
SENATE COMMITTEE ON HUMAN SERVICES

Senator Alvarado-Gil, Chair

2023 - 2024 Regular

Bill No: AB 624
Author: Grayson
Version: June 12, 2023
Urgency: No
Consultant: Diana Dominguez
Hearing Date: July 3, 2023
Fiscal: Yes

Subject: Public postsecondary education: disabled student services: assessments

SUMMARY

This bill requires the Trustees of the California State University (CSU) and requests the Regents of the University of California (UC) to cover the costs of the 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 requires the Department of Developmental Services (DDS) to oversee reimbursement to institutions for their documented costs for diagnostic services.

ABSTRACT

Existing law:

- 1) States the intent of the Legislature that, as appropriate for each postsecondary segment, funds for disabled student programs and services be based on the following three categories of costs:
 - a. Fixed costs associated with the basic ongoing administration and operation of campus services and programs, as specified, such as individual and group diagnostic assessments provided by the institution to determine functional, educational, or employment levels or to certify specific disabilities; adaptive educational equipment and supplies required by disabled students; job placement and development services related to the transition from school to employment; liaisons with campus and community agencies, on- and off-campus registration assistance and applications for financial aid; special parking and parking application assistance for students without state handicapped placards; supplemental specialized orientations; activities to coordinate and administer specialized services and instruction; and activities to assess the planning; implementation, and effectiveness of disabled student services and programs;
 - b. Continuing variable costs that fluctuate with changes in the number of students or the unit load of students, as specified, such as on-campus mobility assistance, off-campus transportation assistance, disability-related counseling and advising developed specifically for disabled students, interpreter services, reader services,

services to facilitate the repair of equipment and learning assistance devices, special class instruction necessary to meet the unique educational needs of particular groups of disabled students, speech services, test taking facilitation, transcription services, specialized tutoring services not otherwise provided by the institution, and notetaker services, as specified; and

- c. One-time variable costs associated with the purchase or replacement of equipment, as specified, such as adapted educational materials and vehicles. (*EDC 67311*)
- 2) Names DDS as responsible for providing various services and supports to individuals with developmental disabilities, and for ensuring the appropriateness and quality of those services and supports. (*WIC 4500-4501.5*)

This bill:

- 1) Modifies legislative intent language relating to diagnostic assessments by including costs for continuing assessments, any required documentation, and individual and group assessments provided by the institution or an outside entity, and expands the purpose of these assessments to include defining specific disabilities of the student as proof for academic or institutional accommodations.
- 2) Requires the Trustees of the CSU, and requests the Regents of the UC, to cover the costs of diagnostic assessments for learning disabilities, including continuing assessments, any required documentation, and individual and group assessments provided by the institution, as proof for academic accommodations for any student meeting either of the following criteria:
 - a. The student receives student financial aid, or
 - b. The student is eligible for financial assistance from the institution's health or disability center.
- 3) Specifies that state funds shall be provided annually for the cost of these services on an actual-cost basis, including wages for the individuals providing these services and expenses for attendant supplies. Specifies that the Trustees and Regents shall be responsible for documenting their costs to DDS, and that DDS shall oversee reimbursements to institutions for their documented costs.
- 4) Requires the Trustees and Regents to post on their respective internet website that the governing body will cover costs of diagnostic assessments for learning disabilities.

FISCAL IMPACT

The Assembly Appropriations Committee estimates costs to UC as 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, and 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.

Costs estimated to CSU as 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. 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.

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

BACKGROUND AND DISCUSSION

Purpose of 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.”

Institutions of Higher Education (IHEs) and Diagnostic Assessments

IHEs may require proof of a student’s disability but are not required to pay the costs of an assessment. Federal law, specifically Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, prohibits discrimination on the basis of disability. Section 504 and Title II apply to both K-12 schools and IHEs. However, unlike a K-12 school, 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 (IEP) or Section 504 plan is generally not sufficient documentation to secure supports at an IHE. This is because 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 students with financial need and pursue reimbursement for said evaluations from 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. DDS would manage institutional cost reimbursements.

Related legislation:

AB 446 (Committee on Higher Education, Chapter 758, Statutes of 1995) declared that equal access to public postsecondary education is essential for the full integration of persons with disabilities into the social, political, and economic mainstream of California, and stated the intention of the Legislature that, through the state budget process, the public postsecondary institutions request, and the state provide, funds to cover the actual cost of providing services and instruction to disabled students.

COMMENTS

This bill seeks to require the CSU and request that the UC cover the costs of diagnostic evaluations as proof for academic accommodations for students receiving or eligible for financial aid through the institution's health or disability center, and requires DDS to oversee reimbursement to IHEs for their documented associated costs.

Although students with disabilities are protected under law from being discriminated against, they still face barriers to academic success, such as the emotional toll of requesting disability accommodation and unique expenses related to their disability. This bill seems to make disability assessment less financially burdensome on students with disabilities to help them gain essential accommodations and ultimately improving their higher education outcomes.

PRIOR VOTES

Senate Education Committee:	7 - 0
Assembly Floor:	80 - 0
Assembly Appropriations Committee:	11 - 0
Assembly Higher Education Committee:	11 - 0

POSITIONS

Support:

None received

Oppose:

None received

-- END --