



The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS

DATE: May 18-19, 2015

SUBJECT: Disabled Student Programs and Services (DSPS) Regulations revisions - Second Reading		Item Number: 2.2	
		Attachment: Yes	
CATEGORY:	Student Services and Special Programs	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Denise F. Noldon, Vice Chancellor	Consent/Routine	
		Second Reading	
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	X
		Information	

ISSUE: This item proposes adoption of amendments to the Disabled Student Program and Services regulations in California Code of Regulations, title 5, section 56000 et seq.

BACKGROUND: Disabled Student Programs and Services (DSPS) was created with the enactment of Assembly Bill 77 (Lanterman), in 1976 and codified in California Education Code, Section 84850 and title 5, California Code of Regulations Sections 56000-56076. DSPS funds support services and instructional programs for students with disabilities in the California Community Colleges. As a result of, amendments to the ADA in 2008; the Chancellor’s Office 2012 research study of the “Other Disability” MIS data category and policy implications related to its use; recent audit findings related to DSPS; and the need to more closely align title 5 regulations with Section 504 Rehabilitation Act of 1973, the requirements of Government Code section 11135 et. seq., and the amended ADA, a policy workgroup of key stakeholders was formed in 2012. The group recommended that the Chancellor update and clarify title 5 regulations pertaining to DSPS. Subsequently, a title 5 rewrite workgroup was formed in 2013 to develop specific recommendations and incorporate key stakeholder’ feedback.

RECOMMENDED ACTION: The proposed regulations are presented to the Board of Governors for approval and adoption. The Board of Governors is asked to adopt the following resolution:

Be it Resolved

The Board of Governors of the California Community Colleges, acting pursuant to Education Code sections 66700, 70901(c), and 70901.5, hereby:

- accepts the comments and proposed responses to the proposed regulatory action, as set forth in Attachment 3;
- approves the proposed regulation changes;
- directs the Chancellor to file the regulations with the Secretary of State and submit the regulations to the Office of Administrative Law for printing unless the Department of Finance determines the regulations would create a state-mandated local program cost and is unable to certify to the Board of Governors and the Legislature that a source of funds is available to reimburse that cost as set forth in Education Code section 70901.5(a)(6);
- authorizes the Chancellor to take any necessary ministerial action to process these regulations; and
- adopts the regulations effective thirty days after filing with the Secretary of State and submission of the regulations to the Office of Administrative Law.

The Board of Governors held a public hearing on March 16, 2015 and has responded to comments.

ANALYSIS:

The key changes made to the existing title 5 DSPTS regulations include, but are not limited to: updated terminology and updating/correcting technical language throughout the regulations, removing the requirement of the Student Education Contract and adding a requirement for an Academic Accommodations Plan (AAP), adding clarification to the staffing requirements of a DSPTS Program, adding three new disability categories, updating the definitions of existing disability categories, and updating and clarifying both the allowable and non-allowable program fund expenses. The regulation package also includes some technical clean-up language.

Notice of the proposed regulations was published on March 5, 2015, to begin the 45-day public comment period. The regulations were presented to the BOG on March 16, 2015, for a first reading and public hearing. A re-notice of the proposed title 5 changes was issued on March 26, 2015. The notice specified the process to comment on the proposed changes. No public comments were received at the public hearing in March. Three (3) written comments were received during the comment period. The proposed regulation changes are included as Attachment 1. A summary and analysis of proposed changes to each regulation is included as Attachment 2. A summary and response to the public comments received is included in Attachment 3.