

# SENATE BILL REPORT

## SB 6267

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As of February 3, 2012

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

**Brief Description:** Creating a task force on improving access to higher education for students with disabilities.

**Sponsors:** Senators Shin, Delvin, Kastama, Kline, McAuliffe, Hatfield, Haugen, Swecker, Roach, Regala, Kilmer, Fraser, Rolfes, Chase, Kohl-Welles, Stevens, Pridemore and Conway.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/26/12.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Lidia Mori (786-7755)

**Background:** As of 2009 the American Community Survey for non-institutionalized people, ages 24 to 64, showed that individuals who have disabilities are less than half as likely to have a BA degree or better, compared to people do not have a disability. This is true even when the disability itself does not impact the person's ability to succeed academically. The survey also revealed that the employment rate for Washingtonians with disabilities who have a BA is 53.7 percent compared to 33.2 percent for those without a college degree.

Postsecondary schools are prohibited from discriminating against students on the basis of disability under two federal laws. Section 504 of the Rehabilitation Act of 1973 (Rehabilitation Act) prohibits entities that receive federal financial assistance, which includes institutions of higher education, from discriminating against otherwise qualified individuals with disabilities. The Americans with Disabilities Act of 1990 (ADA) also protects individuals with disabilities from discrimination and covers a broader range of schools. The Rehabilitation Act applies to schools that receive federal funds and the ADA applies to state and locally funded and private-sector schools, with the exception of those that are controlled by religious entities. The Rehabilitation Act and ADA define individuals with disabilities as an individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment. Under the laws that prohibit discrimination on the basis of disability, postsecondary schools are required to provide equal access to education to qualified students through academic adjustments and auxiliary aids and services, such as extending time

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allowed for taking tests and providing sign language interpreters. In addition, postsecondary schools must ensure physical access to buildings on campus.

A report from the United States Accountability Office dated October 2009 found that schools face a broad range of challenges in supporting students with disabilities as they transition to higher education. Students with disabilities are often unaware of their rights and responsibilities regarding accommodations and faculty members lack awareness regarding legal requirements for supporting students with disabilities. Unlike in elementary and secondary school, it is the responsibility of postsecondary students to identify themselves as having a disability, provide documentation of their disability, and request accommodations and services. Under the Individuals with Disabilities Education Act, states and school districts must identify, locate, and evaluate children who may have a disability and provide special education and related services to eligible children and youth with disabilities. The Rehabilitation Act regulations governing elementary and secondary education also require that children with disabilities be identified, located, and evaluated.

**Summary of Bill:** A legislative taskforce on improving access to higher education for students with disabilities is created. The purpose of the taskforce is to make recommendations to the Legislature and to coordinate and implement the goals below.

One goal of the taskforce is to make the transition from K-12 to higher education for students with disabilities more seamless and successful. The taskforce must consider the following in making its recommendations:

- how to ensure students' interests, goals, and strengths guide the transition planning process;
- how to enable collaboration and communication between and among schools, institutions of higher education, and relevant state agencies to provide an effective transition;
- how assessment and disability documentation that is acceptable to postsecondary institutions should best be determined and obtained;
- how to identify the types of supports and accommodations that students need in postsecondary environments; and
- how students can plan their high school coursework to sufficiently prepare for the higher education environment.

Additional goals of the taskforce are the selection of a statewide method of sharing best practices between and among K-12 and higher education institutions, the development of a statewide minimum standard for documentation of a disability at institutions of higher education and recommendations for how school districts can meet that standard before a student's high school graduation, and the creation of a plan for how school districts and institutions of higher education can improve outreach to students and their families regarding options in higher education.

The taskforce consists of not more than 27 members and includes six members appointed by the Governor, eight members appointed by the Office of the Superintendent of Public Instruction, four members appointed by the State Board for Community and Technical Colleges, four members appointed by the Council of Presidents, one member appointed by the Superintendent of the State School for the Blind, one member appointed by the Secretary

of the Department of Social and Health Services, one member appointed by the Governor's Committee on Disability Issues and Employment, one member appointed by the Chair of the Developmental Disabilities Council, and one member appointed by the Superintendent of the State School for the Deaf.

The taskforce must report its recommendations for each goal to the Legislature by December 1, 2013. The Office of Program Research in the House of Representatives and Senate Committee Services must provide staff support to the taskforce and use legislative facilities. The taskforce is encouraged to use technology to expand access and limit costs. The taskforce expires July 1, 2014.

**Appropriation:** None.

**Fiscal Note:** Requested on January 22, 2012.

**Committee/Commission/Task Force Created:** Yes.

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

**Staff Summary of Public Testimony:** PRO: Disabled children deserve a good education like anyone else. This is an issue that can be particularly well handled by a taskforce. The goals are clear, there's a time limit, and the end product is identified. This task force will produce results that will increase the accessibility of education for students with disabilities. This bill makes good sense. It ensures collaboration between K-12 and higher education, specifically dealing with students with disabilities. In terms of employability, having a bachelor's degree has the most positive impact for a person with a disability. Central Washington University (CWU) had over 500 students register with disability services. The taskforce this bill creates is an important step forward and the transitions between K-12 and postsecondary education and the workplace are very important components of ensuring the success of those students with disabilities. Sometimes those transitions can be very challenging. We would like an amendment so that Evergreen State College (TESC) can be a member of the taskforce. Right now, the language in the bill precludes that.

**Persons Testifying:** PRO: Senator Shin, prime sponsor; Steve DuPont, CWU; Ed Holen, DD Council; David Lord, Disability Rights WA; Dan Steele, WA Assn. of School Administrators; Donna Christensen; Julie Garver, TESC.