

Introduced by Senator BlockFebruary 21, 2014

An act to amend Section 78214 of, to amend, renumber, and add Section 84850 of, to amend the heading of Article 6 (commencing with Section 84850) of Chapter 5 of Part 50 of Division 7 of Title 3 of, and to add Section 84852 to, the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 1369, as introduced, Block. Community colleges: Disability Services Program.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law states the intent of the Legislature that the public postsecondary institutions request, and the state provide, through the state budget process, funds to cover the actual cost of providing services and instruction, consistent with specified principles, to disabled students in their respective postsecondary institutions.

Existing law requires the board of governors to adopt rules and regulations for the administration and funding of educational programs and support services provided to disabled students by community colleges for state-funded services. Existing law requires these regulations to provide for the apportionment of funds to each community college district to offset the direct excess cost, as defined, of providing specialized support services or instruction, or both, to disabled students enrolled in state-supported educational programs or courses.

This bill would recast these requirements as the Disability Services Program and would use the term "students with disabilities" instead of

disabled students. The bill would instead require the regulations adopted by the board of governors to provide for the apportionment of funds to each community college district to offset the direct excess costs, as defined, of ensuring that students with disabilities enrolled in state-supported programs or courses receive academic adjustments, auxiliary aids and services that are required by federal and state nondiscrimination laws. In utilizing funds apportioned to a community college district, the bill would require the district to give priority to ensuring that requirements of federal and state nondiscrimination laws have been satisfied with respect to students with disabilities who enroll for specified purposes. The bill would authorize a district to use these funds to provide other specialized services or to offer special classes for students with disabilities so long as specified conditions are met. The bill would also prohibit a district from using these funds for specified purposes.

(2) Existing law, known as the Seymour-Campbell Student Success Act of 2012, was enacted for the purpose of increasing California community college access and success by providing effective core matriculation services of orientation, assessment and placement, counseling, and other education planning services, and academic interventions. The act specifies the responsibilities of students and institutions in entering into the matriculation process. The act requires the board of governors to develop a formula for allocating funding for the Student Success and Support Program that would be implemented under the act. The act provides that, in the 2012–13 fiscal year and each fiscal year thereafter, it is operative only if funds are specifically appropriated for its purposes.

This bill would require a district to pay for the costs of providing programmatic adjustments or auxiliary aids and services required by federal and state nondiscrimination laws from funds made available to the Student Success and Support Program in the annual Budget Act. The bill would authorize a district to have certain services that are authorized by the Student Success and Support Program delivered to students with disabilities through the Disability Services Program. The bill would require each district to transfer funds, from its Student Success and Support Program to its Disability Services Program, in an amount sufficient to cover the costs of these services and the cost of coordinating the delivery of these services to students with disabilities participating in both of these programs, as prescribed. By June 30 of each fiscal year, the bill would require a district to report to the

chancellor the amount of funding transferred to the Disability Services Program and the number of students receiving these services. By September 30 of each fiscal year, for purposes of calculating that fiscal year's fund transfer amount, the bill would require the chancellor to notify all districts of the average statewide cost of serving all students during the preceding fiscal year.

(3) Existing law requires all participating districts, with assistance of the chancellor, to establish and maintain institutional research to evaluate the effectiveness of the Student Success and Support Program. Existing law requires the research to include certain metrics including, among others, disaggregated data by ethnicity, gender, disability, age, and socioeconomic status, to the extent the information is available.

This bill would require a district to report a student participating in the Student Success and Support Program as having a disability if the student participates in the Disability Services Program.

To the extent that the bill would impose new duties on community college districts, it would constitute a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 78214 of the Education Code is amended
- 2 to read:
- 3 78214. (a) All participating districts shall, with the assistance
- 4 of the chancellor, establish and maintain institutional research to
- 5 evaluate the effectiveness of the Student Success and Support
- 6 Program described by this article and of any other programs or
- 7 services designed to facilitate students' completion of their
- 8 educational goals and courses of study.
- 9 (b) The metrics for this research shall include, but not be limited
- 10 to:

1 (1) Prior educational experience, including transcripts when
2 appropriate, as determined by the chancellor.

3 (2) Educational goals and courses of study.

4 (3) Criteria for exemption from orientation, assessment, or
5 required counseling or advisement, if applicable.

6 (4) Need for financial assistance.

7 (5) (A) Disaggregated data by ethnicity, gender, disability, age,
8 and socioeconomic status, to the extent this information is
9 available.

10 (B) *For purposes of this paragraph, unless the chancellor*
11 *establishes a different approach for reporting disability status, a*
12 *district shall report a student as having a disability if the student*
13 *participates in the Disability Services Program established*
14 *pursuant to Article 6 (commencing with Section 84850) of Chapter*
15 *5 of Part 50.*

16 (6) Academic performance, such as the completion of specified
17 unit thresholds, success in basic skills courses, grade point average,
18 course completion outcomes, transfer readiness, and degree and
19 certificate completion.

20 (7) Any additional information that the chancellor finds
21 appropriate.

22 (c) The evaluation provided for by this section shall include an
23 assessment of the effectiveness of the programs and services in
24 attaining at least the following objectives:

25 (1) Helping students to define their academic and career goals
26 and declare a course of study.

27 (2) Assisting institutions in the assessment of students'
28 educational needs and valid course placement.

29 (3) Helping support students' successful course completion and
30 goal attainment.

31 (4) Matching institutional resources with students' educational
32 needs.

33 SEC. 2. The heading of Article 6 (commencing with Section
34 84850) of Chapter 5 of Part 50 of Division 7 of Title 3 of the
35 Education Code is amended to read:

36
37 Article 6. ~~Handicapped Students~~*The Disability Services*
38 *Program*
39

1 SEC. 3. Section 84850 of the Education Code is amended and
2 renumbered to read:

3 ~~84850.~~

4 ~~84851.~~ (a) ~~The Board of Governors of the California~~
5 ~~Community Colleges board of governors~~ shall adopt rules and
6 regulations for the administration and funding of educational
7 programs and support services to be provided to ~~disabled students~~
8 *students with disabilities* by community college districts pursuant
9 to ~~Chapter 14.2 Article 3~~ (commencing with Section 67310) of
10 *Chapter 14* of Part 40. *This program shall be known and may be*
11 *cited as the Disability Services Program.*

12 (b) As used in this section, ~~“disabled students” are persons with~~
13 ~~exceptional needs enrolled~~ *article, a student with a disability is a*
14 *person who is enrolled, or has been admitted and is planning to*
15 *enroll, in one or more courses at a community college who,*
16 *because of a and has been verified disability, cannot fully benefit*
17 *from classes, activities, and services regularly provided by the*
18 *college without specific additional specialized services or*
19 *educational programs. as being an individual with a disability*
20 *within the meaning of the Americans with Disabilities Act of 1990,*
21 *as amended (42 U.S.C. Sec. 12101 et seq.).*

22 (c) (1) The regulations adopted by the board of governors shall
23 provide for the apportionment of funds to each community college
24 district to offset the direct excess cost of ~~providing specialized~~
25 ~~support services or instruction, or both, to disabled~~ *ensuring that*
26 *students with disabilities* enrolled in state-supported educational
27 programs or courses. ~~Direct courses receive academic adjustments,~~
28 ~~auxiliary aids and services that are required by federal and state~~
29 ~~nondiscrimination laws, including, but not limited to:~~

30 (A) *The Americans with Disabilities Act of 1990, as amended*
31 *(42 U.S.C. Sec. 12101 et seq.).*

32 (B) *Section 504 of the Rehabilitation Act of 1973, as amended,*
33 *(29 U.S.C. Sec. 794).*

34 (C) *Article 9.5 (commencing with Section 11135) of Chapter 1*
35 *of Part 1 of Division 3 of Title 2 of the Government Code.*

36 (D) *The California Fair Employment and Housing Act (Part*
37 *2.8 (commencing with Section 12900) of Division 3 of Title 2 of*
38 *the Government Code).*

1 ~~(1) The average cost to the district of providing services to~~
2 ~~nondisabled students times the number of students served by~~
3 ~~disabled student programs and services.~~

4 ~~(2)~~

5 (2) *Direct excess costs are those actual fixed, variable, and*
6 *one-time costs, as defined in Section 67311, that exceed the*
7 *combined total of the following:*

8 (A) *The indirect cost to the district of providing facilities and*
9 *support for the administration of ~~disabled student programs and~~*
10 *services: services for students with disabilities.*

11 ~~(3)~~

12 (B) *The revenue derived from average daily attendance in special*
13 *classes.*

14 ~~(4)~~

15 (C) *Any other funds for serving ~~disabled~~ students ~~which~~ with*
16 *disabilities that the district receives from federal, state, or local*
17 *sources.*

18 (d) (1) *In utilizing funds provided pursuant to this section, a*
19 *district shall give priority to ensuring that the requirements of*
20 *federal and state nondiscrimination laws have been satisfied with*
21 *respect to students with disabilities who enroll to earn degrees,*
22 *career technical certificates, transfer preparation, or career*
23 *development or advancement. However, the district remains*
24 *responsible for complying with the requirements of federal and*
25 *state nondiscrimination laws with respect to other students and*
26 *students pursuing other educational objectives.*

27 (2) *In addition, a district may also use funds allocated pursuant*
28 *to this section to provide other specialized services or to offer*
29 *special classes for students with disabilities so long as these*
30 *services or classes satisfy all of the following conditions:*

31 (A) *They are consistent with the regulations adopted by the*
32 *board of governors.*

33 (B) *They further the goal established in Section 67310 of*
34 *promoting the independence of students with disabilities and the*
35 *maximum integration of these students with other students.*

36 (C) *They are provided in the most integrated setting possible.*

37 (e) *A district shall not use funds allocated pursuant to this*
38 *section for either of the following:*

1 (1) *To provide services for students with disabilities*
2 *participating in classes, courses, or educational programs that do*
3 *not receive state support.*

4 (2) *To provide programmatic adjustments or auxiliary aids and*
5 *services, as required by federal and state nondiscrimination laws,*
6 *that students with disabilities need in order to participate in or*
7 *receive the full benefit of the Student Success and Support Program*
8 *established pursuant to Article 1 (commencing with Section 78210)*
9 *of Chapter 2 of Part 48.*

10 ~~(d)~~

11 (f) As a condition of receiving funds pursuant to this section,
12 each community college district shall certify that reasonable efforts
13 have been made to utilize all funds from federal, state, or local
14 sources ~~which~~ that are available for serving disabled students.
15 Districts shall also provide the programmatic and fiscal information
16 concerning programs and services for disabled students that the
17 regulations of the board of governors require.

18 ~~(e)~~

19 (g) The board of governors may authorize the chancellor,
20 consistent with the requirements the board may impose, to
21 designate up to 3 percent of the funds allocated pursuant to this
22 section for program development and program accountability.

23 SEC. 4. Section 84850 is added to the Education Code, to read:

24 84850. The Legislature finds and declares all of the following:

25 (a) The Americans with Disabilities Act of 1990 (42 U.S.C.
26 Sec. 12101 et seq.), and other federal and state nondiscrimination
27 laws require community college districts to provide academic and
28 programmatic adjustments, auxiliary aids, and other services
29 necessary to ensure that students with disabilities are able to
30 participate in and fully benefit from all programs and activities
31 operated by those districts.

32 (b) The board of governors, the California Student Aid
33 Commission, and other state agencies are responsible for
34 distributing state and federal funding to community college
35 districts.

36 (c) As a result, the state shares the responsibility with
37 community college districts for ensuring that students with
38 disabilities are able to fully participate in and benefit from the
39 programs and activities operated by community college districts

1 in accordance with the requirements of federal and state
2 nondiscrimination laws.

3 (d) By enacting the Seymour-Campbell Student Success Act of
4 2012, the Legislature has recognized the importance of ensuring
5 that all students, including students with disabilities, have the
6 resources and support services necessary to establish and achieve
7 their educational goals while attending a community college.

8 (e) The Legislature recognizes that programmatic adjustments,
9 auxiliary aids, and other services may be needed in order for
10 students with disabilities to be able to participate in and fully
11 benefit from the Student Success and Support Program and that
12 providing these adjustments and services will result in additional
13 costs and workload for community college districts.

14 (f) In order to meet the requirements of federal and state
15 nondiscrimination laws and to further the implementation of the
16 Seymour-Campbell Student Success Act of 2012, it is essential
17 that the Student Success and Support Program and the Disability
18 Services Program in each community college district effectively
19 coordinate the provision of services to students with disabilities
20 and that funding provided for the Student Success and Support
21 Program be available to cover the costs of ensuring that students
22 with disabilities are able to fully participate in and benefit from
23 the Student Success and Support Program.

24 SEC. 5. Section 84852 is added to the Education Code, to read:

25 84852. (a) The cost of providing programmatic adjustments
26 or auxiliary aids and services, as required by federal and state
27 nondiscrimination laws, that students with disabilities need in order
28 to participate in or receive the full benefit of the Student Success
29 and Support Program, authorized pursuant to Article 1
30 (commencing with Section 78210) of Chapter 2 of Part 48, shall
31 be paid from the funds made available for that program in the
32 annual Budget Act.

33 (b) A district may arrange to have tutoring, counseling,
34 educational planning, or other student success services, as
35 authorized by Section 78212 and reported for funding pursuant to
36 Section 78216, delivered to students with disabilities through the
37 Disability Services Program so that these services may be tailored
38 to meet the needs of students with disabilities while also permitting
39 those students to participate in and receive the full benefit of the
40 Student Success and Support Program.

1 (c) A district shall transfer from its Student Success and Support
2 Program to its Disability Services Program funds sufficient to
3 cover the costs of services provided pursuant to subdivisions (a)
4 and (b) and the cost of coordinating the delivery of those services
5 to students with disabilities participating in both the Disability
6 Services Program and the Student Success and Support Program.
7 This amount shall be equal to or greater than the average statewide
8 cost of serving all students in the Student Success and Support
9 Program for the preceding fiscal year, as determined by the
10 chancellor pursuant to subdivision (e), times the number of students
11 receiving services pursuant to subdivisions (a) and (b).

12 (d) By June 30 of each fiscal year, each district shall report to
13 the chancellor the amount of funding transferred from the Student
14 Success and Support Program to the Disability Services Program
15 pursuant to subdivision (c) along with the number of students
16 receiving services pursuant to subdivisions (a) and (b).

17 (e) By September 30 of each fiscal year, the chancellor shall
18 notify all districts of the average statewide cost of serving all
19 students in the Student Success and Support Program during the
20 preceding fiscal year.

21 (f) Notwithstanding the requirements of this section, any student
22 who, consistent with Section 67313, declines to participate in the
23 Disability Services Program shall receive any programmatic
24 adjustments or auxiliary aids and services necessary to participate
25 in the Student Success and Support Program directly from that
26 program using funds appropriated for the Student Success and
27 Support Program through the annual Budget Act.

28 (g) Compliance with the requirements of this section shall be a
29 minimum condition for receipt of state aid. Any individual or
30 organization may file a complaint with the chancellor alleging that
31 a district has violated the requirements of this section. Upon
32 receiving a complaint, the chancellor shall investigate the complaint
33 and, if a violation is found, take appropriate enforcement action.

34 SEC. 6. If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

O