

# HOUSE BILL REPORT

## ESHB 1296

---

*As Passed House  
March 14, 1991*

**Title:** An act relating to access to higher education for students with disabilities.

**Brief Description:** Improving access to higher education for students with disabilities.

**Sponsor(s):** By House Committee on Higher Education (originally sponsored by Representatives Ogden, Wood, Spanel, Miller, Sheldon, Dellwo, May, Fraser, Paris, Ferguson, Betrozoff, Mitchell, Wineberry, R. Johnson, Brekke, Basich and Anderson).

**Brief History:**

Reported by House Committee on:  
Higher Education, February 4, 1991, DPS;  
Appropriations, March 9, 1991, DPS(HE)-A;  
Passed House, March 14, 1991, 94-0.

---

**HOUSE COMMITTEE ON  
HIGHER EDUCATION**

**Majority Report:** *That Substitute House Bill No. 1296 be substituted therefor, and the substitute bill do pass.* Signed by 12 members: Representatives Jacobsen, Chair; Ogden, Vice Chair; Wood, Ranking Minority Member; May, Assistant Ranking Minority Member; Dellwo; Fraser; Ludwig; Miller; Prince; Sheldon; Spanel; and Van Luven.

**Staff:** Susan Hosch (786-7120).

---

**HOUSE COMMITTEE ON  
APPROPRIATIONS**

**Majority Report:** *The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass.* Signed by 28 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt;

Rust; H. Sommers; Sprenkle; Valle; Vance; Wang; and Wineberry.

**Staff:** Sherie Story (786-7142).

**Background:** Students with disabilities are protected against discrimination at institutions of higher education under state and federal laws. The primary source of institutional responsibility to these students is Section 504 of the Federal Rehabilitation Act of 1973. The key language provides:

"No otherwise qualified handicapped individual... shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

For any college or university that receives any federal aid, the provisions of Section 504 apply to academic programs, housing, financial aid, athletics, facility access, and other programs and activities.

There are two major state laws affecting students with disabilities. These include the law against discrimination in public accommodations, and the state building code. Under these laws, public colleges and universities must provide reasonable accommodation to students with disabilities.

Accommodation can take many forms. However, no standards are in place to define reasonable accommodations for students with disabilities. Therefore, the quality and scope of accommodations provided varies among institutions. According to a report from Central Washington University, this variance has resulted in students selecting institutions based on the level of disabled services provided, rather than on the quality of educational programs.

In 1990, legislation was enacted directing the Governor's Committee on Disability Issues and Employment to convene a task force on students with disabilities in higher education. The task force was charged with making recommendations on the roles of state agencies, colleges, universities, and students in ensuring that students with disabilities have an opportunity to obtain a higher education.

The task force reported back with thirteen recommendations covering two broad areas of need. First, the task force identified a need to establish a clear, broad-based

understanding of the needs, rights and responsibilities of students with disabilities. Second, in order to facilitate access for students with disabilities, sufficient resources must be available to ensure that reasonable accommodation is available at a consistent level for these students. In order to help colleges and universities implement the recommendations, the task force suggested the passage of three pieces of legislation. The recommended bills describe core services that should be available on each campus, and create physical access committees at each college and university. The task force also recommended that the Higher Education Coordinating Board create an advisory committee to gather information, conduct training, and coordinate services for students with disabilities and for the institutions that educate those students.

**Summary of Bill:** The Higher Education Coordinating Board will convene an advisory committee on access to higher education for students with disabilities. The committee will include students with disabilities, coordinators of services for those students, and others from agencies or organizations that work with or represent persons with disabilities.

In consultation with the committee, the board will produce and distribute an inventory of resources available to assist students with disabilities. The board will also survey institutions and students to identify services that have been requested but not provided to those students. The board will report the results of the survey, with recommendations on a phased plan to meet priority needs to the governor, legislative committees, and to the institutions of higher education. Finally, with the State Board for Community College Education, the board will conduct a training workshop for coordinators of services for students with disabilities.

The appropriation act must fund and reference this bill before the board may proceed with implementation.

**Fiscal Note:** Requested March 11, 1991.

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

**Testimony For:** (Higher Education): Although access to an education is a civil right, each institution of higher education provides a different level of service to students with disabilities. Students with disabilities tend to choose a college or university based on the level of accommodation services provided, rather than on the institution's academic programs. Some institutions are

unable to provide support such as taped textbooks and adaptive equipment, accommodations that students believe are needed for reasonable access. In addition, when they have applied for admission, some students have been told that they should attend another institution with more available services for students with disabilities.

The passage of the new Federal Disabilities Law, the emerging need for more trained and better educated employees, and the need to prevent unnecessary duplication of services to students with disabilities all support the need to coordinate a consistent and efficient system for providing services to students with disabilities.

(Appropriations): The provisions in this bill would lead to improved access to higher education for students with disabilities, and help them succeed in completing their education. Higher education is essential for raising the employment rate of persons with disabilities.

**Testimony Against:** (Higher Education): None.

(Appropriations): None.

**Witnesses:** (Higher Education): Jackie Norton; Rosemarie Tannich; Jennifer Bockemohle; Dan Sutich; Natalie Bain; Kenneth Wehl; Karla Rutherford; Ron Chard; James Eccles; Jim Longley; Pat Bryant; Crista Shaw; Ben Webinger; Paula Titus; Chris Castro; Frank Cuta; and Sally Ellison.

(Appropriations): Representative Val Ogden; Whitney Maxwell, Evergreen State College Student; Jann Norton, University of Washington Student; Bateman Harris, Western Washington University Student; Rod Chard, Seattle University Student; Karen Bruno; and Jennifer Nelson (pro).