

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE MAY 1, 2014

AMENDED IN SENATE APRIL 10, 2014

SENATE BILL

No. 1369

Introduced by Senator Block

February 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 amended, 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 cost, as modified by the bill, of providing* students with disabilities enrolled in state-supported educational programs operated by community college districts with academic adjustments, auxiliary aids, and services, as appropriate, in compliance with all applicable requirements of 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 educational assistance courses for students with disabilities so long as specified conditions are met. The bill would also prohibit a district from using these funds to provide services for students with disabilities participating in classes, courses, or educational programs that do not receive state support. As a condition of receiving these funds, the bill would require a district to cooperate in the conduct of program evaluations, as prescribed, and to promptly take any corrective action required by the Chancellor of the California Community Colleges as a result of the program evaluations. The bill would require the Office of the Chancellor of the California Community Colleges to request funding for the Disability Services Program that is sufficient to carry out the requirements of the program on a statewide basis in the annual budget request to the Governor and the Legislature.

(2) Existing law requires all participating districts, with the assistance of the chancellor, to establish and maintain institutional research to evaluate the effectiveness of the Student Success and Support Program implemented under the Seymour-Campbell Student Success Act of 2012. 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.

(3) 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:

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

13 (2) Educational goals and courses of study.

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

16 (4) Need for financial assistance.

17 (5) (A) Disaggregated data by ethnicity, gender, disability, age,
18 and socioeconomic status, to the extent this information is
19 available.

20 (B) For purposes of this paragraph, unless the chancellor
21 establishes a different approach for reporting disability status, a
22 district shall report a student as having a disability if the student
23 participates in the Disability Services Program established pursuant

1 to Article 6 (commencing with Section 84850) of Chapter 5 of
2 Part 50.

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

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

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

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

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

16 (3) Helping support students' successful course completion and
17 goal attainment.

18 (4) Matching institutional resources with students' educational
19 needs.

20 SEC. 2. The heading of Article 6 (commencing with Section
21 84850) of Chapter 5 of Part 50 of Division 7 of Title 3 of the
22 Education Code is amended to read:

23
24 Article 6. The Disability Services Program
25

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

28 84851. (a) The Board of Governors of the California
29 Community Colleges shall adopt rules and regulations for the
30 administration and funding of educational programs and support
31 services to be provided to students with disabilities by community
32 college districts pursuant to Article 3 (commencing with Section
33 67310) of Chapter 14 of Part 40. This program shall be known and
34 may be cited as the Disability Services Program.

35 (b) As used in this article, a student with a disability is a person
36 who is enrolled, or has been admitted and is planning to enroll, in
37 one or more courses at a community college and has been verified
38 as being an individual with a disability within the meaning of the
39 Americans with Disabilities Act of 1990, as amended (42 U.S.C.
40 Sec. 12101 et seq.).

(c) (1) The regulations adopted by the board of governors shall provide *for the apportionment of funds to each community college district to offset the direct excess cost, as defined in paragraph (2), of providing* students with disabilities enrolled in state-supported educational programs operated by community college districts with academic adjustments, auxiliary aids, and services, as appropriate, in compliance with all applicable requirements of federal and state nondiscrimination laws, including, but not limited to, all of the following:

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

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

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

(D) The Equity in Higher Education Act (Chapter 4.5 (commencing with Section 66250) of Part 40 of Division 5).

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

(A) The indirect cost to the community college district of providing facilities and support for the administration of ~~services for students with disabilities~~ *the Disability Services Program*.

(B) The revenue derived from full-time equivalent students enrolled in educational assistance courses for students with disabilities.

(C) The average cost to the community college district of providing services to nondisabled students multiplied by the number of students served by the Disability Services Program.

(D) Any other funds for serving students with disabilities that the district receives from federal, state, or local sources.

(d) (1) In utilizing funds provided pursuant to this section, a community college district shall give priority to ensuring that the requirements of federal and state nondiscrimination laws have been satisfied with respect to students with disabilities who enroll to earn degrees, career technical certificates, transfer preparation, or career development or advancement. However, the community college district remains responsible for complying with the requirements of federal and state nondiscrimination laws with

1 respect to students with disabilities pursuing other educational
2 objectives.

3 (2) In addition, a community college district may also use funds
4 allocated pursuant to this section to provide other specialized
5 services or to offer educational assistance courses for students with
6 disabilities so long as these services or courses satisfy all of the
7 following conditions:

8 (A) They are consistent with the regulations adopted by the
9 board of governors.

10 (B) They further the goal established in Section 67310 of
11 promoting the independence of students with disabilities and the
12 maximum integration of these students with other students.

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

14 (e) A community college district shall not use funds allocated
15 pursuant to this section to provide services for students with
16 disabilities participating in classes, courses, or educational
17 programs that do not receive state support.

18 (f) As a condition of receiving funds pursuant to this section,
19 each community college district shall do all of the following:

20 (1) The community college district shall certify that reasonable
21 efforts have been made to utilize all funds from federal, state, or
22 local sources that are available for serving students with disabilities.

23 (2) The community college district shall provide the
24 programmatic and fiscal information concerning programs and
25 services for students with disabilities that the regulations of the
26 board of governors require.

27 (3) The community college district shall cooperate in the conduct
28 of program evaluations conducted pursuant to subdivision (g) and
29 promptly take any corrective actions required by the chancellor as
30 a result of those evaluations.

31 (g) The board of governors shall require the chancellor to use
32 an amount not less than one-half of 1 percent of the funds allocated
33 pursuant to this section to conduct, or to contract to conduct, an
34 evaluation of program effectiveness as required pursuant to Section
35 67312. In addition to addressing the requirements of Section 67312,
36 the evaluations shall determine whether the requirements of this
37 article and those set forth in the regulations adopted by the board
38 of governors have been satisfied. Each community college
39 operating a program pursuant to this section shall be required to
40 participate in a peer-based onsite evaluation during the self-study

1 year of each accreditation cycle. Funds designated for program
2 evaluation purposes under this subdivision may be used to, among
3 other things, compensate and reimburse *members of* onsite
4 evaluation teams.

5 (h) The board of governors may authorize the chancellor,
6 consistent with the requirements the board may impose, to
7 designate up to an additional 2 ½ percent of the funds allocated
8 pursuant to this section for program development and program
9 accountability.

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

11 84850. The Legislature finds and declares all of the following:

12 (a) The Americans with Disabilities Act of 1990 (42 U.S.C.
13 Sec. 12101 et seq.), and other federal and state nondiscrimination
14 laws require community college districts to ensure that students
15 with disabilities are not denied the benefits of, or excluded from
16 participating or otherwise subjected to discrimination in, any
17 program or activity operated by those community college districts
18 due to the absence of academic adjustments, auxiliary aids, or
19 services, as appropriate.

20 (b) The board of governors, the California Student Aid
21 Commission, and other state agencies are responsible for
22 distributing state and federal funding to community college
23 districts.

24 (c) As a result, the state shares the responsibility with
25 community college districts for ensuring that students with
26 disabilities are able to fully participate in and benefit from the
27 programs and activities operated by community college districts
28 in accordance with the requirements of federal and state
29 nondiscrimination laws.

30 (d) By enacting the Seymour-Campbell Student Success Act of
31 2012, the Legislature has recognized the importance of ensuring
32 that all students, including students with disabilities, have the
33 resources and support services necessary to establish and achieve
34 their educational goals while attending a community college.

35 (e) The Legislature recognizes that programmatic adjustments,
36 auxiliary aids, and other services may be needed in order for
37 students with disabilities to be able to participate in and fully
38 benefit from the Student Success and Support Program and that
39 providing these adjustments and services will result in additional
40 costs and workload for community college districts.

1 (f) It is the intent of the Legislature that adequate funding shall
2 be provided to the Disability Services Program through the annual
3 budget process to ensure that each community college is able to
4 provide students with disabilities the services needed to meet the
5 requirements of federal and state nondiscrimination laws and to
6 further their participation in the Student Success and Support
7 Program.

8 SEC. 5. Section 84852 is added to the Education Code, to read:
9 84852. In its annual budget request for the California
10 Community Colleges to the Governor and the Legislature, the
11 Office of the Chancellor of the California Community Colleges
12 shall request funding for the Disability Services Program sufficient
13 to carry out the purposes and requirements of this article on a
14 statewide basis.

15 SEC. 6. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.