

SENATE BILL REPORT

ESHB 1295

AS OF MARCH 26, 1991

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

SPONSORS: House Committee on Higher Education (originally sponsored by Representatives Wood, Jacobsen, Ogden, Miller, Sheldon, Spanel, Dellwo, May, Fraser, Paris, Betrozoff, Wineberry, R. Johnson, Brekke and Anderson).

HOUSE COMMITTEE ON HIGHER EDUCATION

HOUSE COMMITTEE ON CAPITAL FACILITIES & FINANCING

SENATE COMMITTEE ON HIGHER EDUCATION

Staff: Laura Farris (786-7784)

Hearing Dates: March 25, 1991

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 13 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:

By October 31, 1991, each state supported college and university will use an existing committee or convene a physical access committee to identify physical barriers to access on each of the institution's campuses. Among others, the committee will include one or more students, faculty and staff with disabilities. The committee will 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.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

Disabled students have experienced considerable difficulty in obtaining physical access to higher education in this state. It takes a very determined student to overcome these obstacles.

The quality and scope of accommodations to provide physical access for the disabled varies from campus to campus. This has resulted in students selecting institutions based on the accommodations rather than on the quality of the educational programs.

This bill is a good first step on the path of improving physical access to higher education for the disabled students. Schools continue to build buildings that are not accessible to some disabled students. The cost of remodeling these buildings is large. This bill will ultimately save money by creating a committee which will build buildings right in the first place.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Representative Jeannette Wood, original sponsor; Jackie Norton, parent; Karen Bruno, President, Washington Association of Postsecondary Educators for the Disabled; Toby Olson, Governor's Committee on Disability Issues

Students: Cyna Brandt, Dan Sutich, Natalie Green, Michael Elsberry, Karla Rutherford, Rod Chard, and Patrick Bryant