

## ATTACHMENT 2

### Summary and Analysis of Revisions to Title 5 regulation DISABLED STUDENT PROGRAMS AND SERVICES REGULATION REWRITE

#### **56000**

Changes are proposed to this section for clarity. The proposed change is to replace the term “Support Services” with the term “Academic Adjustments, Auxiliary Aids, and Services.” This updated terminology is consistent with the 2008 amendments to the Americans with Disabilities Act (ADA). The change to the Education Code references, make more specific the Education Code sections being referenced in this section.

#### **Prior 56000(e)**

Prior subdivision (e) is proposed to be relettered subdivision (f).

#### **Proposed 56000(e)**

Proposed subdivision (e) is added to clarify that academic adjustments need not be made if they constitute a fundamental alteration to the curriculum. In this context, the term fundamental alteration means any change to curriculum, course or class that is so significant it alters the essential nature of what is being taught. The ADA states a "fundamental alteration" is a change that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. Section 504 of federal law, in the “Modification of Requirements”, states that modifications must be made to academic requirements to ensure that they do not discriminate against a qualified student with a disability. (Rehabilitation Act of 1973, Public Law 93-112 and subsequent regulations, Part 104.44). Academic requirements demonstrated to be essential to the program of instruction being pursued (i.e. to the degree), or to any directly-related licensing requirement, are not considered discriminatory. Examples of modifications include: changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

#### **Proposed 56000(f)**

Proposed subsection (f) contains the language, unchanged, currently in subsection (e).

#### **Proposed 56001**

Proposed section 56001 is added to clarify subchapter 1 of chapter 7 of this division of title 5, by consolidating previously defined terms and adding definitions to terms used in the regulations.

**Proposed 56001(a)**

Proposed section 56001(a) adds the definition for the term “academic adjustments, auxiliary aids and services.” This term replaces the term “support services,” previously defined in section 56026. This updated terminology is consistent with the 2008 amendments to the ADA. The term “listed in section 56026” in this definition was replaced by the term “described in section 56026” to improve the accuracy and clarity of the language.

**Proposed 56001(b)**

Proposed section 56001(b) adds the definition for the term “fundamental alteration.” This updated terminology is consistent with the 2008 amendments to the ADA, is added as a definition to provide clarity to the use of the phrase in section 56000, and further aligns the state regulations with the federal requirements. The phrase “essential nature of the course” was replaced by “required objectives or content of the curriculum in the approved course outline.”

**Proposed (c)**

Proposed section 56000(c) adds the definition for the term “educational limitation.” This term was previously defined in section 56004. The definition updates the term support services to “academic adjustments, auxiliary aids and services” as explained in section 56000 of this analysis, and changes the term “non-disabled students” to “students without disabilities” to improve accuracy and clarity of the language.

**Proposed (d)**

Proposed section 56000(d) adds the definition for the term “education assistance class.” “Education Assistance Class” is proposed to replace “Special Class Instruction,” which was defined in section 56028. Section 56028, with proposed changes, will provide more detail and additional requirements. Proposed subsection (d) also specifies that references to “special class” will now refer to “educational assistance class” where that term is not changed elsewhere in the regulations.

**Proposed (e)**

Proposed section 56000(e) adds the definition for the term “certificated staff.” This definition is added as a new term used in sections 56006, 56022 and 56048 and the definition provides consistency for what is intended by the term “certificated staff” in those sections.

**Proposed subsection (f)**

Proposed section 56000(f) adds the definition for the term “academic accommodation plan.” This term replaces the term “student education contract,” previously defined section 56022. This new term reflects the unique nature of the accommodation plan for students with disabilities compared to the

general education plan required of all students under the Student Success Act and aligns the program requirements of DSPS with the interactive process required in Section 504 and the ADA.

#### **56002**

Changes are proposed for this section to replace “disabled student” with “student with a disability.” “Disabled student” is replaced to reflect current terminology used in public policy regarding persons or students with disabilities. This change reflects the concept that a student’s disability is only one aspect of their person and thus is considered less stigmatizing by persons with disabilities. In addition the term “imposes” has been changed to the phrase “resulting in” in the phrase “verified disability ... resulting in an educational limitation”. This change reflects the concept that a student’s disability is not imposed upon them, and by changing the term “imposes” to the comparatively value free “resulting in” removes negative connotations and improves accuracy and clarity of the language.

#### **56004**

Section 56004 is proposed to be eliminated because it primarily described an educational limitation, the definition of which is moved to section 56001. The remainder of the section is deleted because it is fully described in section 56001.

#### **56005**

Section 56005 is proposed to be eliminated because it primarily defines the term “support services,” which is proposed to be replaced by the term “academic adjustments, auxiliary aids, and services.” “Academic adjustments, auxiliary aids, and services” is proposed to be defined in section 56001 and more fully explained in section 56026. This updated terminology is consistent with the 2008 amendments to the ADA.

#### **56006(a)**

Changes are proposed to replace the term “support services” with the term “academic adjustments, auxiliary aids and services.” This updated terminology is consistent with the 2008 amendments to the ADA.

Changes are proposed to replace the phrase “a student with a disability must have an impairment...” to “a student must have a disability...” to improve the accuracy and clarity of the language, and to replace the word “impairment” with the word “disability”, to use a less stigmatizing term.

#### **56006(b)(1)**

Changes are proposed in this subsection to clarify that the term “certificated DSPS staff” as defined by the minimum qualifications, means any DSPS manager, faculty member or specialist who meets the minimum qualifications set forth in section 53414 (a) through (d) “Minimum Qualifications for Disabled

Student Programs and Services Employees,” or meets the minimum qualifications for an educational administrator set forth in section 53420.

**56006(b)(2)**

Changes are proposed to this subsection to replace the term “DSPS professional staff” with the term “certificated DSPD staff.” This change confirms and clarifies who may provide assessment to determine program eligibility for DSPS. That is any DSPS manager, faculty member or specialist who meets the minimum requirements set forth in section 53414(a)-(d), or meets the minimum qualifications for an educational administrator set forth in section 53420.

**56006(b)(3)**

Changes are proposed to this subsection to clarify that certificated staff can review documentation in order to determine student eligibility for DSPS.

**56006(c)**

Changes are proposed in this subsection to replace the term “Student Educational Contract” with “Academic Accommodation Plan” which is proposed to be defined in section 56022. This change clarifies the difference between the general Student Educational Plan which is required for all students under the Student Success Program and the Academic Accommodation Plan which is only for students with disabilities. The new term more accurately reflects the agreement between the student and DSPS professional, which is done through the interactive process required by Section 504 and the ADA, to determine the specific academic adjustments, auxiliary aids and services required by the student to have an equal opportunity to participate in the college offerings. Proposed changes also include changing the term “appropriate DSPS Professional Staff” to “certificated staff” to clarify who can identify educational limitations.

**56008(b)**

Changes are proposed to this subsection to replace the term “support services” with the term “academic adjustments, auxiliary aids and services” for consistency with the changes proposed throughout the subchapter. This updated terminology is consistent with the 2008 amendments to the ADA.

**56008(c)**

Changes are proposed to this subsection to update the subchapter number being referenced, due to a previous change in the subchapter numbering in title 5.

**56010(a)**

Changes are proposed to this subsection to replace the term “support services” with the term “academic adjustments, auxiliary aids and services” for consistency with the changes proposed

throughout the subchapter. This updated terminology is consistent with the 2008 amendments to the ADA.

### **56010(a)(3)**

Changes are proposed to this subsection to add the term “educational assistance class” as proposed to be defined in subsection 56001(d), and more fully explained in section 56028. This clarifies that the student is required to meet the goals of the Educational Assistance Class as specified in their Academic Accommodation Plan. These changes are proposed for clarity to distinguish student progress in Educational Assistance Class from progress for students in general college classes.

### **56010(a)(4)**

Changes are proposed to this subsection to replace the term “regular” to the term “general.” The working group determined the term “general” has a less negative connotation when used in describing all other activities of the college. This subdivision also clarifies that students enrolled in general college classes are required to meet the academic standards of the college with academic adjustments, auxiliary aids and services where needed.

### **56010(b)**

Changes to this subsection add and update the subsections referenced, to correctly reference the relevant subsections based on the proposed changes to those subsections.

### **56020**

Changes are proposed to this subsection to replace the term “support services” with the term “academic adjustments, auxiliary aids and services” for consistency with the changes proposed throughout the subchapter. This updated terminology is consistent with the 2008 amendments to the ADA. Changes proposed also delete the wording “available through DSPP Program” because under Federal and State law, academic adjustments, auxiliary aids and services to students with disabilities are a college-wide responsibility, not just the responsibility of DSPP.

### **56022**

Changes to this section are proposed to replace the term “Student Education Contract” with the term “Academic Accommodation Plan (AAP).” The change clarifies the difference between the general Student Educational Plan which is required for all students under the Student Success Program, and the Academic Accommodation Plan which is only for students with disabilities. The new term more accurately reflects the agreement between the student and a DSPP certificated staff member, which is conducted through the interactive process required by Section 504 and the ADA to determine the specific academic adjustments, auxiliary aids and services required by the student to have an equal

opportunity to participate in the college offerings. Changes to this section are proposed to require that an AAP is generated and maintained for each DSPTS student and to require that if a student is enrolled in Educational Assistance classes, that the AAP must also define measureable progress toward the goals of those classes. In addition, the phrase “resulting from” replaces the term “imposed by” in the phrase “educational limitations resulting from the student’s disabilities” for reasons explained in section 56002 of this analysis.

#### **56026**

Changes to this section are proposed to replace the term “support services” with the term “academic adjustments, auxiliary aids and services.” This updated terminology is consistent with the 2008 amendments to the ADA. Proposed changes also replace the term “regular” with the term “general,” which the working group felt has a less negative connotation when used in describing all other activities of the college.

#### **56026(a)-(c)**

These subsections are proposed to be deleted for the purpose of clarifying the regulations by replacing the list with a concise statement regarding the use of DSPTS funds, as described above.

#### **56027**

Changes to this section are proposed to replace the term “accommodation” with the term “adjustment” for consistency with the 2008 amendments to the ADA. In the first sentence, it is proposed to delete the term accommodation for clarity of reading. A change is proposed to add “ADA” before “Coordinator” and to add “Compliance Officer” to better align the terminology with what is currently more commonly used by community college districts.

#### **56028**

Changes to this section are proposed to replace the term “special classes” with the term “educational assistance classes.” The proposed term is the more modern terminology, which reflects the social model rather than the medical model of disability, and is seen as more inclusive and positive. The term “regular” is proposed to be changed to the term “general,” as explained above. Proposed changes to this section also clarify that students enrolled in general college classes are required to meet the academic standards of the college with academic adjustments, auxiliary aids and services where needed. The proposed term “academic adjustments, auxiliary aids and services” replaces term “support services,” as explained above. This updated terminology is consistent with the 2008 amendments to the ADA.

**56028(c)**

The change proposed to subsection (c) updates the terminology to be consistent with the changes explained in the above section analysis.

**56029**

Changes proposed in this section replace the term “special class instruction” with the term “educational assistance class instruction,” as explained in the section 56028 analysis. The proposed changes also include replacing the term “student educational contract” with the term “academic accommodation plan,” as explained in the analysis for section 56022. Additional proposed changes align the internal references to title 5 with the style used for references elsewhere in the regulations.

**56029(a)**

The change proposed in this subsection replaces the term “special classes” with the term “educational assistance classes,” as explained in the section 56028 analysis.

**56029(b)**

Changes proposed in this subsection replace the terms “special classes” and “regular or general” to the term “educational assistance classes” and “general or educational assistance” as explained in the section 56028 analysis.

**56029(c)**

The changes proposed in this subsection align the terminology with the changes described in the above section analyses.

**56032**

Changes proposed in this section expand on the definition of Physical Disability to bring the range of conditions described into alignment with the language used in the 2008 amendments to the ADA. The proposed changes will provide more specific data for use in reporting and funding for students served by DSPS. The word “limit” replaces the word “impedes.” This change improves the grammar and reflects the concept that a student’s disability may not always completely impede access. Instead, the disability may limit that access to a lesser, variable, partial degree. Changing the absolute term “impedes” to the less absolute “limit” removes negative connotations that a student with a disability is completely prevented from doing something by his or her disability. The new language more accurately and clearly communicates that a student with a disability experiences the effects of that disability on different areas

of his or her life to varying degrees, and can achieve educational access and success when he or she receives appropriate academic adjustments, auxiliary aids and services.

#### **56032(a)-(b)**

Changes to these subsections are proposed to delete references to Blind and Low Vision which have been moved to another section. The deleted subsection on mobility and orthopedic impairment is addressed in section 56032.

#### **56034**

Changes proposed to this section are to change the term “communication disability” to the term “Deaf and Hard of Hearing (DHH).” Currently as used in this subchapter, Communication Disability encompasses both Deaf and Hard of Hearing, and Speech and Language Impairments. The phrase “which impedes” has been changed to “that limits” in the phrase “...total or partial loss of hearing function that limits the student’s ability ...” for reasons explained in section 56032 of this analysis.

#### **56034(a)-(b)**

Changes proposed to these subsections remove speech and language impairments from subdivision (b), which allows for more accurate record keeping as to those being served under this section. Speech and language disabilities, which are of very low incidence, are proposed to be accounted for in another disability category in section 56044.

#### **Proposed 56035**

Proposed section 56035 adds a new section for “Blind and Low Vision” which was previously included under Physical Disability in section 56032. Blind and Low Vision is proposed to be separately defined as a level of vision that limits the student’s access to the educational process and necessitates alternate media and print accessibility among other academic adjustments, auxiliary aids and services. The proposed separate section will also provide for more accurate record keeping as to the types of disabilities of students served. This separation further reflects the 2008 amendments to the ADA in its regulations regarding physical disability and sensory disability. The phrase “level of vision” replaces the phrase “visual impairment” to use less stigmatizing language. The word “limits” has replaced “impede” for reasons explained in section 56032 of this analysis.

#### **56036**

Changes proposed to this section provide additional information on the definition of learning disability and clarify that for a student to be characterized as a student with a learning disability, a psycho-educational assessment must be verified by a qualified specialist certified to assess learning disabilities. This clarification reflects the requirements found in the 2008 amendments to the ADA. The word “limits” has replaced “impedes” for reasons explained in section 56032 of this analysis.



### **56036(b) and (c)**

Changes proposed to subsections (b) and (c) clarify in the criteria listed for learning disability, that a student may have a statistically significant processing deficit and/or a statistically significant aptitude-achievement discrepancy, which brings the definition in-line with the 2008 amendments to the ADA. The word “limits” has replaced “impedes” for reasons explained in section 56032 of this analysis.

### **56036(d)**

Proposed changes delete subsection (d), which is currently a criterion for learning disability. This proposed change further expands the definition of learning disability and aligns it with the 2008 amendments to the ADA.

### **Proposed 56037**

Proposed section 56037 moves “Acquired Brain Injury” from section 56038 to this proposed section. This change is proposed to better reflect the similar types of disabilities in sequence, enabling DSPS staff to more easily follow the reporting requirements. The proposed change also replaces the term “impairment” with “injury.” This is more modern terminology that is described in the 2008 amendments to the ADA. The definition specifies that the ABI must limit the student’s ability to access the educational process, which is added to clarify that the disabling condition itself is not sufficient to qualify a student for DSPS services, but that additionally the disabling condition must result in a limitation that limits the student’s ability as described in this section. The word “limits” has replaced “impedes” for reasons explained in section 56032 of this analysis.

### **56038**

Changes to section 56038 propose to delete “Acquired Brain Impairment” which is moved to proposed section 56037 and to add a new category for Attention Deficit Hyperactivity Disorder (ADHD), where students with ADHD served by DSPS will be reported and counted for funding purposes. The addition more specifically identifies this disability and differentiates it from the umbrella category of “other disability.” The proposed addition will allow for more accurate data reporting and funding for services for students with ADHD. Without a new category, there is no current data on the number of students with ADHD served by DSPS. A technical correction was made to change Attention Deficit Hyperactivity Disability to the accepted DSM V category title Attention Deficit Hyperactivity Disorder. The word “limits” has replaced “impedes” for reasons explained in section 56032 of this analysis.

### **Proposed 56039**

Proposed section 56039 adds the term “Intellectual Disability” to replace the term “Developmentally Delayed Learner” which is proposed to be deleted in existing section 56040. The sequencing of the proposed sections better reflects the listing of similar types of disabilities enabling DSPS staff to more easily follow the reporting requirements. The proposed term “Intellectual Disability” is now used in the reauthorization of the federal Developmental Disabilities Act as well as in California statutes, and is the

preferred term in public policy when referring to persons with intellectual disabilities. The word “limits” has replaced “impedes” for reasons explained in section 56032 of this analysis.

#### **56040**

Proposed changes to this section delete “Developmentally Delayed Learner” which is proposed to be replaced with “Intellectual Disability” in proposed section 56030. Proposed changes add a new category, “Autism Spectrum (AS)” where students with AS served by DSPS will be reported and counted for funding purposes. The new category is needed due to the increase in the number of students with Autism Spectrum Disorders who are attending higher education and seeking services from DSPS. The addition will allow for more accurate data reporting and funding for services for students with AS. Without a new category, there is no current data on the number of students with AS served by DSPS. The word “limit” has replaced “impede” for reasons explained in section 56032 of this analysis. The word “limitation” replaces the phrase “clinically significant impairment” in the phrase “Symptoms must ... cause limitation” because in the educational environment clinical impairment, significant or not, is not as relevant as educational limitation.

#### **56040(a)-(b)**

Changes proposed to these subsections are to delete them entirely. The replacement term, “Intellectual Disability” is in proposed section 56039 and more clearly identifies the characteristics of a student with an intellectual disability.

#### **56042**

Changes to this section propose to replace the term “Psychological Disability” with the term “Mental Health Disability.” This term is considered less stigmatizing and is more commonly used in public policy. Additionally, it is proposed that the specific exclusions of conditions not considered mental health disabilities, be deleted and replaced with reference to the exclusions cited in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) and the ADA. The word “limits” has replaced “impedes” for reasons explained in section 56032 of this analysis. The word “disability” has replaced “disorder” because it has less negative, stigmatizing connotations and to reflect current terminology used in public policy regarding students with mental disabilities.

#### **56042(a)**

Changes proposed include deleting the subsequent subsection (b), which would no longer require a subsection (a).

#### **56042(b)(1)-(3)**

Changes proposed are to delete this subsection, as the definition of “mental health disability” is simplified to not cite the exclusions listed out in the existing version of section 56042.

#### **56042(c)**

Changes proposed are to delete this subdivision because it is outdated. This subsection was added to the regulations in 1988 when a pilot program was underway to determine the feasibility of serving students with psychological disabilities through the DSPS program, and to determine what services such students might need. The pilot project concluded by the early 1990's and DSPS programs began regularly serving students with psychological disabilities. In 1992, after the ADA (42 U.S.C. 12101 et seq.) passed in 1990, the U.S. Department of Justice adopted regulations at 28 C.F.R. § 35 implementing Title II of the Act, which reinforced the legal requirement that all districts provide necessary auxiliary aids and academic adjustments to individuals with disabilities, including those with psychological disabilities. By the early-to-mid 1990's the DSPS allocation formula was revised to provide funding to colleges for serving students with psychological disabilities through their DSPS programs. Failure to remove subdivision (c) of section 56042 at that time was an administrative oversight which should now be corrected.

#### **56044**

Changes proposed to this section are to clarify the definition of "Other Disabilities" by adding "Health Conditions" to the title. The word "limit" has replaced "impede" for reasons explained in section 56032 of this analysis.

#### **56046(a)**

The change proposed to this subsection is to add the term "shall develop" to the first sentence to ensure that DSPS programs understand that they must develop a plan meeting the approval of the Chancellor.

#### **Prior 56046(b)**

Changes proposed to this subdivision are to delete the current subsection (b) and move it to the new proposed subdivision (c).

#### **Proposed 56046(b)(1)-(4)**

Changes proposed to this subdivision are to move current subdivision (c)(1)-(4) to subdivision (b)(1)-(4). It is proposed to add to subdivision (b) an allowance that a unit plan or a program plan that is developed as a part of accreditation or strategic planning, shall meet the requirements of this section. Additions to proposed subsections (1) and (2) are grammatical to align the language in this subsection.

#### **Prior 56046(c)(1)-(4)**

Changes proposed to this subsection include deleting the line "in the form prescribed by the Chancellor's Office," from subsection (c) with the reasoning of it being burdensome, creating extra workload for staff. This subsection is also moved to proposed subsection (b).

**Proposed subsection (c)**

This subsection is proposed to include the language previously in subsection (b). This section was moved due to the addition in proposed subsection (b), with the thought that the entire section would flow better if this were at the end.

**56048(a)**

Changes proposed in this subsection add that the need for sufficient staffing is to ensure the timely provision of services. Additionally, proposed changes move some of the language in existing subsection (a) to proposed subsection (c).

**56048(b)**

Changes proposed to this subdivision add clarification to the role of the DSPS coordinator or director in ensuring timely and effective services to students with disabilities. Changes proposed to this subdivision also include language identifying some of the day-to-day operations necessary to implement this subchapter.

**Prior 56048(c)**

Changes proposed to this subsection include moving the language to proposed subsection (d) as the proposed subsection (c) necessitates renumbering. Changes proposed include the term “academic adjustments, auxiliary aids and services” replacing the term “support services,” previously defined in section 56026. The proposed changes also include adding the title LD Specialist as an appropriate certificated DSPS staff member who can provide oversight to support staff.

**Proposed 56048(c)**

Changes proposed provide clarity that persons who are employed in the DSPS program in the specific role of counselor or instructor (both of which are used elsewhere in this subchapter), must meet the minimum qualifications established in title 5 regulations outside of this subchapter, in section 53414. Changes proposed also include re-lettering because existing language in subsection (a) is proposed to be moved to this subsection, as the language proposed in subsection (a) addresses the more overarching requirement that there be sufficient staffing.

**Proposed 56048(d)**

Changes proposed are to move the language from existing subsection (c) to proposed subsection (d) due to the addition of a new proposed subsection (c). Proposed changes to existing subsection (c) are explained above in the analysis of prior section 56048(c). The word “coordination” has replaced “direction” in the phrase “Support staff shall function under the coordination of a DSPS coordinator or director” to clarify that either Faculty or Classified personnel may serve as a DSPS coordinator/director and to clarify and acknowledge that Faculty positions may not supervise classified staff.

**56050**

Changes proposed include increasing district flexibility by deleting mandated membership other than by a student with a disability. Additional flexibility is afforded by allowing the district to have one district advisory committee instead of compelling each college in the district to have its own advisory committee. Furthermore, a syntax technical correction was made clarifying that the minimum required representation is one student with at least one disability.

**56052**

Changes proposed to this section are to add “data pertaining to” staff and student perceptions as required in Education Code section 67312. Changes proposed also include deleting the sentence regarding parking for persons with disabilities. This issue is no longer considered a priority as colleges have made meaningful progress on accessible parking for students with disabilities. Changes proposed include adding the term “compliance with” Section 504 to clarify that the intent of the Chancellor’s evaluation of DSPS programs shall include not only a general review of program effectiveness, but that in their evaluation compliance with federal civil rights regulation will also be reviewed.

**56054(a)-(b)**

Changes proposed include a grammatical change for clarity and removing the term “special” from each paragraph so that they are easier to read.

**56060**

Changes proposed include changing terminology from “direct excess cost” to “allowable expenses,” as defined in section 56064, which more clearly and easily defines how DSPS may expend their funds. It is proposed to use the term “academic adjustments, auxiliary aids and services” to replace the term “support services,” previously defined in section 56026. This updated terminology is consistent with the 2008 amendments to the ADA.

**56062**

Changes proposed include updating terminology as previously explained in this analysis. Also, the requirement for service contacts is proposed to be changed from four or more per year to one or more per semester, as it was determined that requiring a minimum of four contacts per year was unnecessary and potentially excessive, creating additional workload for staff, when in particular for continuing students, they must only meet with a counselor once per primary term to confirm and update their accommodation plan. The proposed change does not prohibit DSPS from meeting with and providing four service contacts or more per year if necessary, rather the proposed change lowers the required number of contacts in order to be funded for serving that student.

## **56064**

Changes proposed are a change in terminology from “direct excess cost” to “allowable expenses.” The proposed change also includes replacing the term “indirect administrative costs” with “non-allowable expenses” as defined in section 56068, which more clearly explains what DSPS cannot use their funds on. It is proposed to use the term “academic adjustments, auxiliary aids and services” to replace the term “support services,” previously defined in section 56026.

### **56064(1)(a)**

The term “students without disabilities” has replaced “nondisabled students” for reasons explained in section 56001(c) of this analysis and “with disabilities” is added to “students...receiving... services from DSPS” to distinguish clearly between students with and without disabilities.

### **56064(1)(b)**

Changes proposed are to replace the term “special classes” with “educational assistance class” as explained earlier in this analysis.

### **56064(2)**

Changes proposed are to add specification of percentage of the DSPS budget that may be used for removal or modification of minor architectural barriers. Creating a barrier free campus, as required by state and federal law, is a college wide responsibility rather than one of the DSPS Program. However, up to 1% of the current year DSPS allocation may be used for minor architectural barrier removal if, in doing so, the use of these funds assists with the requirement for timely programmatic access. Changes proposed include adding an exception process to this rule, whereby colleges would petition the Chancellor’s Office to exceed this percentage. The DSPS Implementation Guidelines will specify the process for approval.

### **56064(3)-(4)**

Changes proposed are to add these subsections, which were previously in subsection 56026(b), and provide DSPS staff with the information on how DSPS funds can be expended.

### **56064(5)**

Changes proposed add this subsection to clarify that the term “allowable expenses” as used in this section means “direct excess costs” as defined in Education Code section 84850(c).

### **56066(a)**

Changes proposed add specification and clarity that the services described in this section as “comparable services” are a subset of the “academic adjustments, auxiliary aids and services” described generally in section 56026. Examples of the types of academic adjustments, auxiliary aids and services

that would be considered comparable services are described in subsections (a)(1)-(7). The term “students without disabilities” has replaced “nondisabled students” for reasons explained in section 56001(c) of this analysis.

**56066(a)(1)-(7)**

Changes proposed are to change the term “special” parking to “accessible parking” and to delete section 56026 identifiers in (a)(1)-(7) as they are proposed to be deleted in that subsection.

**56066(b)**

Changes proposed are to replace “direct excess costs” with “allowable expenses” as described earlier in this analysis.

**56066(b)(1)**

The term “students without disabilities” has replaced “nondisabled students” for reasons explained in section 56001(c) of this analysis.

**56068**

Changes proposed are to replace the term “indirect administrative costs” with “non-allowable expenses” which more clearly explains on what DSPS cannot spend their funds. Language is proposed to be added that explains these are expenses not allowed to be paid from DSPS funds. Changes proposed in the following subsections are to align these non-allowable expenses with other categorical programs and to provide more clarity as to what DSPS funds cannot be spent on.

**56068(a)**

Changes proposed to this subsection specify that administrative staff salaries and benefits costs shall not be paid for from DSPS funds.

**56068(b)**

Changes proposed add language clarifying that DSPS funds cannot be used to pay the salaries and benefits of administrators at the dean level or above, with the exception of the applicable FTE of the DSPS coordinator or director.

**56068(c)**

Changes proposed add that rent and internet service shall not be paid from DSPS funds.

**56068(d)**

Changes proposed specify the percentage of the DSPS budget that may be used for removal or modification of minor architectural barriers. Creating a barrier free campus, as required by state and federal law, is a college wide responsibility rather than one of the DSPS Program. However, up to 1% of

the current year DSPS allocation may be used for minor architectural barrier removal if, in doing so, the use of these funds assists with the requirement for timely programmatic access. It is proposed to add an exception process to this rule, whereby colleges would petition the Chancellor's Office to exceed this percentage. The DSPS Implementation Guidelines will specify the process for approval.

**56068(e)**

Changes proposed add that travel costs are allowable for DSPS students as well as DSPS staff to attend DSPS related activities or functions, but that any other non-DSPS related travel costs are not allowed.

**56068(h)**

Changes proposed clarify that professional dues may not be paid by DSPS funds, which are in line with other categorical program regulations.

**56068(m)**

Changes proposed are to clarify the language regarding the use of DSPS funds for modification of equipment to specify that modification of vehicles used exclusively for students with disability may be paid for with DSPS funds.

**56070(a)-(b)**

Changes proposed are to delete subsections (a)(1) and (2) because they are unnecessary language since these requirements are included in the Board of Governors approved DSPS allocation formula. Changes proposed include updating the terminology as explained previously in this analysis, and minor capitalization changes to conform to the capitalization used throughout this subchapter.

**56072(a)**

Changes proposed to this subsection are to add the citation for section 56046. Changes proposed are also to add the term "unit" to the program plan. By adding this term it saves duplication of effort if the plan developed for accreditation or internal review purposes contains the specified items listed.

**56072(b)**

Changes proposed include increasing the percentage of the DSPS allocation that can be based on funding from outside sources from the current "not to exceed 10 percent" ceiling to as high as 20 percent. This change is proposed to give the Chancellor the authority and flexibility to base the DSPS allocation formula more on district contribution, and therefore, fiscally incentivizing those types of contributions. Changes proposed replace the terms "direct excess cost" and "support services" with "allowable expenses" and "academic adjustments, auxiliary aids and services," as explained earlier in this analysis.



**56076**

Changes proposed are to add language stating that the college “shall report those expenditures to the Chancellor, as required by section 56072.” This proposed language provides the Chancellor’s Office the ability to authorize the submittal of such documentation.