Title 5 Workgroup members present:
Michelle Christenson – 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
Patie Wegman – Deaf & Hard of Hearing Advisory Group Representative
Stephen Johnson – Chief Student Services Officers Representative
Willy Duncan – Chief Executive Officers/Presidents (by phone)

CCCCO Staff:
Scott Valverde - DSPS
Scott Berenson - DSPS
Chelle Ellenberger - DSPS
Linda Michalowski – VP Student Services
Jeff Spano – Dean Student Access and Retention
Michelle Goldberg – Legal Affairs staff attorney
Julia Blair – Legal Affairs staff attorney

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

Welcome and introductions

Scott Valverde provided an introduction to the workgroup and its purpose. He reviewed the background for the need for Title 5 revisions. They included:

- 40% budget cuts
• Study on impact of budget cuts
• Other Disability study
• DSPS findings in district audits
• Passage of ADAA
• Implementation of the AHEAD guidelines
• OCR findings and case law on Section 504 & ADA as applied to higher education
• Formation and work of the Disability Policy Workgroup who, in turn, recommended a comprehensive review and rewrite of Title 5 regulations, and to update DSPS implementation guidelines

Jan Galvin introduced herself as the facilitator and group introductions were made. Chelle Ellenberger covered travel reimbursements, and the desire to have completed forms sent to her electronically.

Review the purpose of the workgroup; review agenda; establish meeting ground rules

Jan Galvin reviewed the purpose of the workgroup as an opportunity to update and clarify Title 5 regulations so they are equitable and consistent; to align with ADAA amendments, new and emerging disabling conditions, innovations in technology and the need to update terminology and language.

She went on to explain:
• The workgroup is an advisory group and will advise and recommend regulations to the Chancellor’s Office. After hearing recommendations and feedback from the Consultation Council, the Chancellor will make the final decision on what goes in the final regulation package which will go to the Board of Governors.
• This workgroup will provide concepts and ideas so Division of Legal Affairs can write the recommended regulations.
• Workgroup will review the recommended regulations and draft the implementing guidelines.
• There will be home work - All materials will be sent by email or posted on the designated website for the work group – the same process used last year for the Disability Policy Work Group.
• The plan is to have a package available for the May 2014 Consultation Council meeting.
• Members are expected to take the proposed changes and the draft regulations and guidelines to their constituent group for review and comment.
• Scott V. will ensure the CCCCO administration (Jeff and Linda) and beyond are apprised of the recommended changes as workgroup progresses.
• Jeff and Linda will keep the Chancellor apprised of the recommended changes as workgroup progresses.
• There will be some crossover between the work of this group and the contractor selected to conduct the Allocations and Weights Study that will need to be communicated with the Allocations Study advisory group, and vice versa.

In addition the ground rules were explained including:

The use the consensus model of decision making and by majority vote when there is a difference of opinion. (Ground rules in the appendix)

Next meeting dates

The next meetings will be held at the Chancellor’s Office on:

December 9, 2013
February 10, 2014
April 7, 2014

Overview of technical/legal process in rewriting regulations

Michelle Goldberg staff attorney with the Chancellor’s office Division of Legal Affairs provided the overview of the process for regulation

Ms. Goldberg explained:

• The workgroup participants are the “big picture” thinkers, they will write the regulations but they need to understand what we are trying to achieve. They will make revisions to better reflect the thought of the group.

• The CCCCO decides on a final package of the recommended regulations. They are then taken to the Consultation Council as part of the shared governance process. Regulations are discussed at the Consultation Council. The Council has
representatives of the CEOs, CSSOs, Students, etc. (full list is on the CC website it is very broad and includes groups that are not represented on either the DPW or this group. Therefore I suggest we either list them all here, or refer out to the list of members via the website.)

- The package will include a section by section analysis with a simple description of why the change is being made.

- The package will go to the BOG – it has to be noticed on the agenda, etc. At the same time the Legal Affairs Unit has to comply with state rulemaking procedures; for example they must send out a Notice of Proposed Rulemaking and offer the opportunity for comments from the public.

- The regulations go to the BOG for first reading. They include the section by section description of the changes and the rationale for the changes. The meeting includes a public comment period. If there are no changes, we must wait until the next meeting where there is a second hearing.

- After the approval of the regulations by BOG, they must go to the Department of Finance. This can take time – even months. Once approved by DOF, they are filed with the Office of Administrative Law and then the Secretary of State and then they become official.

- Michelle estimates we need to allow a year for the revision of the regulations.

- If we go to Consultation in May 2014, BOG in July and September 2014, then allow six months or so for DOF approval, we get to March, 2015. So, the estimate would be to have the new regulations done by April 2015 – this is the optimistic scenario if ALL goes well.

- Michelle thinks it is useful to have the Guidelines written at the same time as the regulations. Parts of them may need to be written by Legal.
• Approval of the Implementing Guidelines is internal to the CCCCO. They will be vetted through advisory groups and stakeholders, but do not require BOG approval.

• Michelle also stated that having a definitions page/section is an excellent idea; but be sure there is no conflict with other definitions.

Jan Galvin reinforced that it will be very important to go back to your stakeholders to share the proposed changes and get feedback.

Overview of moving regulations through the process

Linda Michalowski thanked everyone for being part of the group. The task will be hard work. There have been a number of regulatory revisions. Important to remember the group is advisory. The policy development process includes feedback from constituent groups and review internally at the CCCCO. Linda will be taking the package to the Chancellor and Cabinet as we go to make sure there are no surprises. If there is no consensus when we go to the Consultation Council, the Chancellor will make the final decisions on what goes forward to the BOG.

Scott Valverde explained that there will be an Allocations work group that will assist the contractor assigned to review the allocation and the weights.

Review of Title 5 Rewrite suggestions from Policy Workgroup

This review of the Disability Policy Workgroup suggestions for Title 5 changes and subsequent discussion was meant to assist workgroup participants understand the complexity of the task before them, the difference between regulations and guidelines and the interconnectivity of our regulations and proposed regulations on other regulations and guidance.

Note: All proposed updates/changes to Title 5 regulations will be cross-walked with other regulations relevant to DSPS.
Below are the ideas and discussions that were covered in this morning session:

- Using empowering language will be added throughout; regular classes – general classes, handicapped – disabled.

- 56006: more closely align with ADA and Section 504; regulations can be more general and the guidelines can be more specific; may want to cross reference ADA, ADAA, and Section 504; take action to change the SEC requirement as related to 56006;

- 56008 -- rights to records – clarify in the guidelines – viewing vs. getting copies of the records; FERPA outlines some of the provisions;

- 56010 – Align with Student Success and changes we may make to SEC reg section.

- 56022: Re-align so no duplication of effort with the Student Success provisions. Update regarding use of technology in competing and approving it; how do we address differences in academic counseling being done by DSPS at some colleges and not at others; we know we need a Student Ed. Plan and agreement on the accommodations; streamline the reporting; change the word contract to agreement; accommodations based on functional limitations are often done by many colleges on a semester by semester basis so why repeat them; need enough structure for the interactive process.

- Section 56022 – What is the minimum requirement of the SEC? Linda Michalowski stated that an abbreviated Ed Plan will suffice in meeting the requirement for priority reg. for the first two semesters (1 year) and other services; longer term needs to have educational goal and needed supports;

- Section 56026 – Try to use more modern language such as “accommodated instruction”; We can use a new title to the section more related to ADA/504 such as “Auxiliary aids and accommodations;” language needs updating and add more detail under the Guidelines; Need non-exhaustive list, could add a DSPS MUST DO (has
to do because of ADA/504; List of services needs to be current and modernized.
Change registration assistance to priority registration

- Section 56026 - Minor architectural barrier removal – should it be maintained or not or should it be clarified;

- Section 56027 – add a grievance procedure for when academic accommodations are not received and as needed per the Student Success Act provisions and align with other college procedures; Change Section 504 Coordinator to Section 504/ADA Compliance Officer

- Sections 56028-9 – Definition of a special class; Discussion of the term “special class,” is there a better term? The issue of repetition. Make sure that it says the curriculum committee needs to designate something as a special class. Make the rules around course repetition for regular and special classes clearer for transparency; If name change – effect on MIS coding and other regs.

- Sections 56032-44 – Moving the disability categories from the regulations to the Allocations Formula – need to be sure we can do that legally; and whether the disability categories are illustrative or play a bigger role in explaining the rationale for each disability group. This one area will require a lot of discussion with input from the field as well as Legal Affairs as to what role sections 56032-44 play.

- Look at section 54300 – allows for electronic signature on documents

- Section 56050: advisory committees – if they are optional, do we need anything in regulations;

- Section 56052: required in the statute; Clearer definition of evaluation; shore up who and how procedures and processes.
• Section 56064 and 56070: clarify college effort – incentivize college effort – should the 10% in the regulation regarding the amount from college effort in the formula be changed?; Could clarify more about what is college effort in the Guidelines;

• Issue of EOPS – cost of the Coordinator paid by college effort – not DSPS – how shall we do this?

Review of all 35 Title 5 Regulations
The purpose of this small group exercise was to allow all team members to state their “gut” feelings based on a reread of each regulation. The result of this would provide a matrix of which regulations were in need of major overhaul and which were not. It again was reiterated that everything was on the table and each of these regulations would be revisited as the workgroup moves along with its agenda.

The workgroup was divided into 3 teams of 4, each with a facilitator who was provided with a grid of all 35 regulations, team members’ names and a key for identifying changes:
Leave Alone (L)
Minor revisions (MR)
Major Overhaul (MO):
In addition facilitators were asked to record comments made by their group.

Next Steps
Workgroup review and approval of minutes
Workgroup review of matrix
Workgroup review of synopsis and questions posed
Workgroup begin to flesh out ideas for principles, concepts and language
Ground Rules

- Start on time, end on time.
- One speaker at a time.
- Be concise.
- No sidebar conversations.
- Speak only when you have something new to add.
- Listen for understanding; appreciate other points of view; seek common ground.
- Use a consensus model of decision-making. (This means whilst some might not fully agree with a decision, they are not so opposed that they cannot support it outside of the meeting.)
- If consensus cannot be reached, use a majority vote.
- Turn off electronics.
- When responding please state your name to persons on conference call
- Try not to spend too much time talking about past or issues over which we have no control

Other documents attached for review:

- Matrix of responses to changes in the regulations
- Synopsis of responses and questions posed.