Title 5 Rewrite Workgroup members present:
Chuck Stevens – Student Senate Representative
Sarah Funes – Student Senate Representative
Maria Gonzalez – Faculty/Counseling Academic Senate Representative
Scott Hamilton – Faculty/Counseling Academic Senate Representative
Grace Hanson – CAPED Representative
Jon James – Regional Coordinators/Academic Senate Representative
George Marcopulos – LD Field Advisory Group Representative
Denise Simpson – C2C & Autism Representative
Stephen Johnson – Chief Student Services Officers Representative
Willy Duncan - - Chief Executive Officers/Presidents Representative

**CCCCO Staff:**
Scott Valverde - DSPS
Scott Berenson - DSPS
Chelle Ellenberger - DSPS
Julia Blair – Legal Affairs staff attorney

**Contractor**
Jan Galvin – The Galvin Group
Catherine Campisi – The Galvin Group

Not present/notes on drafts received
Patie Wegman – Deaf & Hard of Hearing Advisory Group Representative
Review the purpose of the workgroup

Jan Galvin reviewed the purpose of this meeting which was to discuss and where possible, reach consensus on proposed changes to the 33 sections sent out for review prior to this meeting and engage in further discussion and consensus on the remaining issues.

Review of the 33 sections

Many of the draft regulations had been approved at earlier meetings, in which case the discussion focused on the guidelines which are more comprehensive than the current version. The work group concurs that with so many new coordinators/directors, guidelines need to be expansive with examples of how to implement the section(s).

With those regulations yet to be approved by the workgroup, Julia Blair – Legal Affairs once again reminded the workgroup not to exceed the authority of the statute, and to avoid vagueness. In addition, she recommended we not repeat the Education Code in the regulations but provide some additional detail without exceeding the authority of the law. The regulations are intended to provide clarity and specificity to what is authorized in the Education Code statute. In reviewing the current regulations it was found that in many cases the regulations were an exact copy of the Education code, rather than a clarification. Therefore, some of these items may need to be revised.

Jan Galvin explained that she and Catherine Campisi will cross walk every section to ensure there is no conflict between sections, there is congruity of terminology, language and usage, such as changing regular classes to general classes, using Coordinator/Director, and non-binary genders. In addition, a comprehensive set of definitions will be provided to the field for any new terminology used.

The following is a brief discussion of each of the 33 sections covered in this meeting:

Section 56000. Scope of Chapter – Workgroup approved draft regulation and guidelines with changes.

Discussion centered on the common misperception that academic adjustments means changing the content of a course which could be considered a fundamental alteration and whether the workgroup would consider the following change: “Academic adjustments, without
fundamental alteration, auxiliary aids, services and/or instruction.” In subsequent discussions with Legal Affairs it was suggested that this additional clarification can be added but it would be better explained in the definitions section.

In addition, the paragraph (c) that mentions instructional activity should be changed to “state supported educational programs and courses, with examples provided in the Guidelines relating to community service, field trips, financial aid and Summer Bridge programs.

Section 56002. Student with a Disability – Workgroup approved draft regulation, and guidelines with changes.

These changes relate to identifying the current legal reference to electronic signatures and the need to explain how to document the process when a student is unable to sign.

Section 56004. Educational Limitation – Workgroup approved draft regulation, and guidelines with minor change.

Section 56005. Academic Adjustments, auxiliary aids and services or instruction – Workgroup approved draft regulation, and guidelines with minor change.

Section 56006. Determination of Eligibility – Workgroup approved draft regulation, and guidelines with changes.

The changes included: deleting “with review by DSPS Coordinator” in the regulation and better defining DSPS professional staff. Using definitions section to define specified DSPS professional staff; provide examples of observable disabilities; make section explanation more sequential in that observation would first be used to verify the disability. If that could not be done, then the staff person would work with the student to identify available documentation which could verify their disability. In addition delete the word ‘form’ wherever it says form, thereby not specifying that each section element that requires documentation and/or signature requires a separate form.

Section 56008. Student Rights – Workgroup approved draft regulation, and guidelines with changes.

The changes include defining ‘educational record,’ noting that HIPPA regs will apply to any medical records in the file and adding when parents can access student records.

Section 56010. Student Responsibilities – Workgroup approved draft regulation, and guidelines with changes.

These changes included: adding ‘with or without accommodations’ to meeting the student code of conduct and deleting the term ‘meeting academic progress goals.'
Section 56020. Availability of Services – Workgroup approved draft regulation, and guidelines with minor change.

Provide examples of ways to inform students.

Section 56022. Educational Accommodations Plan – Workgroup approved draft regulation, and guidelines with changes

These changes include: referring to the interactive process in the provision of academic adjustments, auxiliary aids, services and/or instruction. Leave as is with no mention of the SEP.

Section 56026. Academic adjustments, auxiliary aids, services and/or instruction –

This section still needs a lot of work and will be returned to the workgroup with major revision.

Section 56027. Academic Adjustments – Workgroup approved draft regulation, and guidelines with changes.

These changes include adding appeal procedures and examples of what may be considered academic adjustments and what may be considered a fundamental alteration. State in the guidelines that there are multiple paths for the student to file a grievance.

Section 56028. Special Class Instruction – This is in process of minor revisions and will be sent to the workgroup shortly.

Section 56029. Special Class Repeatability –

Legal Affairs has requested that they draft the language for this section, which will then be forwarded to the workgroup for review.

Section 56030. Reporting Requirements – Workgroup approved draft regulation, and guidelines with minor change. Remove language regarding which category students are placed in.

Section 56032. Physical Disabilities – Workgroup approved draft regulation, and guidelines with one minor change.

Section 56034. Deaf and Hard of Hearing – Workgroup approved draft regulation, and guidelines with one minor change.

Section 56038. Acquired Brain Injury – Workgroup approved draft regulation, and guidelines with changes.
These include: reducing redundancy in lists, include Dept. of Veterans Affairs in each relevant disability section and include nurse practitioner and physician’s assistant for all categories.

Section 56040. Intellectual Disabilities – Workgroup approved draft regulation, and guidelines.

Section 56042. Mental Health Disabilities –
This still needs work and will be provided to the workgroup shortly.

Section 56044. Other Health Conditions and Disabilities –
Workgroup approved draft regulation, and guidelines with changes, including working with Patie on exact language for speech disorders.

Section 560XX Blind and Low Vision – No time for review in meeting, workgroup asked to email comments/edits to Jan

Section 560XX ADHD – No time for review in meeting, workgroup asked to email comments/edits to Jan

Section 560XX Autism Spectrum – No time for review in meeting, workgroup asked to email comments/edits to Jan

Section 56046. DSPS Program Plan – Deleted

Section 56048. Staffing –
The group had a number of concerns regarding a draft of this section that included language for a full-time coordinator/director. Many felt the number of students needed for a Fulltime staff person was too high. Another concern was that it may be interpreted that a Coordinator is the only staff person needed. A number of participants expressed the need for a discussion of other DSPS staffing needs. In addition, the CSSO and CEO representatives expressed that their constituencies would find this language too prescriptive. Further discussion led to asking them if they could ask the groups they represent what kind of language they could support regarding DSPS staffing. We will prepare some draft language for the CEO and CSSO representatives to take to their constituents. The report of the discussions will take place via a conference call with workgroup participants.

Section 56050. Advisory Committee – Deleted

Section 56052. Evaluation –
A comprehensive approach to DSPS program evaluation was presented to the workgroup, while the workgroup was in favor, the Chancellor’s Office discussed the complications and issues related to program evaluation. This section may be rewritten in such a way as to retain the mandate, but not provide specifics. A new version will be sent to the workgroup for review.

Section 56054. Special Projects – No time for review in meeting, workgroup asked to email comments/edits to Jan

Section 56060. Basis of Funding – No time for review in meeting, workgroup asked to email comments/edits to Jan

Section 56062. Provision of Academic Adjustments, auxiliary aids, services and/or Instruction. No time for review in meeting, workgroup asked to email comments/edits to Jan

Section 56064. Allowable Expenses –

This regulation and guideline will be revised, removing the limits on expenditures and sent out to the workgroup for review.

Section 56066. Comparable Services – No time for review in meeting, workgroup asked to email comments/edits to Jan

Section 56068. Non-Allowable Expenses – No time for review in meeting, but this section will be aligned with allowable expenses.

Section 56070. Revenue from Special Classes –

Section 56072. Allocations; Reports. Audits; Adjustments – No time for review in meeting, workgroup asked to email comments/edits to Jan

Section 56074. Accounting for Funds – No time for review in meeting, workgroup asked to email comments/edits to Jan

Section 56076. Other Resources – No time for review in meeting, workgroup asked to email comments/edits to Jan

Next Steps

Those sections approved with minor changes will be posted as a set to the workgroup website.

There are several sections that require substantial revisions, these will go out to the workgroup once more for approval.

The three sections dealing with Educational Assistance Classes (56028, 56029 and 56070) will be drafted and sent to you shortly.
The major issues: Staffing, Minimum Qualifications and Program Evaluation will require a conference call in either late April or early May.

Definitions and statements of reasoning are being drafted now.

Once, we have these regulations and guidelines drafted to your satisfaction they will go to Legal Affairs in a package of 5 documents:

1. Drafted regulations
2. Statements of reasoning
3. Drafted regulations with relevant statements of reasoning
4. Drafted regulations with guidelines
5. Set of definitions

If, after review of these draft regulations by Legal Affairs, changes are requested, we will notify all of you.

After the work group has prepared a complete draft regulations package, it will go to Chancellor’s Office administration for review and either editing or approval. Once a final package of draft regulations is approved by the Chancellor’s Office, it will go to the Consultation Council for comment. Following review at Consultation and discussion or decisions of any changes are needed, the regulations will be noticed for hearing by the Board of Governors and sent to a wide audience. They will be considered at two Board of Governors (BOG) meetings. If changes are needed based on the BOG’s review including public input, they would be returned to the Chancellor’s Office for revisions. Once approved by the BOG, they will go to the Department of Finance for approval and then to the Office of Administrative Law (OAL). The new regulations would go into effect after approval by OAL.

Thank you all for your amazing hard work in reviewing these documents. Your suggestions, comments and edits were invaluable as we drafted and redrafted these sections to your satisfaction.