Disabled Student Programs and Services (DSPS) Regulations rewrite

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Background

Disabled Student Programs and Services (DSPS) was created with the enactment of Assembly Bill 77 (Lanterman), in 1976 and codified in Education Code, Section 84850 and Title 5, California Code of Regulations (5 CCR) Sections 56000-56076. It’s funds support services and instructional programs for students with disabilities in the California Community Colleges. Several events in recent years brought about the consideration of possible revisions to the Title 5 regulations governing DSPS, including: amendments to the Americans with Disabilities act (ADAA)in 2008; the 2012 Chancellor’s Office study of the “Other Disability” group and policy implications related to its use; recent audit findings related to DSPS; and the need to more closely align Title 5 regulations with the Section 504 regulations for postsecondary education, the regulations of Government Code section 11135 et. seq. and the ADA.

As a result of these events, a policy workgroup of key stakeholders was formed in 2012; its main recommendation was to update and clarify Title 5 regulations pertaining to DSPS. Subsequently, a Title 5 Rewrite workgroup was initiated in October 2103 to provide all stakeholders an opportunity to generate ideas for updating the Title 5 Regulations and Guidelines.

Proposal

The proposed updated regulations address several key areas in the regulations; key themes including: gaps and other inconsistencies among state and federal regulations; complex, changing, and/or evolving regulations; significant student needs, including trends; and terminology modernization. These updates specifically include: modernization of terminology and updating/correcting technical language throughout the regulations, removing the requirement of the Student Education Contract and adding a requirement for an Educational Accommodations Plan (EAP) which is unique to DSPS, adding clarification to the staffing requirements of a DSPS Program, adding three new reporting categories (disabilities) for students with disabilities, and updating and clarifying both the allowable and non-allowable program fund expenses.

The draft proposed regulations and a section-by-section analysis of the proposed changes are attached for review and discussion.