

HOUSE BILL REPORT

HB 1296

*As Reported By House Committee on:
Higher Education*

Title: An act relating to access to higher education for students with disabilities.

Brief Description: Improving access to higher education for students with disabilities.

Sponsor(s): Representatives Ogden, Wood, Spanel, Miller, Sheldon, Dellwo, May, Fraser, Paris, Ferguson, Betrozoff, Mitchell, Wineberry, R. Johnson, Brekke, Basich and Anderson.

Brief History:

Reported by House Committee on:
Higher Education, February 4, 1991, DPS.

**HOUSE COMMITTEE ON
HIGHER EDUCATION**

Majority Report: *That Substitute House Bill No. 1296 be substituted therefor, and the substitute bill do pass.*
Signed by 12 members: Representatives Jacobsen, Chair; Ogden, Vice Chair; Wood, Ranking Minority Member; May, Assistant Ranking Minority Member; Dellwo; Fraser; Ludwig; Miller; Prince; Sheldon; Spanel; and Van Luven.

Staff: Susan Hosch (786-7120).

Background: Students with disabilities are protected against discrimination at institutions of higher education under state and federal laws. The primary source of institutional responsibility to these students is Section 504 of the Federal Rehabilitation Act of 1973. The key language provides:

"No otherwise qualified handicapped individual... shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

For any college or university that receives any federal aid, the provisions of Section 504 apply to academic programs,

housing, financial aid, athletics, facility access, and other programs and activities.

There are two major state laws affecting students with disabilities. These include the law against discrimination in public accommodations, and the state building code. Under these laws, public colleges and universities must provide reasonable accommodation to students with disabilities.

Accommodation can take many forms. However, no standards are in place to define reasonable accommodations for students with disabilities. Therefore, the quality and scope of accommodations provided varies among institutions. According to a report from Central Washington University, this variance has resulted in students selecting institutions based on the level of disabled services provided, rather than on the quality of educational programs.

In 1990, legislation was enacted directing the Governor's Committee on Disability Issues and Employment to convene a task force on students with disabilities in higher education. The task force was charged with making recommendations on the roles of state agencies, colleges, universities, and students in ensuring that students with disabilities have an opportunity to obtain a higher education.

The task force reported back with thirteen recommendations covering two broad areas of need. First, the task force identified a need to establish a clear, broad-based understanding of the needs, rights and responsibilities of students with disabilities. Second, in order to facilitate access for students with disabilities, sufficient resources must be available to ensure that reasonable accommodation is available at a consistent level for these students. In order to help colleges and universities implement the recommendations, the task force suggested the passage of three pieces of legislation. The recommended bills describe core services that should be available on each campus, and create physical access committees at each college and university. The task force also recommended that the Higher Education Coordinating Board create an advisory committee to gather information, conduct training, and coordinate services for students with disabilities and for the institutions that educate those students.

Summary of Substitute Bill: The Higher Education Coordinating Board will establish an advisory committee on access to higher education for students with disabilities. The members of the advisory committee will represent

students, colleges, universities, and state agencies serving people with disabilities. The board may expand the membership of the advisory committee as expertise is needed for various activities.

By December 15, 1994, with the assistance of the advisory committee, the board will complete eleven specific duties. These duties include identifying resources available to help students with disabilities access higher education, and identifying any gaps in those resources. The board will help develop interagency agreements to ensure the equitable and effective use of those resources. The board will also coordinate the development of an information system. The system will be designed both to help coordinate the use of the resources needed for accommodation, and to help policy leaders make decisions about the level of resources necessary for accommodation.

The board will review institutional application and admissions procedures, and coordinate the development of consistent guidelines and standards for providing core services and for documenting disabilities.

The board is also assigned some ongoing responsibilities. These include the review and oversight of refinements to interagency agreements. Responsibilities linked to data collection and analysis also continue. The board will identify issues, and develop policies and recommendations on issues related to students with disabilities. The board will also review institutional and agency procedures for resolving disputes on reasonable accommodations, and collect information about the numbers of students with such disputes. The board will recommend refinements to help expedite dispute resolution procedures. The board will also report to the governor and the Legislature periodically on the implementation of these responsibilities.

With the State Board for Community College Education, the board will coordinate training for Disabled Student Service Coordinators. Some of the elements included in the training are described.

With the assistance of the advisory committee, the board is also directed to administer a program that funds targeted projects. The projects will be designed to help students with disabilities enter and succeed in higher education. The projects may include, but are not limited to: seed grants to encourage cooperative programs, a pilot program to strengthen on-campus taping services, and a fund for extraordinary, unanticipated accommodation expenses.

For the 1991-93 biennium, the following appropriations are made to the board: \$500,000 for time-limited and ongoing responsibilities, \$100,000 for training, and \$1,000,000 for targeted projects. If funding for training or targeted projects or the time-limited for ongoing responsibilities is not provided by June 30, 1991, the board's responsibility for providing that service is null and void.

Substitute Bill Compared to Original Bill: The Washington State Association of the Deaf is included with other organizations that the board may include on the advisory committee, as the association's expertise is needed. Rather than developing various activities and functions, the board will coordinate their development. These activities and functions include: interagency agreements, an information system, standardized definitions, and consistent guidelines and procedures for documenting disabilities. The board will oversee the refinement of interagency agreements instead of actually refining them. The board will collect information on the number of students with disputes over reasonable accommodations. Instead of creating a new arbitration system, the board will recommend refinements to existing procedures for resolving those disputes. If funding for various responsibilities described in the legislation is not provided, the language in the unfunded sections is null and void.

Fiscal Note: Requested January 18, 1991.

Appropriation: \$1,600,000.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Although access to an education is a civil right, each institution of higher education provides a different level of service to students with disabilities. Students with disabilities tend to choose a college or university based on the level of accommodation services provided, rather than on the institution's academic programs. Some institutions are unable to provide support such as taped textbooks and adaptive equipment, accommodations that students believe are needed for reasonable access. In addition, when they have applied for admission, some students have been told that they should attend another institution with more available services for students with disabilities.

The passage of the new Federal Disabilities Law, the emerging need for more trained and better educated employees, and the need to prevent unnecessary duplication of services to students with disabilities all support the

need to coordinate a consistent and efficient system for providing services to students with disabilities.

Testimony Against: None.

Witnesses: Jackie Norton; Rosemarie Tannich; Jennifer Bockemohle; Dan Sutich; Natalie Bain; Kenneth Wehl; Karla Rutherford; Ron Chard; James Eccles; Jim Longley; Pat Bryant; Crista Shaw; Ben Webinger; Paula Titus; Chris Castro; Frank Cuta; and Sally Ellison.