

HOUSE BILL REPORT

EHB 2327

As Passed Legislature

Title: An act relating to students with disabilities.

Brief Description: Requiring appropriate services for disabled students at institutions of higher education.

Sponsors: Representatives Jacobsen, Brumsickle, Quall, Basich, Ogden, Kessler, Mastin, Wood, Casada, Shin, Orr, Rayburn, Romero and Anderson.

Brief History:

Reported by House Committee on:
Higher Education, January 25, 1994, DPA;
Appropriations, February 5, 1994, DPA(HE);
Passed House, February 9, 1994, 94-0;
Passed Legislature.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass as amended. Signed by 15 members: Representatives Jacobsen, Chair; Quall, Vice Chair; Brumsickle, Ranking Minority Member; Sheahan, Assistant Ranking Minority Member; Basich; Carlson; Casada; Finkbeiner; Mastin; Mielke; Ogden; Orr; Rayburn; Shin; and Wood.

Staff: Marilee Scarbrough (786-7196).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Higher Education. Signed by 25 members: Representatives Sommers, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Foreman; Jacobsen; Lemmon; Linville; H. Myers; Peery; Rust; Sehlin; Sheahan; Stevens; Talcott; Wang; Wineberry and Wolfe.

Staff: Sherie Story (786-7142).

Background: The first major legislation addressing rights of individuals with disabilities in institutions of higher education was Section 504 of Title V of the Rehabilitation

Act of 1973. The act prohibits recipients of federal financial assistance from discriminating against person with disabilities.

The most recent congressional legislation is the Americans with Disabilities Act (ADA). The ADA is viewed as complimentary of Section 504, yet more comprehensive. The ADA prohibits discrimination against persons with disabilities in employment, programs and services of public accommodation, mass transit, and universal telecommunications service.

Washington state statute prohibits discrimination against any of its citizens because of sensory, mental or physical handicap. Washington state statute prohibits discrimination in places of public accommodation. The definition of places of public accommodation includes educational institutions.

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 identified a need to establish a clear, broad-based understanding of the needs, rights and responsibilities of students with disabilities. In order to help colleges and universities implement the recommendations, the task force suggested the passage of several pieces of legislation. The recommendations included legislation that describes core services that should be available at each institution of higher education.

Summary of Bill: The intent section of the legislation states that the purpose of the legislation is to provide a clear, succinct statement of rights for students with disabilities. The Legislature does not intend to confer any new or expanded rights.

Students with disabilities are entitled to a core service only if the service is necessary to accommodate the student's disability. The student must be reasonable in requesting the service and the institution must respond in a reasonable and timely manner.

The suggested core services are as follows: (1) flexible procedures in the admissions process; (2) early registration; (3) sign language and oral and tactile interpreter services; (4) textbooks and other educational

materials in alternative media; (5) provision of readers, notetakers, scribes and proofreaders; (6) ongoing review and coordination of efforts to improve campus accessibility; (7) facilitation of physical access including, relocation of classes and institution-sponsored activities and services; (8) access to adaptive equipment; (9) referral to appropriate on- and off-campus support resources; (10) release of instructional materials in advance; (11) access to campus support resources; (12) flexibility in test-taking arrangements; (13) referral to the appropriate entity for diagnostic assessment and documentation of the disability; (14) flexibility in timeline for completion of course certification and degree; (15) flexibility in credits required to satisfy institutional eligibility for financial aid; and (16) notification of the institution's policy of nondiscrimination on the basis of disability and the procedure an aggrieved student must follow.

Fiscal Note: Available.

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

Testimony For: (Higher Education) This legislation is consistent with the Governor's executive orders on the ADA and on diversity. The legislation does not have a fiscal impact. The legislation does not require any new or expanded services. Persons with disabilities can make a valuable contribution to our state, so we need to assure access. We cannot afford to waste human potential. Accommodations are not equally provided at Washington institutions of higher education. Institutions must understand the services that are necessary. Failure to provide access can irreparably damage a student's opportunity to achieve. We need to affirm in state law reasonable accommodations. We need core services listed. The bill makes good sense.

(Appropriations) This legislation is consistent with the Governor's executive orders on the Americans with Disabilities Act and on diversity. It does not require expanded services beyond those already required under federal law but will emphasize the importance of providing those services at all institutions. The institutions of higher education support this bill. While it doesn't expand on federal requirements, providing the services does cost money, and institutions may be making a request for funding in the future.

Testimony Against: (Higher Education) None.

(Appropriations) None.

Witnesses: (Higher Education) Shannon Sowell, The Evergreen State College; Al Froderberg, Terry Teale, George Durrie, and Jennifer Jaech, Council of Presidents; Jenni Mechem, The Evergreen State College; Jane Sherman, Higher Education Coordinating Board; Mary Marcy, Central Washington University; Bobbie Lavender, The Evergreen State College; Alberta May and Hay Keeney, State Board for Community Colleges and Technical Colleges; Mary McKnew, Governor's Office; Mike Bigelow, Office of Financial Management; Judy Lowergan, University of Washington; Larry Ganders, Washington State University; and Bob Chambers, Developmental Disabilities Planning Council (all pro).

(Appropriations) Terry Teale, Council of Presidents; Al Froderberg, Western Washington University; and Sandra Wall, State Board for Community and Technical Colleges (all in favor).