





The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS
DATE: March 21-22, 2016

SUBJECT: Minimum Qualifications for Disabled Students Programs and Services Employees		Item Number: 2.8	
		Attachment: Yes	
CATEGORY:	Student Services and Special Programs	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Pamela D. Walker, Vice Chancellor	Consent/Routine	
		First Reading	
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	X
		Information	

ISSUE: Changes are proposed to California Code of Regulations (CCR) title 5, section 53414, to create minimum qualifications for a faculty Learning Disability Specialist position, and to amend the current minimum qualifications for a Disabled Student Programs and Services (DSPS) Counselor position.

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 California Code of Regulations (CCR) title 5, sections 56000-56076. Education Code, Section 87356, establishes, in part, that the Board of Governors shall adopt regulations to establish and maintain the minimum qualifications for service as a DSPS faculty member. CCR, title 5, section 53414, establishes separate minimum qualifications for the following DSPS faculty positions: Counselor, Adapted Physical Education Instructor, Speech and Language Specialist, Credit Specialized Instructor (in various areas), and Non-Credit Specialized Instructor.

The California Association of Postsecondary Education and Disability (CAPED), in consultation with an established DSPS title 5 workgroup, formally introduced recommended changes to the minimum qualifications for DSPS faculty positions to the Academic Senate for the California Community Colleges (ASCCC) during their Fall 2014 Plenary Session. The recommended changes proposed in this item were approved by the ASCCC in the Spring 2015 Plenary Session.

RECOMMENDED ACTION: It is recommended that the Board of Governors 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;
- approves the proposed regulations 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 (see 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 proposed regulations are presented to the Board of Governors for approval and adoption. The Board of Governors held a public Hearing in January and has responded to comments.

ANALYSIS: The proposed changes to the regulations will clarify, update, and modernize the existing minimum qualifications for service as a DSPS Counselor, and will establish, for the first time, in title 5, the minimum qualifications to serve as a faculty Learning Disabilities Specialist, a common faculty role in most DSPS Programs.

Official notice of proposed changes to California Code of Regulations, title 5, regarding Minimum Qualifications for Disabled Students Programs and Services Employees was published on January 4, 2016. The original proposed text was made available for public comment for at least 45 days from January 4, through February 17, 2016. A 15-day re-notice of modifications to text of the proposed regulations will be published on March 3, 2016, with the public comment period also open through March 18, 2016. The notices specify the process to comment on the proposed changes. One written comment was received during the 45-day comment period. A public hearing was held during the Board of Governors meeting on January 19, 2016, at the Chancellor's Office. There were no public comments during the meeting. Pursuant to Standing Order 206, subdivision (b)(3), the Chancellor's Office has summarized the written comments and proposed responses below for adoption by the Board.