

Assembly Bill No. 624

Passed the Assembly September 14, 2023

Chief Clerk of the Assembly

Passed the Senate September 13, 2023

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 67311 of, and to add Section 67311.5 to, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 624, Grayson. Public postsecondary education: disabled student services: assessments.

Existing law makes legislative findings and declarations that set forth the principles for public postsecondary institutions and budgetary control agencies to observe in providing postsecondary programs and services for students with disabilities, including the principle that state-funded activity is directly related to the functional limitations of the verifiable disabilities of the students to be served. Existing law states the intent of the Legislature that, as appropriate for each postsecondary segment, funds for disabled student programs and services be based on 3 categories of costs, including a continuing variable costs category for services that vary in frequency depending on the needs of students, such as, among other services, diagnostic assessment, including both individual and group assessment not otherwise provided by the institution to determine functional, educational, or employment levels or to certify specific disabilities.

Existing law requires the Board of Governors of the California Community Colleges to adopt rules and regulations for the administration and funding of educational programs and support services to be provided to disabled students by community college districts. Existing law requires those regulations to provide for the apportionment of funds to each community college district to offset the direct excess cost of providing specialized support services or instruction, or both, to disabled students enrolled in state-supported disabled student services programs or courses. Existing law describes those direct excess costs as those actual fixed, variable, and one-time costs, including those described above, that exceed the combined total of specified costs, revenues, and funds.

Existing law establishes the Department of General Services in the Government Operations Agency for purposes of providing centralized services of state government, as provided.

This bill would revise the intent of the Legislature relating to diagnostic assessments by including costs for continuing assessments, required documentation, and individual and group assessments provided by the institution or by an outside entity, as provided. The bill would also expand the purpose of the assessments to include defining specific disabilities of the student and as proof for academic or institutional accommodations.

The bill, commencing July 1, 2025, would require the Trustees of the California State University, and would request the Regents of the University of California, to cover the costs of diagnostic assessments for learning disabilities as proof for academic accommodations for any student who receives student financial aid or who is eligible for financial assistance from the institution's health or disability center, as provided. The bill would require state funds to be provided annually for the cost of these services on an actual-cost basis and would require each institution to be responsible for documenting its costs to the Department of General Services. The bill would require the Department of General Services to oversee reimbursements to institutions for their documented costs. The bill would require each educational institution to post on its internet website that the educational institution will cover the costs of the diagnostic assessments for such students.

The people of the State of California do enact as follows:

SECTION 1. Section 67311 of the Education Code is amended to read:

67311. It is the intent of the Legislature that, as appropriate for each postsecondary segment, funds for disabled student programs and services be based on the following three categories of costs:

(a) (1) Fixed costs associated with the ongoing administration and operation of the services and programs. These fixed costs are basic ongoing administrative and operational costs of campus programs that are relatively consistent in frequency from year-to-year, such as:

(A) Access to, and arrangements for, adaptive educational equipment, materials, and supplies required by disabled students.

(B) Job placement and development services related to the transition from school to employment.

(C) Liaisons with campus and community agencies, including referral and followup services to these agencies on behalf of disabled students.

(D) On-campus and off-campus registration assistance, including priority enrollment, applications for financial aid, and related college services.

(E) Special parking, including on-campus parking registration, temporary parking permit arrangements, and application assistance for students who do not have state handicapped placards or license plates.

(F) Supplemental specialized orientation to acquaint students with the campus environment.

(G) Activities to coordinate and administer specialized services and instruction.

(H) Activities to assess the planning, implementation, and effectiveness of disabled student services and programs.

(2) The baseline cost of these services shall be determined by the respective system and fully funded with annual adjustments for inflation and salary range changes, to the extent funds are provided.

(b) (1) Continuing variable costs that fluctuate with changes in the number of students or the unit load of students. These continuing variable costs are costs for services that vary in frequency depending on the needs of students, such as the following:

(A) (i) Diagnostic and continuing assessments and any required documentation, including both individual and group assessments provided by the institution or by an outside entity to determine functional, educational, or employment levels or to certify or define specific disabilities as proof for academic or institutional accommodations.

(ii) This subparagraph does not limit the ability of the institution to refer students to an outside entity for any of the services described in clause (i).

(B) On-campus mobility assistance, including mobility training and orientation and manual or automatic transportation assistance to and from college courses and related educational activities.

(C) Off-campus transportation assistance, including transporting students with disabilities to and from the campus in areas where accessible public transportation is unavailable, inadequate, or both.

(D) Disability-related counseling and advising, including specialized academic, vocational, personal, and peer counseling, that is developed specifically for disabled students and not duplicated by regular counseling and advising services available to all students.

(E) Interpreter services, including manual and oral interpreting for deaf and hard-of-hearing students.

(F) Reader services to coordinate and provide access to information required for equitable academic participation if this access is unavailable in other suitable modes.

(G) Services to facilitate the repair of equipment and learning assistance devices.

(H) Special class instruction that does not duplicate existing college courses but is necessary to meet the unique educational needs of particular groups of disabled students.

(I) Speech services, provided by licensed speech or language pathologists for students with verified speech disabilities.

(J) Test taking facilitation, including adapting tests for and proctoring test taking by, disabled students.

(K) Transcription services, including, but not limited to, the provision of Braille and print materials.

(L) Specialized tutoring services not otherwise provided by the institution.

(M) Notetaker services for writing, notetaking, and manual manipulation for classroom and related academic activities.

(2) State funds may be provided annually for the cost of these services on an actual-cost basis, including wages for the individuals providing these services and expenses for attendant supplies. Each institution shall be responsible for documenting its costs to the appropriate state agencies.

(c) One-time variable costs associated with the purchase or replacement of equipment. One-time variable costs are one-time expenditures for the purchase of supplies or the repair of equipment, such as adapted educational materials and vehicles. State funds shall be provided for these expenses on an actual-cost basis as documented by each institution.

SEC. 2. Section 67311.5 is added to the Education Code, to read:

67311.5. (a) Commencing on July 1, 2025, the Trustees of the California State University shall, and the Regents of the University of California are requested to, cover the costs of diagnostic assessments for learning disabilities, including continuing assessments, any required documentation, and individual and group assessments provided by the institution or an outside entity if arranged directly by the institution, as proof for academic accommodations for any student who meets either of the following criteria:

(1) The student receives student financial aid.

(2) The student is eligible for financial assistance from the institution's health or disability center.

(b) State funds shall be provided annually for the cost of these services on an actual-cost basis, including wages for the individuals providing these services and expenses for attendant supplies. Each institution, as described in subdivision (a), shall be responsible for documenting its costs to the Department of General Services. The Department of General Services shall oversee reimbursements to institutions for their documented costs.

(c) An educational institution described in subdivision (a) shall post on its internet website, in a manner that is readily noticeable to students, that the educational institution will cover the costs described in subdivision (a) for any student described in subdivision (a).

(d) This section does not limit the ability of an educational institution to refer students to an outside entity for any of the services described in subdivision (a).

Approved _____, 2023

Governor