

Student Services
DRAFT as of 1/10/14

This policy was revised in legal Update 23 (issued on November 11, 2013) to add technology accessibility as a DSPS service.

BP 5140 DISABLED STUDENT PROGRAMS AND SERVICES

References:

Education Code Sections 67310 and 84850;
Title 5 Sections 56000 et seq. and 56027

NOTE: *The following language in red, underlined ink is legally required.*

Students with disabilities shall be reasonably accommodated pursuant to federal and state requirements in all applicable programs in the District.

The Disabled Student Programs and Services (DSPS) program shall be the primary provider for support programs and services that facilitate equal educational opportunities for disabled students who can profit from instruction as required by federal and state laws.

DSPS services shall be available to students with verified disabilities. The services to be provided include, but are not limited to, reasonable accommodations, academic adjustments, technology accessibility, accessible facilities, equipment, instructional programs, rehabilitation counseling and academic counseling.

No student with disabilities is required to participate in the Disabled Students Programs and Services program.

The District shall respond in a timely manner to provide reasonable accommodations upon request involving academic adjustments. The Chancellor shall establish a procedure to implement this policy which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee.

The Chancellor shall assure that the DSPS program conforms to all requirements established by the relevant law and regulations.

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and its legal counsel. The language in **green ink** was added during the administrative review on June 4, 2013. This revised document reflects the recommended revisions from legal Update 23 (issued on November 11, 2013).

Date Adopted:

(This is a new policy recommended by the Policy and Procedure Service)

Legal Citations for BP 5140

EDUCATION CODE SECTIONS 67310 and 84850

67310. (a) The Legislature finds and declares that equal access to public postsecondary **education** is essential for the full integration of persons with disabilities into the social, political, and economic mainstream of California. The Legislature recognizes the historic underrepresentation of disabled students in postsecondary programs and the need for equitable efforts that enhance the enrollment and retention of disabled students in public colleges and universities in California.

(b) The Legislature recognizes its responsibility to provide and adequately fund postsecondary programs and services for disabled students attending a public postsecondary institution.

(c) 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:

(1) The state funded activity shall be consistent with the stated purpose of programs and services for disabled students provided by the California Community Colleges, the California State University, or the University of California, as governed by the statutes, regulations, and guidelines of the community colleges, state university, or the University of California.

(2) The state funded activity shall not duplicate services or instruction that are available to all students, either on campus or in the community.

(3) The state funded activity shall be directly related to the functional limitations of the verifiable disabilities of the students to be served.

(4) The state funded activity shall be directly related to these students' full access to and participation in the educational process.

(5) The state funded activity shall have as its goals the independence of disabled students and the maximum integration of these students with other students.

(6) 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.

(d) It is the intent of the Legislature that, through the state budget process, the public postsecondary institutions request, and the state provide, funds to cover the actual cost of providing services and instruction, consistent with the principles set forth in subdivision (c), to disabled students in their respective postsecondary institutions.

(e) All public postsecondary **education** institutions shall continue to utilize other available resources to support programs and services for disabled students as well as maintain their current level of funding from other sources whenever possible.

(f) Pursuant to Section 67312, postsecondary institutions shall demonstrate institutional accountability and clear program effectiveness evaluations for services to students with disabilities.

84850. (a) The Board of Governors of the California Community Colleges shall 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 pursuant to Chapter 14.2 (commencing with Section 67310) of Part 40.

(b) As used in this section, "disabled students" are persons with exceptional needs enrolled at a community college who, because of a verified disability, cannot fully benefit from classes, activities, and services regularly provided by the college without specific additional specialized services or educational programs.

(c) 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 of providing specialized support services or instruction, or both, to disabled students enrolled in state-supported educational programs or courses. Direct excess costs are those actual fixed, variable, and one-time costs, as defined in Section 67312, which exceed the combined total of the following:

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

(2) The indirect cost to the district of providing facilities and support for the administration of disabled student programs and services.

(3) The revenue derived from average daily attendance in special classes.

(4) Any other funds for serving disabled students which the district receives from federal, state, or local sources.

(d) As a condition of receiving funds pursuant to this section, each community college 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.

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

Cal. Admin. Code tit. 5, s 56000

TITLE 5. EDUCATION DIVISION 6. CALIFORNIA COMMUNITY COLLEGES CHAPTER 7. SPECIAL PROGRAMS SUBCHAPTER 1. DISABLED STUDENT PROGRAMS AND SERVICES ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

s 56000. Scope of Chapter.

This subchapter applies to community college districts offering support services, or instruction through Disabled Student Programs and Services (DSPS), on and/or off campus, to students with disabilities pursuant to Education Code Sections 67310-12 and 84850.

Programs receiving funds allocated pursuant to Education Code Section 84850 shall meet the requirements of this subchapter. Any support services or instruction funded, in whole or in part, under the authority of this subchapter must:

(a) not duplicate services or instruction which are otherwise available to all students;

- (b) be directly related to the educational limitations of the verified disabilities of the students to be served;
- (c) be directly related to the students' participation in the educational process;
- (d) promote the maximum independence and integration of students with disabilities; and
- (e) support participation of students with disabilities in educational activities consistent with the mission of the community colleges as set forth in Education Code Section 66701.

Cal. Admin. Code tit. 5, s 56002

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s 56002. Student with a Disability.

A "student with a disability" or "disabled student" is a person enrolled at a community college who has a verified impairment which limits one or more major life activities, as defined in 28 C.F.R. 35.104, and which imposes an educational limitation as defined in Section 56004. For purposes of reporting to the Chancellor under Section 56030, students with disabilities shall be reported in the categories described in Sections 56032-44.

Cal. Admin. Code tit. 5, s 56004

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s 56004. Educational Limitation.

As used in this subchapter, "educational limitation" means disability related functional limitation in the educational setting. This occurs when the limitation prevents the student from fully benefiting from classes, activities, or services offered by the college to nondisabled students, without specific additional support services or instruction as defined in Section 56005.

Cal. Admin. Code tit. 5, s 56005

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s 56005. Support Services or Instruction.

As used in this subchapter, "support services or instruction" means any one or more of the services listed in Section 56026, special class instruction authorized under Section 56028, or both.

Cal. Admin. Code tit. 5, s 56006

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s 56006. Determination of Eligibility.

- (a) In order to be eligible for support services or instruction authorized under this chapter, a student with a disability must have an impairment which is verified pursuant to subdivision (b) which results in an educational limitation identified pursuant to subdivision (c) of this section.
- (b) The existence of an impairment may be verified, using procedures prescribed by the Chancellor, by one of the following means:
- (1) observation by DSPTS professional staff with review by the DSPTS coordinator;
 - (2) assessment by appropriate DSPTS professional staff; or
 - (3) review of documentation provided by appropriate agencies or certified or licensed professionals outside of DSPTS.
- (c) The student's educational limitations must be identified by appropriate DSPTS professional staff and described in the Student Education Contract (SEC) required pursuant to Section 56022. Eligibility for each service provided must be directly related to an educational limitation consistent with Section 56000(b) and Section 56004.

Cal. Admin. Code tit. 5, s 56008

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s 56008. Student Rights.

- (a) Participation by students with disabilities in Disabled Student Programs and Services shall be entirely voluntary.
- (b) Receiving support services or instruction authorized under this subchapter shall not preclude a student from also participating in any other course, program or activity offered by the college.
- (c) All records maintained by DSPTS personnel pertaining to students with disabilities shall be

protected from disclosure and shall be subject to all other requirements for handling of student records as provided in Subchapter 2 (commencing with Section 54600) of Chapter 5 of this Division.

Cal. Admin. Code tit. 5, s 56010

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s 56010. Student Responsibilities.

(a) Students receiving support services or instruction under this subchapter shall:

- (1) comply with the student code of conduct adopted by the college and all other applicable statutes and regulations to student conduct;
- (2) be responsible in their use of DSPTS services and adhere to written service provision policies adopted by DSPTS; and
- (3) make measurable progress toward the goals established in the student's Student Educational Contract or, when the student is enrolled in a regular college course, meet academic standards established by the college pursuant to Subchapter 8 (commencing with Section 55750) of Chapter 6 of this Division.

(b) A district may adopt a written policy providing for the suspension or termination of DSPTS services where a student fails to comply with subdivisions (a)(2) or (a)(3) of this section. Such policies shall provide for written notice to the student prior to the suspension or termination and shall afford the student an opportunity to appeal the decision. Each student shall be given a copy of this policy upon first applying for services from DSPTS.