

Date of Hearing: June 24, 2014

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Das Williams, Chair
SB 1369 (Block) – As Amended: May 27, 2014

SENATE VOTE: 35-0

SUBJECT: Community colleges: Disability Services Program.

SUMMARY: Requires that the Board of Governors (BOG) of the California Community Colleges (CCC) rules and regulations provide for the use of Disability Services Program (DSP) funds to ensure students receive academic adjustments, auxiliary aids, and services required by federal and state nondiscrimination laws; clarifies the educational programs for which the funding can be used; expands program evaluation requirements; and, requires the CCC Chancellor's Office (CCCCO) to request annual budget funding for the DSP sufficient to meet the requirements established by this bill on a statewide basis. Specifically, this bill:

- 1) Names the CCC services for students with disabilities as DSP; makes corresponding changes throughout this bill, and references those served by the program as “students with disabilities”; and, makes the following additional changes to the current program:
 - a) Changes the purpose of the funds provided to each district from offsetting the direct excess cost of “providing specialized support services and instruction” to “ensuring that these students receive academic adjustments, auxiliary aids, and services required under federal and state non-discrimination laws” including, among others, the Americans with Disabilities Act (ADA);
 - b) Enhances the definition of direct excess costs to be those exceeding the cost of the district to provide “comparable” services to nondisabled students and replaces “special classes” with “educational assistance courses”;
 - c) Modifies the types of services and courses for which this funding can be used; more specifically it:
 - i) Requires that a CCC prioritize the use of funds received under the program to ensure that federal and state nondiscrimination law requirements are satisfied for students with disabilities who are enrolled to earn degrees, career technical certificates, transfer preparation, or career development or advancement;
 - ii) Declares the community college district's ongoing responsibility for complying with federal and state nondiscrimination laws with respect to students pursuing educational objectives other than those delineated, as specified;
 - iii) Authorizes the use of funds to provide other specialized services or for educational assistance courses if services and courses are consistent with the BOG regulations, further specified statutory goals of promoting student independence and maximum integration, and they are provided in the most integrated setting possible; and,

- iv) Prohibits the use of these funds to provide services to students in classes, courses, or programs that do not receive state support.
- d) Modifies program evaluation, development, and accountability authorities and requirements; more specifically it:
- i) Expands the requirements to be met by a community college district, as a condition of receiving these funds, to include cooperation in the conduct of program evaluations and to promptly take any corrective action required by the CCC Chancellor;
 - ii) Requires the BOG to require the CCC Chancellor to use at least 1/2 of 1% of the allocated funds for purposes of conducting, or contracting to conduct, an evaluation of program effectiveness and expands the requirements of the evaluation to include a determination as to whether the statutory requirements established by this bill have been satisfied;
 - iii) Authorizes the use of these funds to compensate and reimburse onsite evaluation teams; and,
 - iv) Reduces the maximum amount that the CCC Chancellor is authorized to designate for program development and accountability from 3% to 2.5%.
- 2) Requires the CCCCCO to annually request sufficient budget funding for the DSP to execute the purposes and requirements, as outlined, on a statewide basis.
- 3) Declares the Legislature's intent that adequate funding be provided through the annual budget process to the DSP to ensure each college can provide students with the services needed to meet federal and state nondiscrimination law requirements and to further their participation in the Student Success and Support Program.

EXISTING LAW:

- 1) States the Legislature recognizes its responsibility to provide and adequately fund postsecondary programs and services for disabled students attending a public postsecondary institution. To meet this responsibility, the Legislature sets forth the following principles for public postsecondary institutions and budgetary control agencies to observe in providing postsecondary programs and services for students with disabilities, including but not limited to:
- a) The state funded activity shall be consistent with the stated purpose of programs and services for disabled students provided by the CCC, the California State University, or the University of California (UC), as governed by the statutes, regulations, and guidelines of the community colleges, state university, or the UC;
 - b) The state funded activity shall not duplicate services or instruction that is available to all students, either on campus or in the community;
 - c) The state funded activity shall be directly related to the functional limitations of the verifiable disabilities of the students to be served;
 - d) The state funded activity shall be directly related to these students' full access to and participation in the educational process;
 - e) The state funded activity shall have as its goals the independence of disabled students and the maximum integration of these students with other students; and
 - f) The state funded

activity shall be provided in the most integrated setting possible, consistent with state and federal law, state policy and funding requirements, and missions and policies of the postsecondary segment, and shall be based on identified student needs (EC § 67310 - 67312).

- 2) Requires the BOG to adopt rules and regulations for the administration and funding of educational programs and support services to be provided to disabled students by community college districts. Existing law also specifies that these regulations are required to provide for the apportionment of funding to districts to offset the direct excess cost of providing specialized support services or instruction, or both, to disabled students enrolled in state supported educational programs or courses.

Additionally, existing law defines “direct excess costs” as those which exceed the combined total of the average cost to the district of providing services to non-disabled students times the number of students served in the disabled students program, the indirect cost of providing facilities and administrative support, the revenue from ADA in special classes, and other funds received from federal, state or local sources. Lastly, existing law also authorizes the BOG to authorize the CCC Chancellor to designate up to 3% of the funds allocated for this purpose for program development and program accountability (Education Code § 84850).

FISCAL EFFECT: According to the Senate Appropriations Committee, the following cost factors are associated with this measure:

- 1) Up to \$250,000 for the evaluation of the program expansion for CCCCO personnel costs for two personnel years to conduct the required evaluations, and annual travel costs of approximately \$25,000 from the General Fund;
- 2) Local “costs”: Setting a statutory minimum (of 0.5%) that the CCCCO must spend on evaluations, could result in reduced discretionary funding (within the DSP program) for community college districts; and,
- 3) Cost pressure: Codifying legislative intent that adequate finding be provided in the annual Budget Act for each CCC to provide specified services and for the CCCCO to request annual funding, as specified, creates substantial cost pressure to fund the DSP accordingly.

COMMENTS: Disabled Student Programs and Services (DSPS). The DSPS programs provide support services and educational accommodations to students with disabilities so that they can have full and equal access to the community college experience. Additionally, many colleges provide specialized instruction as part of their DSPS program. Examples of these services include: test-proctoring; assessment for learning disabilities; specialized counseling; interpreter or captioning services for hearing-impaired or deaf students; mobility assistance; note-taker services; reader services; speech services; transcription services; on-campus transportation; specialized tutoring; access to adaptive equipment; job development/placement; registration assistance; and, special parking and specialized instruction.

This bill updates antiquated terminology and re-designates the DSPS programs as the DSP.

Need for the bill. According to the author, this bill is intended to align statutes regarding the provision of services to students with disabilities with the federal ADA. It would also align the DSPS program with the Seymour-Campbell Student Success Act of 2012 by requiring colleges

to give priority to serving students with disabilities who enroll to earn degrees, career technical certificates, transfer preparation or career advancement. Finally, the objective of the legislation is to ensure that colleges have the resources to provide students with disabilities with the accommodations and services they need to be successful in completing their educational objectives.

Current evaluation of DSPTS. There is an existing state mandate and BOG-adopted regulations to establish an evaluation system of all DSPTS programs in which every CCC is evaluated at least once every five years. However, to note, the CCCCO has indicated it is not meeting that mandate because of its budget limitations.

According to the CCCCO, there are four primary ways that the CCCCO evaluates its DSPTS programs: 1) Through management and information systems data; 2) end of year fiscal reports; 3) program audits; and 4) contracted technical assistance visits.

Prior legislation. SB 705 (Block) of 2013, which was held under submission in the Senate Appropriations Committee, would have appropriated \$50 million, from an unspecified source, to the CCC to be allocated as follows: 1) \$25 million for DSPTS programs; and, 2) \$25 million for Extended Opportunity Programs and Services (EOPS).

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California State Employees with Disabilities
California Association for Postsecondary Education and Disability
National Association of Social Workers, California Chapter
1 individual

Opposition

None on file.

Analysis Prepared by: Jeanice Warden / HIGHER ED. / (916) 319-3960