

Date of Hearing: April 12, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2791 (Medina) – As Amended March 29, 2016

SUBJECT: Community colleges: Disability Services Program

SUMMARY: For purposes of apportionment to the California Community Colleges (CCC) educational programs and support services for disabled students, defines disabled students for whom funded services can be provided to include students who have applied to a CCC and enrolled in disabled student services programs or courses.

EXISTING LAW:

- 1) Requires the CCC Board of Governors (BOG) to adopt rules and regulations for the administration and funding of educational programs and support services (Disabled Student Programs and Services (DSPS)) to be provided to disabled students by CCC districts.
- 2) Defines disabled students to be persons with exceptional needs who have enrolled at a CCC who, because of a verified disability, cannot fully benefit from classes, activities, and services regularly provided by the CCC without specific additional specialized services.
- 3) Provides that the BOG regulations shall provide for the apportionment of funds to each CCC district to offset the direct excess cost of providing specialized support services or instruction, or both, to disabled students enrolled in state-supported programs or courses.
- 4) Provides, as a condition of receiving funds pursuant to this section, each CCC district shall certify that reasonable efforts have been made to utilize all funds from federal, state, or local sources which are available for serving disabled students. Districts shall also provide the programmatic and fiscal information concerning programs and services for disabled students that the regulations of the board of governors require.

FISCAL EFFECT: Unknown.

COMMENTS: *Purpose of this bill.* In 2015, the CCC Chancellor's Office issued implementing guidelines to districts, citing Section 56062 of Title 5 of the California Code of Regulations, which requires a person with a disability to be enrolled at a CCC to qualify for DSPS. While this interpretation and regulation appears consistent with statute, the new directive raised concerns within the disabled student services community that this guidance may result in CCC districts not providing services to students who have applied but have not yet "enrolled" in courses.

According to the author, "this guidance creates a conflict between the services that must be provided by the college for students with disabilities and the funding mechanism for the bulk of those services. Federal and state laws and regulations require that services be provided for students in a timely and effective manner. In order to do that, the DSPS programs must provide some services before an academic term begins. If a student is blind and needs their books in Braille the DSPS office generally must be working on that task for weeks to have the books ready by the beginning of the course. If someone is deaf and needs a sign language interpreter, the DSPS office must meet with the student and schedule those services ahead of time. For

students coming directly out of high school special education programs, many students need multiple interactions with DSPTS staff to determine appropriate services and to explain processes and procedures in order for the student to have services ready as soon as their classes begin."

This bill would specify a practice that, according to supporters has been mutually agreed upon for decades, allows DSPTS programs at CCC districts to provide services to students who have applied to and enrolled in a college DSPTS program to be considered "disabled purposes", even though they may not yet have started attending courses at the college.

REGISTERED SUPPORT / OPPOSITION:

Support

The Arc and United Cerebral Palsy California Collaboration

Opposition

None on File

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