

SENATE BILL REPORT

SB 6466

As Reported by Senate Committee On:
Higher Education, February 4, 2016

Title: An act relating to student services for students with disabilities.

Brief Description: Concerning student services for students with disabilities.

Sponsors: Senators Habib, Dammeier, Darneille, Lias, Roach, Keiser, Frockt, Becker, Hasegawa, Conway and McAuliffe.

Brief History:

Committee Activity: Higher Education: 1/28/16, 2/04/16 [DPS-WM].

SENATE COMMITTEE ON HIGHER EDUCATION

Majority Report: That Substitute Senate Bill No. 6466 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Bailey, Chair; Baumgartner, Vice Chair; Frockt, Ranking Member; Becker, Carlyle, Lias and Miloscia.

Staff: Evan Klein (786-7483)

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

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Core Services. Each public institution of higher education must ensure that students with disabilities are reasonably accommodated within that institution. The institution must provide students with disabilities with the appropriate core service or services necessary to ensure equal access. Core services include:

- flexible procedures in the admissions process and early registration;
- sign language, or other interpreter services;
- textbooks and other education materials in large print, braille, electronic format or audiotape;
- provision of a reader, note taker, scribe or proof reader;
- ongoing coordination of efforts to improve campus accessibility;
- facilitation of physical access;
- access to adaptive equipment;
- referral to appropriate campus resources;
- flexibility in test taking arrangements; and,
- notification of the higher education's policy of nondiscrimination on the basis of disability.

Accommodations. Reasonable accommodations for students with disabilities must be provided as appropriate for all aspects of college and university life, including recruitment, applications, enrollment, registration, financial aid, coursework, research, academic counseling, housing programs, and nonacademic services.

Summary of Bill (Recommended Substitute): By December 31, 2016, the Washington Student Achievement Council (WSAC), the State Board of Community and Technical Colleges (SBCTC), and institutions of higher education must draft and adopt a uniform application for determining a student's eligibility for core services or other disability related accommodations at the institution attended by the student. The applications must include the same questions and require the same supporting documentation at each institution. The applications must be posted on the service and disabilities web pages of an institution's website.

Each institution must provide its students with disabilities, who transferred from another in-state institution and previously received a core service or accommodation, with the core service or accommodation as is reasonably needed to accommodate the student's disabilities.

For a transfer student to receive these services without having to reapply, the student must notify their new institution of their request, and sign a waiver allowing their previous institution to release and transmit the student's uniform disabilities application and any accompanying documents, to the new institution.

EFFECT OF CHANGES MADE BY HIGHER EDUCATION COMMITTEE (Recommended Substitute): All provisions of the underlying substitute are removed.

Requirements that the Council of Presidents convene a workgroup are added.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: We are trying to address an issue that several students with disabilities have. When students transfer schools they almost always have to reapply for disability services, which often includes a doctor's note or other documents. This has become a barrier for students who would otherwise want to transfer. This bill would assist students with disabilities if they want to transfer. This bill is a work in progress, but we want to make sure each institution has the ability to accommodate students. This bill came out of a conversation to identify the barriers to four-year degrees. The intent of the bill is to streamline the process and to give students the tools to become better advocates themselves. This bill would help remove roadblocks to student success. Accommodations help empower students to be more successful in their education. Making the application process more accessible to students with disabilities is important, because students with disabilities struggle with a lot of other issues and worries. The largest barrier at disability service offices is the documentation needed by students.

OTHER: There are some concerns around this bill, because it may add more levels of bureaucracy for students. The student achievement council is currently operating the Washington disabilities task force. The task force has reviewed the portability of services from K-12 to postsecondary education. WSAC would be happy to take on this topic as part of the task force. Institutions need to have an individualized conversation with students before providing them services or accommodations. Institutions can already provide students accommodations on provisional basis, if necessary.

Persons Testifying on Original Bill: PRO: Senator Habib, Prime Sponsor; Paul Bell, student; Ashley Cowan, WACTCSA; Toby Olson, Governor's Committee of Disability; Noah Seidel, Self advocates in leadership; Rasaki Vandrush, The Evergreen State college.

OTHER: Scott Copeland, State Board for Community & Technical Colleges; Kim Thompson, Shoreline Community College; Maddy Thompson, Washington Student Achievement Council; Bree Callahan, Director, Disability Resources for Students - University of Washington.

Persons Signed In To Testify But Not Testifying on Original Bill: PRO: Anna Nepomuceno, Legislative Liaison, Associated Students University of WA Tacoma; Jeff Beaulac, The Evergreen State College.

OTHER: Genesee Adkins, Council of Presidents; Merideth Inocencio, Director, Access Services - The Evergreen State College.