Date of Hearing: April 19, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 624 (Grayson) – As Amended March 13, 2023

Policy Committee: Higher Education Vote: 11 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill requires the Trustees of the California State University (CSU), the Board of Governors of the California Community Colleges (CCC), the governing bodies of private colleges and universities, and request the Regents of the University of California (UC), to cover the costs of diagnostic assessments, including continuing assessments, any required documentation, and individual and group assessments provided by the institution, as proof for academic accommodations for students with disabilities. The bill authorizes state funds to be provided annually for the cost of these services and requires higher education governing bodies to post that these costs will be covered by the institution.

FISCAL EFFECT:

1) UC

- (a) Unknown, though potentially significant, ongoing General Fund costs to UC, depending on the number of students who come forward for testing as a result of this bill and how assessments are administered.
- (b) Unknown, ongoing General Fund costs to UC to provide additional supports to students identified as having disabilities as a result of this bill, as required by federal law. Costs would depend on the number of students identified and the services they require.

2) CSU

- (a) Unknown, ongoing General Fund costs to CSU, potentially in the low millions of dollars annually, depending on the number of students who come forward for assessment as a result of this bill and how assessments are administered. If students were referred to private or community testing centers as a result of this bill, costs per student could range between \$500 and \$2,500 to receive an assessment and associated documents. If each campus were to hire a licensed Learning Disabilities Specialist to administer the assessments required by this bill, costs per specialist would be at least \$100,000 annually, which would equate to about \$2.5 million across 23 campuses.
- (b) Unknown, ongoing General Fund costs to CSU to provide additional supports to students identified as having disabilities as a result of this bill, as required by federal law. Costs would depend on the number of students identified and the services they require.

In 2021, 7,921 students were identified as having learning disabilities across the CSU system.

3) No cost to CCC as CCCs currently cover the costs of assessments via Disability Services and Programs for Students allocations.

COMMENTS:

1) **Background.** Federal law, specifically Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, prohibit discrimination on the basis of disability. Section 504 and Title II applies to both K-12 schools and institutions of higher education (IHE). However, unlike a K-12 schools, an IHE is not required to identify a student as having a disability, assess a student's needs or provide a free appropriate public education to a student with disabilities. Instead, a student with disabilities must inform an IHE of their disability and request supports. An IHE may require a student to provide documentation proving they have a disability. If the documentation a student has does not meet the IHE's requirements, a student may need to obtain further proof of disability. Once adequate proof of disability is provided to an IHE, federal law requires the IHE to provide supports to a student with disabilities.

According to the U.S. Department of Education, the documentation provided to students with disabilities at their K-12 school, known as an individualized education program or Section 504 plan is generally not sufficient documentation to secure supports at an IHE. This is because of the differences in learning between secondary and postsecondary education may necessitate further assessments.

Current state and federal law does not require an IHE to pay the costs for a student to complete an assessment and obtain necessary documentation to prove their disability and therefore gain supports at the IHE. Students may have health insurance to cover these costs or may apply to the state's vocational rehabilitation agency to cover costs. In other cases, a student may need to pay for an assessment and associated documents out-of-pocket. The costs of these assessments and documents may cost between \$500 and \$2,500.

2) **Related Legislation.** AB 447 (Arambula) of this legislative session creates a support program for students with disabilities attending an IHE. The bill is pending in this committee.

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