
SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

Bill No: AB 624 **Hearing Date:** June 21, 2023
Author: Grayson
Version: June 12, 2023
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Public postsecondary education: disabled student services: assessments.

NOTE: The Rules Committee has requested that this bill be returned if approved by the Committee on Education. A "do pass" motion should include referral to the Committee on *Rules*.

SUMMARY

This bill requires the Trustees of the California State University (CSU) and would request the Regents of the University of California (UC), to cover the costs of diagnostic assessments as proof for academic accommodations for any student who receives student financial aid or who is eligible for financial assistance from the institution's health or disability center. This bill further requires that the Department of Developmental Services (DDS) oversee reimbursement to institutions for their documented costs for diagnostic services.

BACKGROUND

Existing law:

- 1) Makes legislative findings and declarations that set forth the principles for public postsecondary institutions and budgetary control agencies to observe in providing postsecondary programs and services for students with disabilities, including the principle that state-funded activity is directly related to the functional limitations of the verifiable disabilities of the students to be served. Additionally, establishes the intent of the Legislature that, as appropriate for each postsecondary segment, funds for disabled student programs and services be based on three categories of costs, including a continuing variable costs category for services that vary in frequency depending on the needs of students, such as, among other services, diagnostic assessment, including both individual and group assessment not otherwise provided by the institution to determine functional, educational, or employment levels or to certify specific disabilities. (Education Code § 67311)
- 2) Makes, under the Lanterman Developmental Disabilities Services Act, the DDS responsible for providing various services and supports to individuals with developmental disabilities, and for ensuring the appropriateness and quality of those services and supports. (Welfare and Institutions Code § 4500-4501.5)

ANALYSIS

This bill:

- 1) Requires the Trustees of the CSU and requests the UC Regents to, cover the costs of diagnostic assessments for learning disability, including continuing assessments, any required documentation, and individual and group assessments provided by the institution, as proof for academic accommodations for any student who meets either of the following criteria:
 - a) The student receives student financial aid.
 - b) The student is eligible for financial assistance from the institution's health or disability center.
- 2) Requires that state funds be provided annually for the cost of diagnostic services on an actual-cost basis, including wages for the individuals providing diagnostic services and expense for attendant supplies, and requires that each segment be responsible for documenting its costs to the DDS.
- 3) Requires that the DDS oversee reimbursement to institutions for their documented costs.
- 4) Requires that the CSU Trustees and request UC Regents post on its internet website, in a manner that is readily noticeable to students, that it will cover the cost of diagnostic assessments for any eligible student.
- 5) Modifies legislative intent language relating to diagnostic assessments by including costs for continuing assessments, required documentation, and individual and group assessments provided by the institution and expands the purpose of the assessments to include defining specific disabilities of the student and as proof for academic or institutional accommodations.

STAFF COMMENTS

- 1) **Need for the bill.** According to the author, "Although students with disabilities in higher education are protected by state, federal and local laws that prohibit discrimination, they still face significant barriers to academic success. In addition to the traditional challenges students may have for paying for college in general, students with disabilities may have other unique expenses related to their disability that may impact their ability to attend college and/or be academically successful. While testing accommodations and disability resources are available, students must still obtain their own medical testing and paperwork in order to qualify to receive accommodations on campus. These learning disability assessments can cost thousands of dollars, ranging between \$500-\$2,500, creating an unfair, economic disparity for students who have disabilities. AB 624 expands on the Legislature's intent to promote educational equity and supports students living with disabilities who currently face barriers to academic success. Additionally, the bill requires the Trustees of the California State University and would request the Regents of the University of California, to cover the costs of

diagnostic assessments as proof for academic accommodations for specified students.”

- 2) **Institutions of higher education can require proof but are not required to pay the costs of an assessment.** As noted in the Assembly Appropriations Committee analysis, 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 apply 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 them. 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.

This bill would require that CSU and recommend that UC cover the costs of diagnostic evaluations for some financially needy students and pursue reimbursement for said evaluations from the DDS, which are used to establish the necessity for academic accommodations. It further calls for the allocation of state funds on an annual basis to cover the expenses incurred in connection with the provision of services outlined in the bill. These expenses include wages for individuals providing the services. The DDS would manage institutional cost reimbursements.

- 3) **How are special education assessments and services funded for K-12 public school students?** Since the 1970s, federal law has required public schools to provide special education services to students with disabilities that interfere with their ability to learn. Schools in California cover special education costs through a combination of local, state, and federal funding. Schools receive billions of dollars each year (mainly as local general purpose funding from the Local Control Funding Formula) to educate all students, including students with disabilities. Beyond general education costs, schools incur additional costs to

serve students with disabilities (for example, to administer diagnostic assessments and provide specialized instructional support). To help cover these additional costs, schools receive funding from state and federal categorical funding specifically for special education. These fund sources together cover roughly one third of the additional cost of special education services. Schools cover remaining special education costs with their local general purpose funding.

In recent years, the DDS and the California Department of Education have an established partnership to provide early intervention services to children 0-3 years old and special education services to children 3 to 21 years old.

- 4) **Recent amendments trigger re-referral.** This bill was recently amended to require the DDS to facilitate reimbursements for costs incurred by institutions. The Senate Committee on Human Services has jurisdiction over services provided to persons with disabilities and issues affecting DDS. Portions of this bill that impact related matters can be further discussed by the Senate Human Services Committee.

SUPPORT

Generation Up (Sponsor)
California State Council on Developmental Disabilities

OPPOSITION

None received

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