

SENATE BILL REPORT

ESHB 1296

AS REPORTED BY COMMITTEE ON HIGHER EDUCATION, APRIL 4, 1991

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

**SPONSORS:** 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).

HOUSE COMMITTEE ON HIGHER EDUCATION

HOUSE COMMITTEE ON APPROPRIATIONS

SENATE COMMITTEE ON HIGHER EDUCATION

**Majority Report:** Do pass as amended.

Signed by Senators Saling, Chairman; Bauer, Skratek, Stratton, and Jesernig.

**Staff:** Laura Farris (786-7784)

**Hearing Dates:** March 25, 1991; April 4, 1991

**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 13 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:**

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.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested March 18, 1991

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

It is clarified that the inventory referenced is a list.

**TESTIMONY FOR:**

Disabled students have experienced considerable difficulty in obtaining access to higher education in this state. It takes a very determined student to overcome these obstacles.

The quality and scope of accommodations to provide access for the disabled varies from campus to campus. This has resulted in students selecting institutions based on the accommodations rather than on the quality of the educational programs.

This bill is a good first step on the path of improving access to higher education for the disabled students. The Higher Education Coordinating Board is willing to produce the list of inventory and distribute it, conduct the training required and conduct the survey and make the recommendations required.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Representative Val Ogden, original sponsor; Cedric Page, Associate Director, Higher Education Coordinating Board; Jackie Norton, parent; Karen Bruno, President, Washington Association of Postsecondary Educators for the Disabled; Toby Olson, Executive Secretary, Governor's Committee on Disability Issues; Sharon McBride, Coordinator, Disabled Students Services, The Evergreen State College; Rod Chard, Washington Council of the Blind

Students: Cyna Brandt, Dan Sutich, Natalie Green, Michael Elsberry, Karla Rutherford, Rod Chard, Whitney Maxwell, Patrick Bryant and Jana Norton