Disabled Student Programs and Services

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Title 5 of the California Code of Regulations
Disabled Student Programs and Services (DSPS)

Article One. General Provisions and Definitions

§ 56000. Scope of Chapter.
This subchapter applies to community college districts offering academic adjustments, auxiliary aids, services and/or instruction through Disabled Student Programs and Services (DSPS), on and/or off campus, to students with disabilities pursuant to Education Code sections 67310-I3 and 84850.
Programs receiving funds allocated pursuant to Education Code section 84850 shall meet the requirements of this subchapter. Any academic adjustments, auxiliary aids, services and/or instruction funded, in whole or in part, under the authority of this subchapter must:

(a) not duplicate services or instruction which are otherwise available to all students;
(b) be directly related to the educational limitations of the verified disabilities of the students to be served;
(c) be directly related to the students’ participation in the educational process;
(d) promote the maximum independence and integration of students with disabilities;
(e) not include any change to curriculum or course of study that is so significant that it alters the required objectives or content of the curriculum in the approved course outline, thereby causing a fundamental alteration; and
(f) support participation of students with disabilities in educational activities consistent with the mission of the community colleges as set forth in Education Code section 66010.4.


§ 56001. Definitions.
For purposes of this subchapter the following definitions shall apply:
(a) Academic adjustments, auxiliary aids, and services: Academic adjustments, auxiliary aids and services, as used in this subchapter are any one or more of the services provided to DSPS students described in Section 56026 and/or educational assistance class instruction authorized under Section 56028.
(b) Fundamental Alteration: A fundamental alteration means any change to a course curriculum or course of study that is so significant that it alters the required objectives or content of the curriculum in the approved course outline of the course.
(c) Educational Limitation: An educational limitation means a disability related functional limitation in the educational setting. This occurs when the limitation prevents the student from having full access to and equal participation in the educational process including classes, activities, or services offered by the college to students without disabilities, without specific additional academic adjustments, auxiliary aids, services and/or instruction.

(d) Educational Assistance Classes: educational assistance classes are instructional activities offered consistent with the provisions of Section 56000 designed to address the educational limitations of students with disabilities who are admitted to the institution pursuant to Educational Code Sections 76000 et seq. and who would be unable to substantially benefit from general college classes even with appropriate academic adjustments, auxiliary aids and services. This term replaces Special Classes, as used throughout Division 6 of Title 5.

(e) Certificated staff: Certificated staff members are those who meet the minimum qualifications set forth in Section 53414 and 53420, Minimum Qualifications for Disabled Student Programs and Services Employees.

(f) Academic Accommodation Plan: The Academic Accommodation Plan (AAP) is a record of the interactive process between each DSPS student and a DSPS professional staff member regarding the academic adjustments, auxiliary aids, services and/or instruction necessary to provide the student equal access to the educational process.


§ 56002. Student with a Disability.
A “student with a disability” is a person enrolled at a community college who has a verified disability which limits one or more major life activities, as defined in 28 C.F.R. 35.104 resulting in an educational limitation as defined in section 56001. For purposes of reporting to the Chancellor under Section 56030, students with disabilities shall be reported in the categories described in Sections 56032-44.


§ 56006. Determination of Eligibility.
(a) In order to be eligible for academic adjustments, auxiliary aids, services and/or instruction authorized under this chapter, a student must have a disability which is verified pursuant to subdivision (b) which results in an educational limitation identified pursuant to subdivision (c) of this section.
(b) The existence of a disability may be verified, using procedures prescribed by the Chancellor, by one of the following means:

(1) observation by-certificated DSPS staff;

(2) assessment by certificated DSPS staff; or

(3) review of documentation by certificated staff provided by appropriate agencies or certified or licensed professionals outside of DSPS.

(c) The student’s educational limitations must be identified by certificated staff and described in the Academic Accommodation Plan (AAP) required pursuant to Section 56022. Eligibility for each service provided must be directly related to an educational limitation consistent with Section 56000(b) and Section 56001.


§ 56008. Student Rights.

(a) Participation by students with disabilities in Disabled Student Programs and Services shall be entirely voluntary.

(b) Receiving academic adjustments, auxiliary aids, services and/or instruction authorized under this subchapter shall not preclude a student from also participating in any other course, program or activity offered by the college.

(c) All records maintained by DSPS personnel pertaining to students with disabilities shall be protected from disclosure and shall be subject to all other requirements for handling of student records as provided in Subchapter 6 (commencing with Section 54600) of Chapter 5 of this Division.


§ 56010. Student Responsibilities.

(a) Students receiving academic adjustments, auxiliary aids, services and/or instruction under this subchapter shall:

(1) comply with the student code of conduct adopted by the college and all other applicable statutes and regulations related to student conduct;

(2) be responsible in their use of DSPS services and adhere to written service provision policies adopted by DSPS; and

(3) when enrolled in educational assistance classes, make measurable progress toward the goals developed for the course as established in the student’s Academic Accommodation Plan (AAP) or,
(4) when the student is enrolled in general college classes, meet academic standards established by the college, as applied to all students, pursuant to Subchapter 6 (commencing with Section 55500) of Chapter 6 of this Division.

(b) A district may adopt a written policy providing for the suspension or termination of DSPS services where a student fails to comply with subdivisions (a)(2), (a)(3) or (a)(4) of this section. Such policies shall provide for written notice to the student prior to the suspension or termination and shall afford the student an opportunity to appeal the decision. Each student shall be given a copy of this policy upon first applying for services from DSPS.


Article Two. DSPS Services

§ 56020. Availability of Services.
Each community college district receiving funds pursuant to this subchapter shall employ reasonable means to inform all students and staff about the availability of academic adjustments, auxiliary aids, services and/or instruction.


§ 56022. Academic Accommodation Plan (AAP).
Each college shall generate an Academic Accommodation Plan (AAP) and maintain a record of the interactive process between each DSPS student and a DSPS certificated staff member regarding the academic adjustments, auxiliary aids, services and/or instruction necessary to provide the student equal access to the educational process, given the educational limitations resulting from the student’s disabilities. In addition, when a student is enrolled in educational assistance classes the AAP shall define measurable progress toward the goals of each class.


§ 56026. Academic Adjustments, Auxiliary Aids and Services.
Academic Adjustments, Auxiliary Aids and services are those specialized aids, devices and/or services available to students with disabilities as defined in Section 56002, which are in addition to the general services provided to all students. Such services enable students to participate in general activities, programs and classes offered by the college.
§ 56027. Academic Adjustments.
Each community college district receiving funding pursuant to this subchapter shall establish a policy and procedure for responding to, in a timely manner consistent with Section 53203 of this division, requests involving academic adjustments. This procedure shall provide for an individualized review of each request. The procedure shall also permit the Section 504/ADA Coordinator/Compliance Officer, or other designated district official with knowledge of accommodation requirements, to make an interim decision pending a final resolution.

§ 56028. Educational Assistance Class Instruction.
Educational assistance classes are instructional activities offered consistent with the provisions of Subchapter 1 of Chapter 7 of this Division, and designed to address the educational limitations of students with disabilities who are admitted to the institution pursuant to Educational Code Sections 76000 et seq. and who would be unable to substantially benefit from general college classes even with appropriate academic adjustments, auxiliary aids and services. Such classes generate revenue based on the number of full-time equivalent students (FTES) enrolled in the classes.

Such classes shall be open to enrollment of students who do not have disabilities, however, to qualify as an educational assistance class, a majority of those enrolled in the class must be students with disabilities.

Educational assistance classes offered for credit or noncredit shall meet the applicable requirements for degree credit, non-degree credit, or noncredit set forth in Sections 55002 and 55705.5 of this part. In addition, educational assistance classes shall:

(a) Be designed to enable students with disabilities to compensate for educational limitations and/or acquire the skills necessary to complete their educational objectives;

(b) Employ instructors who meet minimum qualifications set forth in Section 53414 of this Division.

(c) Utilize curriculum, instructional methods, or materials specifically designed to address the educational limitations of students with disabilities. Curriculum committees responsible for reviewing and/or recommending educational assistance class offerings shall have or obtain the expertise appropriate for determining whether the requirements of this section are satisfied; and
(d) Utilize student/instructor ratios determined to be appropriate by the District given the educational limitations of the students with disabilities enrolled in each class. Class size should not be so large as to impede measurable progress or to endanger the well-being and safety of students or staff.


§ 56029. Educational Assistance Class Course Repetition.
Repetition of educational assistance classes is subject to the provisions of article 4 (commencing with section 55040) of Subchapter 1 of Chapter 6 and Section 58161 of this Division. However, districts are authorized to permit additional repetitions of credit or noncredit educational assistance classes to provide an accommodation to a student’s educational limitations pursuant to state and federal nondiscrimination laws. Districts shall develop policies and procedures providing for repetition under the following circumstances:

(a) When continuing success of the student in other general and/or educational assistance classes is dependent on additional repetitions of a specific educational assistance class;

(b) When additional repetitions of a specific educational assistance class are essential to completing a student’s preparation for enrollment into other general or educational assistance classes; or

(c) When the student has an Academic Accommodation Plan which involves a goal other than completion of the educational assistance class in question and repetition of the course will further achievement of that goal.


Article Three. Reports, Plans and Program Requirements

§ 56030. Reporting Requirements
Each community college district receiving funding pursuant to this subchapter shall submit such reports (including budget and fiscal reports described in Article 4) as the Chancellor may require. When submitting such reports, districts shall use the disability categories set forth in Sections 56032-44 and shall conform to the reporting format, procedures, and deadlines the Chancellor may additionally prescribe.


§ 56032. Physical Disability.
Physical disability is defined as a limitation in locomotion or motor functions. These limitations
are the result of specific impacts to the body’s muscular-skeletal or nervous systems, and limit the student’s ability to access the educational process.


§ 56034. Deaf and Hard of Hearing (DHH).
Deaf and Hard of Hearing (DHH) is defined as a total or partial loss of hearing function that limits the student’s ability to access the educational process.


§ 56035. Blind and Low Vision.
Blindness and low vision is defined as a level of vision that limits the student’s ability to access the educational process.


§ 56036. Learning Disability.
Learning disability (LD) is defined as a persistent condition of presumed neurological dysfunction which may exist with other disabling conditions. The dysfunction is not explained by lack of educational opportunity, lack of proficiency in the language of instruction, or other non-neurological factors, and this dysfunction limits the student’s ability to access the educational process. To be categorized as a student with a learning disability a student must meet the following criteria through psycho-educational assessment verified by a qualified specialist certified to assess learning disabilities:

(a) Average to above-average intellectual ability; and

(b) Statistically significant processing deficit(s); and/or

(c) Statistically significant aptitude-achievement discrepancies.


§ 56037. Acquired Brain Injury (ABI).
Acquired Brain Injury (ABI) is defined as a deficit in brain functioning which results in a total or partial loss of cognitive, communicative, motor, psycho-social and/or sensory-perceptual abilities, and limits the student’s ability to access the educational process.

§ 56038. Attention-Deficit Hyperactivity Disorder (ADHD).
Attention-Deficit Hyperactivity Disorder (ADHD) is defined as a neurodevelopmental disorder that is a persistent deficit in attention and/or hyperactive and impulsive behavior that limits the student’s ability to access the educational process.


§ 56039. Intellectual Disability (ID).
Intellectual disability (ID) is defined as significant limitations both in intellectual functioning and in adaptive behavior that affect and limit the student’s ability to access the educational process. An individual may have an intellectual disability when:
(a) the person's functioning level is below average intellectual ability; and
(b) the person has significant limitations in adaptive skill areas as expressed in conceptual, social, academic and practical skills in independent living and employment; and,
(c) the disability originated before the age of 18.


Autism Spectrum disorders are defined as neurodevelopmental disorders described as persistent deficits which limit the student’s ability to access the educational process. Symptoms must have been present in the early developmental period, and cause limitation in social, academic, occupational, or other important areas of current functioning.


§ 56042. Mental Health Disability.
Mental Health disability is defined as a persistent psychological or psychiatric disability, or emotional or mental illness that limits the student’s ability to access the educational process. For purposes of this subchapter, conditions that are not described and/or excluded in the American Psychiatric Association Diagnostic and Statistical Manual (DSM) or the Americans with Disabilities Act (ADA) are not covered in this category.

§ 56044. Other Health Conditions and Disabilities.
This category includes all students with disabilities, as defined in Section 56002, with other health conditions, and/or disabilities that affect a major life activity, which are otherwise not defined in Sections 56032-56042, but which limit the student’s ability to access the educational process.


§ 56046. DSPS Program Plan.
(a) Each district receiving funding pursuant to this subchapter shall develop and submit to the Chancellor, at such times as the Chancellor shall designate, a DSPS program plan for each college within the district. Upon approval by the Chancellor, the plan shall be a contract between the District and the Chancellor. Expenditures of funds appropriated pursuant to this subchapter must conform to the approved plan.
(b) The unit or program plan developed as part of a college’s accreditation or strategic planning processes shall meet the requirements of the plan required by this section if it contains at least all of the following:
   (1) the long-term goals of the DSPS program;
   (2) the short-term measurable objectives of the program;
   (3) the activities to be undertaken to accomplish the goals and objectives; and
   (4) a description of the methods used for program evaluation.
(c) Each district shall submit updates to its plan to the Chancellor upon request.


§ 56048. Staffing.
(a) Each district receiving funds pursuant to this subchapter shall ensure sufficient DSPS certificated and support staff to provide timely and effective services to eligible students with disabilities.
(b) Each district receiving funds pursuant to this subchapter shall designate a DSPS coordinator or director for each college in the district. For the purpose of this section, the coordinator or director is defined as that individual for each college in the district who has responsibility for the day-to-day operation of DSPS, which is necessary to implement Subchapter 1 of Chapter 7 of this Division. For the coordinator or director, those responsibilities shall include, but are not limited to, integration of DSPS into the college’s instruction and services, the provision of academic adjustments, auxiliary aids, and services, maintaining knowledge of the legal responsibilities regarding students with disabilities participation in the educational process, and budget planning. The
designated coordinator or director must meet the minimum qualifications for a DSPS counselor or instructor set forth in Section 53414(a) through (d) or meet the minimum qualifications for an educational administrator set forth in Section 53420 and, in addition, have two (2) years full-time experience or the equivalent within the last four (4) years in one or more of the following fields:

1. instruction or counseling or both in a higher education program for students with disabilities;
2. administration of a program for students with disabilities in an institution of higher education;
3. teaching, counseling or administration in secondary education, working predominantly or exclusively in programs for students with disabilities; or
4. administrative or supervisory experience in industry, government, public agencies, the military, or private social welfare organizations, in which the responsibilities of the position were predominantly or exclusively related to persons with disabilities.

(c) Persons employed pursuant to this Subchapter as counselors or instructors of students with disabilities shall meet minimum qualifications set forth in Section 53414 of Subchapter 4 of Chapter 4 of this Division.

(d) Districts receiving funding pursuant to this subchapter may also employ classified and/or paraprofessional support staff. Support staff shall function under the coordination of a DSPS coordinator or director, counselor, LD Specialist, or instructor as appropriate for the academic adjustments, auxiliary aids, services and/or instruction being provided.


§ 56050. Advisory Committee.
Each district receiving funds pursuant to this subchapter shall establish, for either the District or at each college in the district, an advisory committee which shall meet not less than once per year. The advisory committee shall, at a minimum, include a student with disabilities.


§ 56052. Evaluation.
The Chancellor shall conduct evaluations of DSPS programs to determine their effectiveness. Each college shall be evaluated at least once every five years. The evaluation shall at a minimum, provide for the gathering of outcome data and data pertaining to, staff and student
perceptions of program effectiveness, access requirements of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), compliance with Section 504 of the Federal Rehabilitation Act of 1973 (29 U.S.C. 794) and data on the implementation of the program as outlined in Education Code Section 84850.


§ 56054. Special Projects.
(a) Community college districts receiving funding pursuant to this subchapter shall cooperate to the maximum extent possible with the Chancellor in carrying out special projects, which may include, but are not limited to, task force meetings, research studies, model programs, conferences, training seminars, and other activities designed to foster program development and accountability. Such projects shall be funded from the three percent set aside authorized pursuant to Education Code Section 84850(e).
(b) Where such projects fund services to students, such students need not meet the eligibility criteria otherwise required under this subchapter, but such students shall meet any eligibility requirements which the Chancellor may prescribe.


Article Four. Funding and Accountability

§ 56060. Basis of Funding.
Any community college district shall be entitled to receive funding pursuant to Education Code Section 84850 to offset the allowable expenses, as defined in Section 56064, of providing academic adjustments, auxiliary aids, services and/or instruction to students with disabilities enrolled in state-supported educational courses or programs.


§ 56062. Provision of Academic Adjustments, Auxiliary Aids, Services and/or Instruction.
A community college district will be deemed to have “provided academic adjustments, auxiliary aids, services and/or instruction” to a student with a disability, as required by Section 56060, if the student is enrolled in an educational assistance class or is enrolled in a general class and received one or more service contacts each semester the student attends.
§ 56064. Allowable Expenses.
(a) Allowable expenses are those actual fixed, variable, and one-time costs (not including non-allowable expenses, as defined in Section 56068) for providing academic adjustments, auxiliary aids, services and/or instruction, as defined in Sections 56026 and 56028, which exceed the combined total of the following:
(1) the average cost to the district of providing comparable services (as defined in Section 56066) to students without disabilities times the number of students with disabilities receiving such services from DSPS;
(2) the revenue derived from educational assistance classes as provided in Section 56070; and
(3) any other funds for serving students with disabilities which the district receives from federal, state, or local sources other than discretionary district funds.
(b) Allowable expenses may include the removal or modification of minor architectural barriers providing the funds expended do not exceed 1% of the current year DSPS allocation, unless an exception to the funding limitation has been granted by the Chancellor’s Office.
(c) Allowable expenses may also include the purchase and repair of equipment.
(d) The cost of allowable expenses may fluctuate depending on the number of students or the unit load of the students.
(e) As used in Subchapter 1 of Chapter 7 of this Division, allowable expenses refers to direct excess costs, as is defined in Education Code Section 84850(c).


§ 56066. Comparable Services.
(a) As used in Section 56064, “comparable services” are those services which are comparable to services available from a college to its students without disabilities. These services described in Section 56026 include, but are not limited to:
(1) job placement and development;
(2) registration assistance;
(3) accessible parking;
(4) assessment;
(5) counseling;
(6) tutoring, and

(7) outreach.

(b) Districts which claim reimbursement for allowable expenses for comparable services as defined in subdivision (a) must, for each college in the district:

(1) certify that the service in question is not offered to students without disabilities; or

(2) collect and report to the Chancellor, on forms prescribed by the Chancellor, data showing the number of new and the number of continuing students with disabilities enrolled in credit courses who received one or more such services, in whole or in part, from DSPS.

(c) The Chancellor shall adjust the allocation of each district by the number, if any, of students reported pursuant to subdivision (b)(2), times the applicable credit student services funding rates for new and continuing students calculated pursuant to Article 48 (commencing with Section 58730) of Subchapter 8 of Chapter 9 of this Division.


§ 56068. Non-Allowable Expenses.
The following expenses are not allowed to be paid by DSPS funds, including but not limited to:

(a) college administrative staff salary and benefit costs (e.g., staff of the college business office, bookstore, reproduction center, etc.);

(b) administrative salaries and benefits for staff at the dean salary level and above, with the exception of the applicable FTE of the DSPS coordinator or director;

(c) indirect costs, such as rent, heat, light, power, telephone, FAX, internet service, gasoline and janitorial;

(d) costs of construction, except for removal or modification of minor architectural barriers. These expenses must not exceed 1% of the current year DSPS allocation;

(e) travel costs other than for DSPS staff and students for directly related DSPS activities or functions;

(f) costs for on- and off-campus space and plant maintenance;

(g) the cost of office furniture (e.g., desks, bookcases, filing cabinets, etc.);

(h) political or professional association dues and/or contributions;

(i) rent of off-campus space;

(j) costs for legal matters, election campaigns, or audit expenses;

(k) building costs, even if the new building were for exclusive use of DSPS;
(l) books or other resource material purchases for the general or main library; or

(m) vehicles or modification of vehicles including campus trams, unless used exclusively for students with disabilities.


§ 56070. Revenue from Educational Assistance Classes.
Revenue from educational assistance classes shall be used for provision of academic adjustments, auxiliary aids services and/or instruction pursuant to Sections 56026 and 56028 and shall not be used for non-allowable expenses as defined in Section 56068.


§ 56072. Allocations; Reports; Audits; Adjustments.
(a) The Chancellor shall adopt an allocation formula which is consistent with the requirements of this Subchapter. The Chancellor shall use this formula to make advance allocations of funding provided pursuant to Section 56060 to each community college district consistent with the district’s approved DSPS program/unit plan pursuant to Section 56046 and the requirements of this Article.

(b) A portion, not to exceed 20 percent, of the allocation may be based on the amount of federal, state, local, or district discretionary funds which the district has devoted to serving students with disabilities. Provided, however, that in no event shall any district be entitled to receive funding which exceeds its allowable expenses, as defined in Section 56064, of providing academic adjustments, auxiliary aides and services or instruction to students with disabilities.

(c) Each district shall submit such enrollment and budget reports as the Chancellor may require.

(d) The Chancellor shall provide for audits of DSPS programs to determine the accuracy of the reports required pursuant to subdivision (c).

(e) The Chancellor may, based on audit findings or enrollment/budget reports, adjust the allocation of any district to compensate for over or under-allocated amounts in the current fiscal year or any of the three immediately preceding fiscal years.

§ 56074. Accounting for Funds.
Each community college district shall establish a unique budget identifier code to separately account for all funds provided pursuant to this subchapter. The district shall certify through fiscal and accounting reports prescribed by the Chancellor that all funds were expended in accordance with the requirements of this subchapter.


§ 56076. Other Resources.
As a condition of receiving funds pursuant to this subchapter, each community college district shall certify that reasonable efforts have been made to utilize all funds from federal, state, or local sources which are available for serving students with disabilities and shall report those expenditures to the Chancellor, as required by Section 56072.


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