

## ATTACHMENT 3

### Summary and Response to Comments Received During the Notice Period of March 5, 2015 through April 21, 2015 Inclusive.

Official notice of proposed changes to California Code of Regulations, title 5, regarding the Disabled Student Programs and Services regulations rewrite was published on March 5, 2015. The original proposed text was made available for public comment for at least 45 days from March 5, 2015, through April 21, 2015. A 15-day re-notice of modifications to text of the proposed regulations was published March 26, 2015, with the public comment period also open through April 21, 2015. The notices specified the process to comment on the proposed changes. Three (3) written comments were received during the comment period. A public hearing was held during the Board of Governors meeting on March 16, 2015, at the Chancellor's Office. No public comments were received. Pursuant to Standing Order 206, subdivision (b)(3), the Chancellor's Office has summarized the oral and written comments and proposed responses below for adoption by the Board.

**Cheryl Miller, Coordinator, West Valley College Disability and Educational Support Program:** "I do not see any change in the definition of a student with a disability to be in alignment with the amended ADA."

**Proposed Response:** The proposed regulations are in alignment with the amended ADA. Section 56002 was amended by striking "disabled student" and by adding the following bolded language from the ADA in its definition of "student with a disability" now defined as "a person enrolled at a community college who has a verified **disability which limits one or more major life activities, as defined in 28 C.F.R. 35.104...**"

**Danita Scott-Taylor, Director, San Joaquin Delta College Student Support Services:** "After reviewing proposed changes with DSPS program staff, faculty wondered why ADD wasn't somehow paired with ADHD under disability categories... that is their recommendation."

**Proposed Response:** ADD and AD/HD are different names for the same disabling condition or impairment. ADD means "Attention Deficit Disorder" and is a title from a time when there were subtypes of ADD that either included hyperactivity or did not. Now AD/HD, which means "Attention Deficit Hyperactivity Disorder", is the accepted term in the mental health field as memorialized in the Fifth, and most recent, edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM V). The Chancellor's Office will state in the implementation guidelines for this regulation that any disability record or document indicating "ADD" would meet the same definition of "AD/HD" for DSPS reporting purposes, and should be reported under this MIS category.

**Denise Simpson, M. Ed. Director, North Orange School of Continuing Education Disability Support Services; President, California Association for Post-Secondary Education and Disability:** "On behalf of CAPED, I wish to express our support of the revisions proposed to the Title 5 Regulations to better align with the Section 504 regulations for postsecondary education and the ADA. CAPED sent Grace Hanson to serve as a representative to this work group. Throughout the year as this work group met, Grace requested and received input from DSPS faculty and staff throughout the state. We believe the revisions will enable us to more effectively serve the students with disabilities in our community colleges."

Specifically:

- Update language to be more aligned with the ADA, Section 504 and Government Code 11135
- Include three new disability categories that allow us to better address and track the services provided to the emerging disability groups
- Modify progress accountability requirements (Student Education Contract) to align more with SSSP and avoid duplication
- Define the staffing requirements for a DSPS program
- Clarify allowable and non-allowable expenses

We are grateful to have the opportunity to provide a voice that influenced these changes and hope they will be approved as they are written.

**Proposed Response:** Agree.