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**SUBSTITUTE HOUSE BILL 2421**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** House Committee on Higher Education (originally sponsored by Representatives Jacobsen, Ogden, May, Wood, Wineberry, R. Fisher, Ferguson, J. Kohl and Anderson)

Read first time 01/31/92.

1 AN ACT Relating to students with disabilities; adding new sections  
2 to chapter 28B.10 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that many students  
5 attending institutions of higher education in the state of Washington  
6 have one or more physical or mental disabilities. It is therefore the  
7 intent of the legislature to provide clear guidance for institutions of  
8 higher education in fulfilling their obligations to students with  
9 disabilities. Such guidance is intended to clarify the appropriate  
10 action needed to comply with state and federal laws regarding students  
11 with disabilities. It is the intent of the legislature to require  
12 institutions to provide reasonable accommodations for students with  
13 disabilities if the institution can provide those accommodations  
14 without undue hardship or undue financial burden on the institution.

1 The legislature therefore provides policy guidance and suggestions for  
2 providing reasonable accommodations for students with disabilities.

3 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
4 otherwise, the definitions in this section apply throughout sections 2  
5 through 5 of this act.

6 (1) "Disability" means:

7 (a) A physical or mental impairment that substantially limits one  
8 or more of the major life activities of an individual;

9 (b) A record of such an impairment; or

10 (c) Being regarded as having such an impairment.

11 (2) "Discrimination" means:

12 (a) The imposition or application of eligibility criteria that  
13 screens out or tends to screen out an individual with a disability or  
14 any class of individuals with disabilities from fully and equally  
15 enjoying curricular, extracurricular, or cocurricular activities at an  
16 institution; or

17 (b) The failure to make reasonable modification in policies,  
18 practices, or procedures, if such modifications are necessary to  
19 provide an opportunity for a disabled person or persons to participate  
20 in curricular, extracurricular, or cocurricular activities; or

21 (c) A failure to take such steps as may be necessary to ensure that  
22 an individual with a disability is not excluded, denied services,  
23 segregated, or otherwise treated differently than other individuals  
24 because of the absence of auxiliary aids and services; or

25 (d) A failure to remove architectural barriers in existing  
26 facilities, if readily achievable, and a failure to remove  
27 architectural barriers in the design and completion of new facilities.

1        NEW SECTION.    **Sec. 3.**        Each student with one or more  
2 disabilities is entitled to receive core services only if the service  
3 is reasonably needed to accommodate the student's disabilities. The  
4 responsibility for requesting a core service in a timely manner is on  
5 the disabled student.

6        NEW SECTION.    **Sec. 4.**        Reasonable accommodation for students  
7 with disabilities shall be provided as appropriate for all aspects of  
8 college and university-sponsored activities, including but not limited  
9 to:        Recruitment materials; the application, enrollment, and  
10 registration processes; financial aid; course work; research; academic  
11 counseling; housing; and cocurricular and extracurricular activities.

12        NEW SECTION.    **Sec. 5.**        Each institution of higher education  
13 shall ensure that students with disabilities are reasonably  
14 accommodated by that institution. The institution shall, as a minimum,  
15 provide one or more of the following core services for any student who  
16 qualifies as a disabled student, identifies himself or herself to the  
17 institution as a disabled student, and is recognized by the institution  
18 as needing the service due to the student's disability.

19        Core services shall include, but may not be limited to:

20        (1) Flexible procedures in the admissions process including  
21 consideration in the alternative admissions program, if such  
22 consideration is appropriate;

23        (2) Early registration, including priority registration,  
24 assistance, and assistance with drop-add week registration, if  
25 necessary;

26        (3) Sign language and oral and tactile interpreter services;

1 (4) Textbooks and other educational materials in alternative media,  
2 including, but not limited to, large print, braille, optical storage  
3 media, and audiotape;

4 (5) Provision of readers, note takers, scribes, and proofreaders  
5 including recruitment, training, and coordination;

6 (6) Ongoing review and coordination of efforts to improve campus  
7 accessibility, including but not limited to, all aspects of barrier-  
8 free design, signage, identification of hazards surrounding mobility  
9 barriers, maintenance of access during construction, snow and ice  
10 clearance, and adequate disability parking for access to all facilities  
11 or an alternative method of transportation to all facilities if  
12 disability parking is not readily achievable;

13 (7) Facilitation of physical access including, but not limited to,  
14 relocation of classes, institution-sponsored activities, and services  
15 to accessible facilities;

16 (8) Orientation to the campus at the beginning of a quarter or  
17 semester and when route of travel needs change;

18 (9) Access to and training in the use of adaptive equipment  
19 including, but not limited to, TDDs, FM communicators, closed caption  
20 devices, amplified telephone receivers, closed circuit television  
21 magnification systems, low-vision reading aids, player/recorders for  
22 15/16, four-track tapes, photocopy machines able to use eleven-by-  
23 seventeen inch paper, brailling devices, and computer enhancements;

24 (10) Referral to appropriate on-campus and off-campus resources,  
25 services, and agencies;

26 (11) Arrangement of educational materials in advance including, but  
27 not limited to, syllabi and study guides released in advance, access to  
28 slides, films, overheads, and other media and taping of lectures;

29 (12) Tutoring, mentoring, peer counseling, and academic advising  
30 available on campus accessible to students with disabilities. Students

1 with disabilities may need additional academic services beyond the  
2 legal minimum that are necessary to maintain suitable academic progress  
3 toward a degree, particularly counseling;

4 (13) Test-taking arrangements;

5 (14) Referral to an organization for diagnostic assessment and  
6 documentation of disability;

7 (15) Flexibility in timelines for completion of course,  
8 certification, and degree requirements;

9 (16) Flexibility in credit load requirements and eligibility  
10 periods for financial aid that are within the control of the  
11 institution; and

12 (17) Notification of the institution's policy of nondiscrimination  
13 on the basis of disability and of steps the student may take if he or  
14 she believes discrimination has taken place. This notice shall be  
15 included in all correspondence that communicates decisions or policies  
16 affecting the student's status or rights with the institution. This  
17 notice shall include the addresses and phone numbers of the appropriate  
18 state and federal agencies responsible for enforcing discrimination  
19 complaints including but not limited to, the United States department  
20 of education, the United States office of civil rights, and the  
21 Washington state human rights commission.

22 NEW SECTION. **Sec. 6.** Sections 2 through 5 of this act are  
23 each added to chapter 28B.10 RCW.