SECOND READING
15-DAY NOTICE OF PROPOSED RULEMAKING

Amendment to California Code of Regulations, Title 5, Division 6, Regarding Minimum Qualifications for Disabled Students Programs and Services Employees

Notice published on or before March 3, 2016

NOTICE IS HEREBY GIVEN that, pursuant to Standing Order 200, the Board of Governors of the California Community Colleges proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing will be held during the next regularly scheduled Board of Governors meeting on March 20-21, 2016 at 1102 Q Street, Suite 605, Sacramento, California. The Board meeting will commence at the hour of 10 a.m. on March 21, 2016, or as soon thereafter as the business of the Agency will permit. The room is wheelchair accessible. Other disability-related accommodations such as materials in alternate media, sign language interpreters, or real time transcription will be provided to persons with disabilities upon request. Parking accessible for persons with disabilities is available near the facility. Persons requesting such accommodations should notify Christina Castro, 1102 Q Street, Suite 4500, Sacramento, CA 95811-6549, ccastro@cccco.edu, 916-323-5889, no less than five working days prior to the meeting. The Chancellor’s Office will make efforts to meet requests made after such date, if possible.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed regulatory action described in the Informative Digest. The Board of Governors requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their comments. No oral comments will be accepted subsequent to this public hearing.

15 DAY WRITTEN COMMENT PERIOD

The 15-day comment period is in addition to the original 45-day comment period. Additional changes to the proposed language for this second reading are highlighted in yellow. Any interested person may submit written comments relevant to the second reading of this proposed regulatory action. To ensure that your comments have the maximum effect in developing the final regulations, we urge you to identify clearly the specific subdivision of the proposed regulation that each of your
comments addresses and to arrange your comments in the same order as the proposed regulation. Please send your comments to:

Rhonda Mohr, Dean
Student Services and Special Programs Division
California Community Colleges Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549

Comments may also be submitted by facsimile at 916-322-9030 or by email at regcomments@cccco.edu.

Comments must be received prior to 5:00 p.m. on March 18, 2016. Written comments are subject to disclosure under the Public Records Act.

CHANGES OR MODIFICATIONS TO PROPOSED TITLE 5 AMENDMENTS

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Legal Affairs Division and will be provided to those persons who provided contact information and submitted written comments relevant to the proposed regulatory action, or who provided oral comments at the public hearing, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Education Code sections 70901, 84850 and 87356.

INFORMATIVE DIGEST

Changes are proposed to California Code of Regulations, 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. 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. 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. Title 5 CCR 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. In the fall 2014 State Academic Senate (Senate) Plenary Session, the California Association of Postsecondary Education and Disability (CAPED), after consulting and vetting its proposal with an established DSPS Title 5 workgroup, formally introduced to the Senate recommended changes to the minimum qualifications for DSPS faculty positions maintained in the Discipline’s List and currently established in Title 5 CCR Section 53414. The changes proposed in this item were approved by the Senate in the spring 2015 Plenary Session. Also for your information, attached to this notice are two informational attachments relevant to the first and second readings.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The estimated cost or savings of the proposed amendments are anticipated to be as follows:

Mandate on local agencies or community college districts: None
Cost or savings to state agencies: None
Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code: None
Other non-discretionary cost or savings imposed on community college districts: None
Cost or savings in federal funding to state agencies: None

The effect of the adoption of the proposed regulations will not impose increased costs or new costs to community college districts that are required to be reimbursed under section 17561 of the Government Code. Such determination will be made a formal part of the public hearing at the time and place described above. Furthermore, there are no direct costs or indirect costs, or savings to any state agency, no costs or savings in federal funding to the state and no non-discretionary costs or savings to local agencies.

CONTACT PERSON

Inquiries concerning the content of these regulations may be directed to:

Rhonda Mohr, Dean
Student Services and Support Division
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549
Telephone: 916-323-6894
E-mail: rmoehr@cccco.edu
Inquiries concerning the regulatory process may be directed to the Legal Affairs Division, at legalaffairs@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, and all of the information upon which the proposal is based, may be obtained online at: http://extranet.cccco.edu/SystemOperations/BoardofGovernors/Meetings.aspx

Those who receive the Board of Governors Agenda package for the March 2016 meeting, can find a further description of the proposal and the full text of the regulations.

You may also request a copy of the proposal from Legal Affairs, using the contact information provided above.