

SENATE BILL REPORT

SB 5719

As of February 16, 2011

Title: An act relating to tuition for qualified individuals with disabilities.

Brief Description: Regarding tuition at institutions of higher education for students with disabilities.

Sponsors: Senator Shin.

Brief History:

Committee Activity: Higher Education & Workforce Development: 2/15/11.

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

Staff: Kimberly Cushing (786-7421)

Background: The Americans with Disabilities Act of 1990 (ADA) guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications. Under the ADA, disability means with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment. A qualified individual with a disability means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Under current law, the governing board of the state universities, the regional universities, The Evergreen State College, and the State Board for Community and Technical Colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates. Resident undergraduate tuition increases at each institution are limited by the state. Currently, tuition fees are not fixed for the duration of any full-time student's attendance at a college or university.

Summary of Bill: Beginning with the 2010-11 academic year, a qualified student's tuition fees must remain fixed at the rate in effect on the student's first day of his or her first

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academic terms for the duration of enrollment and full-time attendance at a college or university. The institutions may make annual inflation adjustments to tuitions fees. A qualified student is defined as a student who is identified as an individual with a disability under the federal ADA. For qualified students who have attended colleges or universities before the 2010-11 academic year, tuition fees must remain fixed at the rate in effect on the first day of the first academic term of the 2010-11 academic year.

The fixed rate does not apply when a qualified student withdraws from or transfers to a different college or university. When a former qualified student re-enrolls, tuition fees must remain fixed at the rate in effect on the first day of the first term re-enrollment. When a qualified student transfers, tuition fees must remain fixed at the rate in effect on the first day of the first term the student is enrolled at the new institution. However, if a qualified student withdraws because of serious medical illness or personal injury, upon later re-enrollment, the qualified student's tuition fees must remain fixed at the rate in effect on the first day of the first term following the 2010-11 academic year that the student was initially enrolled.

The fixed rate does not apply when a qualified student receives an undergraduate degree and then is immediately enrolled in a graduate degree program at the same college or university. In such cases, the tuition fees must remain fixed at the rate in effect on the first day of the first term of the student's graduate program.

Appropriation: None.

Fiscal Note: Requested on February 8, 2011.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: These young folks with disabilities are citizens and deserve equal opportunities and shouldn't be deprived of education. This is a county with a law that supports all American citizens. If you don't do it now, when will you? This shines a very important light on students with disabilities being afforded the opportunity to attend an institution of higher education. Our state is a leader in the country in supporting people with disabilities going to work. But we have not supported students in pursuing their education and dreams. The bill is very consistent with the ADA, which is about eliminating barriers and ensuring equity. Students with significant disabilities in college have to deal with barriers such as just getting to class, making sure the professor is amenable to accommodations they have a right to, and having an assistant to get dressed. Taking a large academic load is very difficult for someone who has a lot of other things to deal with. The bill will allow individuals the extra time needed to make it through the system. Disabilities can be all across a continuum of need. For a typical student in a four-year college, it takes four years. Students with certain disabilities take six to seven years. They pay 50 percent more, without tuition increases. There are no grants, scholarships, or financial assistance to mitigate higher education costs. Families bear a significantly higher financial burden to have their students graduate from college. Maybe this isn't the time because of the budget, but we need to start the discussion.

CON: We oppose this bill for fiscal reasons. Last year the community and technical college system served 16,000 students with ADA accommodations and spent \$3.2 million. Tuition collections will decrease by \$1.9 million, which will harm all students with a potential loss of student services. We have seen an increase in services required for students, especially with veterans. Tuition revenue is becoming the primary operating financial mechanism for institutions. The impact of the bill compounding over time will be tremendous and will impact services delivered to all students. We are proud of the work we currently do for students with disabilities.

OTHER: Central Washington University (CWU) relies on tuition from all students to provide services for a high number of disabled students. Thus, the bill would provide less money to serve the current students with disabilities. Could we look at a tuition waiver to help match financial need of students with disabilities? This would be financially easier to manage.

Persons Testifying: PRO: Senator Shin, prime sponsor; Ed Holden, Developmental Disabilities Council; David Lord, Disability Rights WA; Brian Rowe, University of Washington, Information School; Lynne Tucker, Northwest Exceptional Children's Association.

CON: Scott Copeland, SBCTC; Mike Reilly, Council of Presidents.

OTHER: Ann Anderson, CWU.