HOUSE BILL REPORT

HB 1295

As Reported By House Committee on:
Higher Education
Capital Facilities & Financing

Title: An act relating to physical access at institutions of higher education.

Brief Description: Establishing a physical access committee at each institution of higher education.

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

Brief History:
Reported by House Committee on:
Higher Education, February 4, 1991, DPS;
Capital Fac. & Financing, March 6, 1991, DPS(HE)-A.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: *That Substitute House Bill No. 1295 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 institutes 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. The recommendations responded to 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 recommendations included legislation that describes core services that should be available at each institution of higher education. Also included was the creation of physical access committees on each campus. Finally, the task force 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: By October 31, 1991, each state supported college and university will convene a physical

access committee. Among others, the committee will include one or more students, faculty and staff with disabilities. The physical access committee will identify physical barriers to access on each of the institution's campuses. The committee will then present its findings and recommendations to the institution's administration. Beginning with the 1993-95 capital budget request, each college and university will incorporate into its capital budget process, efforts to substantially reduce and eventually eliminate physical barriers to access.

Substitute Bill Compared to Original Bill: Language is adopted that clarifies the timetable for beginning to incorporate barrier elimination requests into the capital budget process.

Fiscal Note: Requested January 22, 1991.

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

Testimony For: Although the state's building code barrier free requirements were adopted beginning in the 1970's, many structural barriers to access still exist on the state's college campuses. There are three major reasons that these barriers still exist. These reasons include: the age of some buildings, the changing characteristics of mobility impaired students, and the inexperience of some institutional personnel and architects in incorporating barrier free designs into new and substantially remodeled buildings. A campus access committee can assist college and university administrators by identifying remaining structural barriers to access on each campus. The committee could also assist administrators in evaluating how well designs for new and remodeled facilities promote or hinder access for mobility impaired individuals.

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; and Sally Ellison.

HOUSE COMMITTEE ON
CAPITAL FACILITIES & FINANCING

Majority Report: *The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill as amended by Committee on Capital Facilities & Financing do*

pass. Signed by 15 members: Representatives H. Sommers, Chair; Rasmussen, Vice Chair; Schmidt, Ranking Minority Member; Neher, Assistant Ranking Minority Member; Beck; Braddock; Brough; Casada; Fraser; Heavey; Jacobsen; Ogden; Peery; Silver; and Wang.

Staff: Sherie Story (786-7142).

Summary of Recommendation of Committee on Capital Facilities & Financing Compared to Recommendation of Committee on Higher Education: Institutions of higher education may either use an existing committee or convene a Physical Access Committee to identify barriers to physical access on campus.

Fiscal Note: Available.

Effective Date of Substitute Bill as Amended: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill will give students a more unified approach to addressing physical access and making the campuses barrier free. The Governor's Committee on Disabilities and Employment feels access to higher education is essential to raise employment rates of adults with disabilities.

Testimony Against: None.

Witnesses: In favor: Representative Jeannette Wood; Whitney Maxwell; Dave Brown; Julie Maklew; Micheal Ellsberry; Eric Christensen; and Toby Olson.