is a documented learning disability in the area of mathematics (e.g., dyscalculia). All of the colleges now provide for the use of calculators for such students.

Accordingly, the Office for Civil Rights has now issued a decision finding that all of the CUNY colleges have satisfactory policies and criteria for determining the individual needs of handicapped students on the Freshman Skills Assessment Test in that all college policies now include provisions for the granting of permission to use auxiliary aids, including calculators, to handicapped students taking the test.

c: Chancellor's Cabinet
Legal Affairs Designees

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