
THIRD READING

Bill No: AB 624
Author: Grayson (D)
Amended: 9/1/23 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 6/21/23
AYES: Newman, Ochoa Bogh, Cortese, Glazer, McGuire, Smallwood-Cuevas,
Wilk

SENATE HUMAN SERVICES COMMITTEE: 5-0, 7/3/23
AYES: Alvarado-Gil, Ochoa Bogh, Hurtado, Menjivar, Wahab

SENATE APPROPRIATIONS COMMITTEE: 7-0, 9/1/23
AYES: Portantino, Jones, Ashby, Bradford, Seyarto, Wahab, Wiener

ASSEMBLY FLOOR: 80-0, 5/30/23 - See last page for vote

SUBJECT: Public postsecondary education: disabled student services:
assessments

SOURCE: Generation Up

DIGEST: 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 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. Further, this bill requires that the Department of General Services oversee reimbursement to institutions for their documented costs for diagnostic services.

ANALYSIS:

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 Department of Developmental Services 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)

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 or an outside entity if arranged directly 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 Department of General Services.

- 3) Requires that the Department of General Services oversee reimbursement to institutions for their documented costs.
- 4) Requires CSU and requests UC to 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) Provides that the bill's provisions does not limit the ability of an educational institution to refer students to an outside entity for any of the services described in this bill.
- 6) 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.

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 requires that CSU and recommends that UC cover the costs of diagnostic evaluations for some financially needy students and pursue reimbursement for said evaluations from the Department of General Services, 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 this bill. These expenses include wages for individuals providing the services.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- This bill's requirements could result in additional, unknown General Fund costs to the CSU and UC to cover the costs of diagnostic assessments. A precise amount would depend on the number of students that come forward for testing as a result of this bill, but it could be in the low millions of dollars each year. The CSU indicates that if each CSU campus were to hire a Learning Disabilities Specialist to administer the assessments, systemwide costs would be about \$2.5 million. There would be additional costs of approximately \$1.2 million each year for the diagnostic testing assuming a cost of \$1,133 for each test for 47 students.
- This bill requires that state funds be provided to cover all documented costs related to the diagnostic assessments, and that the Department of General Services (DGS) oversee the reimbursement of these costs to the institutions. The DGS is likely to incur additional, unknown General Fund costs to comply with this requirements.
- Further, the CSU and UC may incur additional General Fund costs to provide additional supports to students identified as having disabilities. The extent of these costs is unknown and would depend on the number of students identified as well as the types of services required.

SUPPORT: (Verified 9/1/2023)

Generation Up (source)

Associated Students of UC Berkeley External Affairs
California State Council on Developmental Disabilities
University of California Student Association

OPPOSITION: (Verified 9/1/2023)

None received

ASSEMBLY FLOOR: 80-0, 5/30/23

AYES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson,

Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

Prepared by: Olgalilia Ramirez / ED. / (916) 651-4105
9/5/23 9:33:30

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