

Date of Hearing: April 9, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 2821 (Grayson) – As Amended April 1, 2024

SUBJECT: Postsecondary education: students with disabilities

SUMMARY: Requires the governing boards of community college districts (CCDs) and the Trustees of the California State University (CSU), and would request the University of California (UC) and the governing boards of independent institutions of higher education, to provide, as part of existing college personnel onboarding and training, a Disability Access and Compliance Training Program (DACTP) that meets prescribed requirements. Specifically, **this bill:**

- 1) Requires the governing board of each community college district (CCD) and the Trustees of the California State University (CSU) to, and requests the Regents of the UC and the governing boards of independent postsecondary institutions to each establish a DACPT for their campuses. A DACPT must be included within existing college personnel training and provided to college personnel upon onboarding.
- 2) Specifies that a DACPT, as specified, will include, but is not limited to, all of the following:
 - a) The legal and procedural responsibility of college personnel to provide effective accommodations for disabled students, the implementation and administration of this responsibility, and the campus, criminal, and civil consequences for failing to comply with this responsibility;
 - b) Guidance regarding constructing and enforcing accessibility fixtures and practices in the universal design of campus coursework and classrooms;
 - c) Common facts and myths regarding anti-disability and ableist stigmas and prejudices, including guidance on how to mitigate and report instances of anti-disability and ableist discrimination and harassment;
 - d) The availability of, and contact information for, academic, campus, and local community resources for individuals experiencing anti-disability or ableist discrimination or harassment; and,
 - e) Training on how to increase access to campus academic accommodations hubs, disability students program faculty liaisons, academic accommodations guidance, disability access center disability access liaison team members, designated campus department ambassadors, and any other relevant campus personnel to offer additional support to students with disabilities.
- 3) Requires the systems, for evaluating state-funded programs and services, to also provide for the gathering of program costs and budget breakdowns.
- 4) Removes references to the California Postsecondary Educational Commission (CPEC) and an obsolete provision, as specified.

- 5) Stipulates that, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs will be made, as specified.

EXISTING LAW:

- 1) Establishes the UC as a public trust to be administered by the Regents of the UC; and, grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive bidding and contracts, sales of property and the purchase of materials, goods and services. (Article IX, Section (9)(a) of the California Constitution)
- 2) Confers upon the CSU Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that the Trustees are responsible for the rule of government of their appointees and employees. (EDC Sections 66606 and 89500, et seq.)
- 3) Establishes the CCC under the administration of the Board of Governors (BOG) of the CCC, as one of the segments of public postsecondary education in this state, and specifies that the CCC is comprised of community college districts. (EDC Section 70900).
- 4) Specifies that independent institutions of higher education will provide undergraduate and graduate instruction and research in accordance with their respective missions. (EDC Section 66010.4)
- 5) Existing law requires the CCC BOG and the Trustees CSU, and authorizes the Regents of the UC, to carry out specified actions for their respective systems regarding state-funded programs and services for students with disabilities, including developing and implementing a system for evaluating state-funded programs and services for disabled students on each campus at least every 5 years. Requires the CCC BOG to submit a report to the Governor, the education policy committees of the Legislature, and the CPEC describing its efforts to serve students with disabilities.

FISCAL EFFECT: Unknown

COMMENTS: *Purpose.* According to the author, “Although students with disabilities in higher education are protected by state, federal and local laws that prohibit discrimination, they still face significant barriers to academic success. Currently, there is a lack of a statewide framework for disability compliance training in order to meet their ADA obligations for faculty and staff for higher institutions. AB 2821 seeks to ensure that students with disabilities needs are met and that they can access the accommodations and supportive services they need for success as college students. Specifically, this bill will require the governing boards of community colleges districts, Trustees of the California State University, and request the University of California and the governing boards of independent institutions of higher education to provide disability access and compliance training upon onboarding and subsequently in their annual training for faculty and staff.”

CCC Report. Current law requires the CCC BOG to report biennially on their efforts to serve students with disabilities. According to the 2022 Disabled Student Programs and Services

(DSPS) Legislative Report, published in February of 2024, each CCC campus used state funding allocated for DSPS to provide support services and educational accommodations to 118,257 students during the 2019-20 and 93,877 students during the 2020-21 academic years with disabilities so they can have full and equitable access to community college classes.

In addition, most colleges include specialized instruction as part of their DSPS program. Examples of services the colleges provide to students with disabilities include test proctoring, learning disability assessment, specialized counseling, interpreter or captioning services for hearing-impaired and/or deaf students, mobility assistance, note taker services, reader services, transcription services, specialized tutoring, access to adaptive equipment, job development/placement, registration assistance, and special parking.

The report found that students with disabilities represent just under 7% of the population of the CCC. The key findings from the 2019-2020 and 2020-2021 academic years are as follows:

- 1) DSPS student enrollment saw a decline at a rate similar to that of the overall student population.
- 2) DSPS students lag behind students without a disability in credit class enrollment but exceed them in noncredit courses.
- 3) Noncredit course attendance dropped 50% for DSPS in 2020-2021 compared to 2019-2020.
- 4) DSPS students perform similarly in workforce preparation courses when compared to students without disabilities.

The basic skills course pass rate for DSPS student was 66% in 2019-20, with a modest gain to 69% in 2020-21.

UC Advisory Workgroup recommendations. The UC systemwide Advisory Workgroup on Students with Disabilities published a report in January of 2024, which found that in general, UC's approach to supporting students with disabilities is typically addressed on an individual basis. It is not a comprehensive proactive approach centered on inclusion. In contrast, a social model of disability affirms that a person's disability is only present or exacerbated based on the limitations of the environment. The social model is proactive and aims to transform the environment and culture to be more welcoming to the diversity of people who interact with the community.

Amongst the recommendations in the report is developing and sustaining a professional learning environment for faculty and staff to learn and apply best practices to interact with persons with disabilities. The recommendation states that "all individuals with disabilities deserve to interact with supervisors, faculty, and leaders who understand their own compliance and confidentiality obligations and how the [Americans with Disabilities Act (ADA)] applies to students, employees, patients, and job applicants in the workplace. Requiring all supervisory personnel to receive ADA training and ongoing professional development around diversity, equity, and inclusion will not only create the type of inclusive culture for which the University strives, but will also mitigate risks."

Committee staff notes that the DACPT proposed in AB 2821 (Grayson) seems to be consistent with the recommendation of the UC Advisory Workgroup.

Arguments in support. According to the UC Student Association, “It is our mission to advocate on behalf of current and future students for the accessibility, affordability, and quality of the University of California system. With accessibility as one of the key pillars of the UC system, we believe this training is highly necessary to ensure an accessible environment.”

“Students with disabilities routinely experience ableism from their professors and other faculty and staff. This comes in the form of refusing to provide accommodations, or making it more difficult for students to access their accommodations in that Professors’ class, invalidating and minimizing comments, or inability to [have] access to additional resources and support provided to other students, like office hours, etc. These are just a few examples of the testimonies we have heard from students with disabilities.”

“When these instances occur, Disabled Students’ Service Providers (DSP or DSPS) have to take valuable time out of their already overbooked schedules to individually educate faculty and staff on disabilities, ableism, etc. DSP staff already experience caseloads of hundreds of students each, and this takes them away from working directly with students. DSP staff from across the UC system have also recommended mandatory Disability Access and Compliance Trainings for faculty and staff, because they believe this will allow them to recoup some of the time they spend educating faculty and staff in more beneficial ways, such as working with students with disabilities on their individual cases.”

REGISTERED SUPPORT / OPPOSITION:

Support

California Disability Services Association
Disability Rights California
University of California Student Association

Opposition

None on file

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