

AR 5140 CENTER FOR STUDENTS WITH DISABILITIES (CSD)

NOTE: The language in red ink is legally required. Local practice may be inserted, but must include the following legal minimums. Insert local procedures here and/or reference the DSPS Plan.

The District maintains a plan for the provision of programs and services to disabled students designed to assure that they have equality of access to District classes and programs.

NOTE: At a minimum, the procedures, plan, or description of the program and services must address:

- procedure for timely response to accommodation requests involving academic adjustments which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee;
- long-range goals and short term measurable objectives for the program;
- definitions of disabilities and students eligible for the program;
- support services and instruction that is provided;
- technology accessibility;
- verification of disability;
- student rights and responsibilities;
- academic accommodation plan that is developed by a designated person in consultation with the student;
- academic adjustments, auxiliary aids and services;
- provisions for course substitution and waivers;
- staffing; and
- advisory committee.

❖ ~~From current SMC AR 4111.2~~ **1. Classroom Assistance for Students with Disabilities**

Classroom Assistance for Students with Disabilities

Any person attending a class must be officially enrolled, with the following exceptions.

A note-taker, classroom aide, sign language interpreter, real time captionist, or other assistant may be present in the classroom to assist a student who has been approved by ~~DSPS~~ the Center for Students with Disabilities (CSD) for an academic adjustment.

Some students with disabilities employ personal assistants to manage a variety of tasks such as mobility and other personal needs. A personal assistant may accompany a qualified student with a disability to classes and other student activities, if a formal request has been approved by the ~~CSDSMC Disabled Student Programs and Services (DSPS)~~. All such assistants must be registered with the ~~CSD~~ DSPS. The ~~CSD~~ DSPS will notify the instructor of the approval.

The assistant may provide all accommodations approved by the CSD ~~DSPS~~ on a case-by-case basis. The student is independently responsible for content on all evaluated course work. The personal assistant is bound by the Rules for Student Conduct. (AR ~~4410~~ 5500 Standards of Student Conduct)

❖ ~~From current SMC AR 4115.2~~ **Academic Adjustments for Students with Disabilities**

Academic Adjustments for Students with Disabilities

In accordance with State and Federal law, academic rules, policies and practices at Santa Monica College may be modified, as necessary, to ensure that they do not discriminate, or have the effect of discriminating on the basis of handicap, against qualified handicapped applicants or students. The procedure for seeking an adjustment is as follows:

Process for Adjustment

1. A student with a documented disability contacts the instructor or instructors prior to or at the beginning of the semester with a request for an academic adjustment.
2. The instructor or instructors discuss the request with the student and confer (if necessary) with the staff at the Center for Students with Disabilities to determine an appropriate adjustment.
3. A student with a documented disability may also seek an adjustment by requesting staff at the Center for Students with Disabilities to initiate contact with the instructor(s).
4. If the student, instructor(s) and staff at the Center for Students with Disabilities have made a reasonable effort to resolve the matter and are unable to agree on an appropriate adjustment within five working days, the matter may be referred to the 504 Compliance Office or ~~her/his~~ designee.
5. The 504 Compliance Officer or ~~her/his~~ designee will gather appropriate information and determine a reasonable accommodation within two working days after having received written notification of a problem from a concerned party and will make an interim adjustment pending a final resolution.

Appeal Process

1. If the student or the agents of the college do not concur regarding the requested academic adjustment, the matter will be forwarded to the Academic Accommodations Panel. The role of the Academic Accommodations Panel is to review the request for academic adjustment. Specifically, does the adjustment ensure access for ~~the disabled~~ for participation in the academic program and maintain the integrity of the course content?
2. The Academic Accommodations Panel will include the following members:
 - A faculty member from the ~~CSD Disabled Student Programs and Services (DSPS)~~
 - The 504 Compliance Officer
 - Two instructors from the academic area (one selected by the department chair and one selected by the instructor)
 - An advocate or information specialist of the student's choice (non-voting)
 - An academic administrator who serves as the chair of the committee
3. The student and the instructor will meet with the Academic Accommodations Panel and will have an opportunity to express their concerns.
4. The Academic Accommodations Panel will meet no later than 10 working days after the interim adjustment has been made and will then render a written decision within five working days.

❖ ~~From current SMC AR 4353-3.~~ Adjustment of Graduation Requirement for Students with Disabilities

In cases in which an otherwise qualified student's disability-related functional limitations may preclude ~~him/her them~~ from successful completion of a course required for a degree or certificate, a course substitution may be considered.

If the student and the academic department mutually agree upon a course substitution, and the proposed course substitution meets the requirement of comparable concept mastery, the course substitution will be granted by the Vice President of Academic Affairs. If the academic department has denied a student's

request for course substitution and the student remains unable to complete a course, the student may appeal this decision by taking the following steps:

Process for Course Substitution:

1. The student will complete a written, formal request and submit this petition to a CSDSPS faculty member. This request may only be accepted by CSDSPS after the student has completed 45 applicable units. This request should be submitted prior to the student's final semester to avoid last semester negotiations.
2. A preliminary review of the student's disability-related need for a course substitution will be made, taking into account the unique needs of each student. This review must be conducted by a team of appropriate professionals within CSDSPS, including the Coordinator of CSDSPS. Sufficient written documentation that the student meets all standardized criteria established by Title 5 and the Chancellor's Office relevant to the student's disability must be demonstrated to the CSDSPS office in order to proceed with a formal request. (Sections 56032-56044 of Subchapter 1 of Chapter 7 of Division 6 of Title 5)
3. If the CSDSPS team determines that the above requirements are met, it will develop an educational plan with the student that addresses the student's particular disability, immediate and future educational and career goals, and how this particular course substitution will affect any prerequisite, graduation or transfer requirements detailed by this educational plan. Within thirty (30) instructional days of receiving the formal request, CSDSPS and the student will present this plan in writing to an ad hoc committee consisting of the following individuals:
 - Academic Dean (Chair of the ad hoc committee)—appointed by the President or designee.
 - CSDSPS Coordinator or designee
 - Department Chair from the area in which the course to be substituted is offered
 - Two at-large faculty members:
 - Curriculum Committee Chair (or designee)
 - Faculty member not from the department from which the student seeks the substitution (appointed by the Academic Senate President)
 - ADA/Section 504 Compliance Officer (non-voting)

A quorum shall be established when at minimum the Department Chair (or designee), the CSDSPS Coordinator (or designees), and one faculty member are present. Other, non-voting individuals may be present if requested by committee members. The petition will be evaluated on a case-by-case basis. Through the evaluation of the student's transcript and the proposed plan, it must be evident that the student is otherwise qualified and will meet all other graduation requirements (see AR 4100350). Within twenty (20) days of the referral from CSDSPS, this committee will determine if the requested substitution constitutes a fundamental alteration of the educational program in which case necessary adjustments of the educational plan may be presented. The plan developed by the ad hoc committee becomes effective immediately and will be coordinated and implemented by CSDSPS. The Coordinator of CSDSPS or his/her designee will ensure that the provisions of the plan are followed.

4. If a course substitution (which may include a special project or independent study coursework) is recommended, a written contract between the ad hoc committee and student will be established. The relevant academic departmental representatives will recommend a substitution which will achieve student learning outcomes and objectives comparable to those of the course for which the work will be substituted. The committee, may at its discretion request/require any of the following:
 - Completion of the substitute work within a specified period of time.

- If a project or independent work is assigned, the department chair and/or a departmental faculty member will be solely responsible for evaluating the student's work and communicate its evaluation results to committee members.
5. Once the agreed upon project or independent work has been successfully completed, the ad hoc committee may at its discretion reconvene to certify its completion and forward its approval to the Vice President of Academic Affairs for final approval.
 6. It is the student's responsibility to consider the consequences of course substitution in transferring to another postsecondary institution. If the original course is required for transfer, it is the student's responsibility to contact the transfer institution for consideration of a disability-related adjustment.
 7. The district is not obligated to develop a substitute course. Academic requirements that are essential to a program or directly linked to licensing requirements will not be considered for substitution.

Reference: ~~— Title 5, Sections 56032-56044~~

❖ ~~From current SMC AR 4353.1-3.~~ **Full-Time Status for Students with Disabilities with Reduced Course Load**

Full-Time Status for Students with Disabilities with Reduced Course Load

~~The purpose of t~~This aAdministrative rRegulation ~~is to~~ provides full-time status to qualified students with significant disabilities who, as a direct result of disability, are unable to carry a full course load and, consequently, would be unable to participate fully in the benefits and privileges afforded full-time students.

Under College policy, full-time status requires enrollment in no less than 12 units. While it is typically preferable for a student with a disability to be accommodated through methods such as academic advising, priority enrollment, and academic accommodations, it may be necessary for a student to request a reduced course load because of a more severe academic impact of a significant disability. Factors unrelated to the disability such as employment, curricular activities, family/personal obligations, inadequate academic preparation, failure to use appropriate academic accommodations, or poor class attendance cannot be the primary reason(s) for a student with a reduced course load to be considered a full-time student. Students who are approved for full-time status with reduced course loads should work closely with their academic ~~counselors~~advisers on a coursework plan, particularly with respect to university and college degree completion time limitations.

This ~~policy will~~ regulation allows an eligible student to carry a reduced course load without forfeiting the benefits and privileges of full-time status. However, eligible students should follow up with auxiliary services such as federal financial aid, personal health insurance, and non-College sponsored scholarships as these and other services may be adversely affected by the reduction in semester hours. The College cannot require outside entities to abide by the College's determination of a reduced course load/ full-time status designation. If a student who has been approved for a reduced course load further reduces ~~their~~his or her course load below the approved number of hours for full-time status, the student's full-time status shall be revoked automatically and will no longer be in effect.

Procedure

Requests for reduced course loads/full-time status should be submitted to the CSD Coordinator, ~~Disabled Students Programs & Services (DSPS)~~, or designee. The CSD Coordinator, ~~DSPS~~, or designee will grant or deny the request based on consideration of the factors set forth above. The reduced course load, if approved, is not permanent but must be re-evaluated each semester.

❖ ~~From current SMC AR 4345-4.~~ **Suspension of Services Provided by Disabled Student Programs and Services (DSPS)**

Suspension of Services Provided by ~~CSDSPS~~

Pursuant to Title 5 Section 56010(b), a qualified student with a disability may be denied services through ~~CSDSPS~~ in two ways:

- (A) Lack of measurable progress, or
- (B) Inappropriate use of services.

~~Reference: California Code of Regulations, Title 5, Section 56010(b)~~

Measurable Progress

Pursuant to Title 5 Section 56010(a), a lack of measurable progress is defined as either:

1. Failure to meet the academic standards outlined in AR 4342 4250 Academic and Progress Notice Probation and AR 4255 Temporary Pause and Reinstatement ~~Disqualification~~, standards established by the College, or
2. No progress for two consecutive semesters with the goals outlined in the ~~CSDSPS~~ Student Educational Contract (SEC) when enrolled in special, non-credit courses.

~~Reference: California Code of Regulations, Title 5, Section 56010(a)~~

Inappropriate Use of Services

Inappropriate use of services is a failure to comply with the policies and procedures of service provision that a qualified student has been authorized to use. Failure to comply with the terms stated within each specific service provision area may result in suspension or termination of that specific service in the following ways:

1. Only services that have been used inappropriately may be suspended or terminated during an enrolled term, and only for the duration of the term.
2. The student shall be notified in writing prior to the suspension or the termination of said service. The student may file a written appeal addressed to the ~~ADA~~ Compliance Officer within 10 working days following the date of the notice. The ~~ADA~~ Compliance Officer or his/her designee will render the final decision within 10 working days and notify the student in writing of said decision.
3. As with all requests for service, authorization of services in subsequent terms will follow the Academic Adjustments for Students with Disabilities Section 1. above(see AR 4115).

~~Reference: Title 5, Section 56010~~

THIS WAS APPROVED IN 2018

AR 5140 CENTER FOR STUDENTS WITH DISABILITIES

The District maintains policies and procedures to ensure equal access to District courses, programs, and activities.

Access

The District will maintain policies and procedures to assure equal access to:

- facilities and equipment at all campus locations,
- electronic and information technology,
- instructional programs,
- student activities, and
- educational support services.

Students who request accommodations or services on the basis of a disability will be required to submit documentation of the disability to the Center for Students with Disabilities (CSD) Office. The Center will review the documentation and current functional limitations through an interactive process with the student. The Center will determine and document whether or not the request is reasonable and assure timely delivery of reasonable accommodations, if applicable. If the disability and current functional limitations are verified, the student will be eligible to participate in the Program.

Due Process

The District policy statement covering nondiscrimination on the basis of a disability will be disseminated to students through the schedule of classes, catalog, publications, and the District and program's website.

The ADA/504 Compliance Officer or designee will maintain a process for responding to students who wish to file a grievance to resolve allegations of discrimination based on a disability. How students initiate this process is available on the program's website and in various college publications.

Standards

The Center for Students with Disabilities shall maintain policies and procedures that address standards for delivery of programs and services for students with disabilities.

Service Provision

The Center for Students with Disabilities shall maintain policies and procedures which include, but are not limited to:

- Mission and goals
- Definition of disability(ies), limitation, and eligibility for the program;
- Verification of disability;
- Availability of support services and instruction that is provided;
- Technology accessibility;
- Suspension of services;
- Requests for academic adjustments, auxiliary aids and services;
- Requests for course substitution;

Staffing;

Procedure for timely response to accommodation requests involving academic adjustments which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee.

Student rights and responsibilities;

- Academic Accommodation Plan (AAP) that is developed by a CSD counselor, LD/ABI Faculty Specialist in consultation with the student;
- Advisory committee.

Student Rights

The Center for Students with Disabilities shall maintain a process for informing students of their rights as a student with a disability.

The Center for Students with Disabilities shall maintain disability-related student records.

The Center for Students with Disabilities will make its policies and procedures available to students online at the program's website, and in print, as needed.

The Center for Students with Disabilities will regularly review its policies and procedures and update as appropriate.

Policies and procedures can be referenced online at the program's website.

Funding

The District is committed to provide substantial funding to ensure that adequate and appropriate resources are available to support students with disabilities in their classes (accommodations), programs, and activities on campus.

References:

Title 5, Sections 56000 et seq.
American with Disabilities Act
Sections 504 & 508 Rehabilitation Act
CSD Policies and Regulations
Revised: September 19, 2018; (9-28-23 NL)

Approved: December 11, 2001 (for AR 4111.2 and AR 4115); April 29, 2003 (for AR 4345); May 2, 2006 (for AR 4353); December 7, 2010 (for AR 4353.1)

Revised: November 20, 2012 (for AR 4111.2); December 4, 2012 (for AR 4345):
(Replaces SMC AR 4111.2, AR 4115, AR 4345, AR 4353, AR 4353.1)

§ 56000. Scope of Chapter.

The Legislature finds and declares that all individuals with exceptional needs have a right to participate in free appropriate public education and special educational instruction and services for these persons are needed in order to ensure the right to an appropriate educational opportunity to meet their unique needs

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 67310-67313 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 DSPTS 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 DSPTS student and a DSPTS 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 DSPTS staff;

(2) assessment by certificated DSPTS staff; or

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

(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 DSPTS 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 DSPTS services and adhere to written service provision policies adopted by DSPTS; 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 DSPTS 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 DSPTS.**

§ 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 DSPTS student and a DSPTS 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 Effective October 16, 2015 7(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.

67300. Disabled Student Services General Provisions [67300 - 67302.5]

Services for disabled students provided by the California Community Colleges and the California State University shall, and services provided for the University of California may, at a minimum, conform to the level and quality of those services provided by the Department of Rehabilitation to its clients prior to July 1, 1981. However, nothing in this chapter requires the California Community Colleges, the California State University, or the University of California to provide the services for disabled students in the same manner as those services were provided by the Department of Rehabilitation.

The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, for their respective systems, and the Regents of the University of California may adopt regulations to implement this chapter.

Notwithstanding any other provision of this section or Section 67305, blind students who are attending California Community Colleges under the sponsorship of the Department of Rehabilitation shall have all reader services provided directly by the Department of Rehabilitation. Reader services provided by the Department of Rehabilitation pursuant to this section shall be furnished in accordance with federal and state law. The Department of Rehabilitation shall seek federal funds for the provision of readers to blind students pursuant to this section.

67301.

(a) The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California may, adopt rules and regulations prescribing requirements similar to those provided by Section 22511.5 of the Vehicle Code and all other applicable sections of the Vehicle Code relating to parking exemptions for disabled persons, as defined by Section 295.5 of the Vehicle Code, and disabled veterans, as defined by Section 295.7 of the Vehicle Code. The rules and regulations shall include authorization to park for unlimited periods in time-restricted parking zones and to park in any metered parking space without being required to pay any parking meter fee or to display a parking permit other than pursuant to Section 5007 or 22511.55 of the Vehicle Code, provided those spaces are otherwise available for use by the general public. The adopted regulations shall authorize parking at campus facilities and grounds by students with disabilities and by persons providing transportation services to students with disabilities. Except as otherwise provided in this section, students with disabilities and persons providing transportation to students with disabilities shall be required to display a valid parking permit, if applicable, for the campus attended. Nothing in this section prohibits the adoption of rules and regulations providing greater accessibility for students with disabilities and persons providing transportation services to those students.

The adopted rules and regulations shall exempt students with disabilities and persons providing transportation services to these persons from any applicable parking restrictions in areas including, but not limited to, metered parking spaces and parking facilities designated for use by students, faculty, administrators, and employees.

(b) The Regents of the University of California may provide, and the Trustees of the California State University shall provide, and the Board of Governors of the California Community Colleges shall adopt rules and regulations requiring the governing board of each community college district to provide, visitor parking at each campus of the university or district at no charge for a disabled person, as defined by Section 295.5 of the Vehicle Code, or disabled veteran, as defined by Section 295.7 of the Vehicle Code, or as defined by

each segment's policy concerning the provision of services to students with disabilities, whichever is more inclusive, and for persons providing transportation services to individuals with disabilities. Whenever parking designated for a disabled person is provided on any campus of the University of California, the California State University, or a community college district in a facility controlled by a mechanical gate, that university or district shall also provide accommodations for any person whose disability prevents him or her from operating the gate controls. These accommodations may be provided by making arrangements for disabled persons to be assisted in the operation of the gate controls, or through other effective and reasonable means the university or district may devise. Nothing in this subdivision shall be construed to require the replacement or elimination of special parking facilities restricted for the use of disabled persons located on the campuses of these universities or districts.

It is the intent of the Legislature that community college districts shall utilize the proceeds from parking fees charged to community college students and employees to offset costs incurred by these districts in accommodating disabled persons pursuant to the requirements of this section.

(c) The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California may, establish procedures for the purpose of conducting biennial audits to determine whether individual campuses are in compliance with all state building code requirements relating to the location and the designation of minimum percentages of available campus parking spaces for use by students with disabilities, as determined by guidelines of Section 14679 of the Government Code, Section 2-7102 of Title 24 of the California Code of Regulations, Part 40 (commencing with Section 40.1) of Title 24 of the Code of Federal Regulations, Section 1190.31 of Title 36 of the Code of Federal Regulations, or their successor provisions, or any other applicable provisions of law, whichever provides the greater accessibility for disabled persons.

67302.

(a) An individual, firm, partnership, or corporation that publishes or manufactures printed instructional materials for students attending the University of California, the California State University, or a California Community College, shall provide to the university, college, or particular campus of the university or college, for use by students attending the University of California, the California State University, or a California Community College, any printed instructional material in an electronic format mutually agreed upon by the publisher or manufacturer and the college or campus. Computer files or electronic versions of printed instructional materials shall maintain the structural integrity of the printed instructional material, be compatible with commonly used braille translation and speech synthesis software, and include corrections and revisions as may be necessary. The computer files or electronic versions of the printed instructional material shall be provided to the university, college, or particular campus of the university or college at no additional cost and in a timely manner, upon receipt of a written request that does all of the following:

(1) Certifies that the university, college, or particular campus of the university or college has purchased the printed instructional material for use by a student with a disability or that a student with a disability attending or registered to attend that university, college, or particular campus of the university or college has purchased the printed instructional material.

(2) Certifies that the student has a disability that prevents him or her from using standard instructional materials.

(3) Certifies that the printed instructional material is for use by the student in connection with a course in which he or she is registered or enrolled at the university, college, or particular campus of the university or college.

(4) Is signed by the coordinator of services for students with disabilities at the university, college, or particular campus of the university or college or by the campus or college official responsible for monitoring compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) at the university, college, or particular campus of the university or college.

(b) An individual, firm, partnership, or corporation specified in subdivision (a) may also require that, in addition to the conditions enumerated above, the request shall include a statement signed by the student agreeing to both of the following:

(1) He or she will use the electronic copy of the printed instructional material in specialized format solely for his or her own educational purposes.

(2) He or she will not copy or duplicate the printed instructional material for use by others.

(c) If a college or university permits a student to directly use the electronic version of an instructional material, the disk or file shall be copy-protected, or the college or university shall take other reasonable precautions to ensure that students do not copy or distribute electronic versions of instructional materials in violation of the Copyright Revisions Act of 1976, as amended (17 U.S.C. Sec. 101 et seq.).

(d) An individual, firm, partnership, or corporation that publishes or manufactures nonprinted instructional materials for students attending the University of California, the California State University, or a California Community College shall provide computer files or other electronic versions of the nonprinted instructional materials for use by students attending the University of California, the California State University, or a California Community College, subject to the same conditions set forth in subdivisions (a) and (b) for printed instructional materials, when technology is available to convert these nonprinted instructional materials to a format that maintains the structural integrity of the nonprinted instructional materials that is compatible with braille translation and speech synthesis software.

(e) For purposes of this section:

(1) "Instructional material or materials" means textbooks and other materials written and published primarily for use by students in postsecondary instruction that are required or essential to a student's success in a course of study in which a student with a disability is enrolled. The determination of which materials are "required or essential to student success" shall be made by the instructor of the course in consultation with the official making the request pursuant to paragraph (4) of subdivision (a) in accordance with guidelines issued pursuant to subdivision (i). "Instructional material or materials" does not include nontextual mathematics and science materials until the time software becomes commercially available that permits the conversion of existing electronic files of the materials into a format that is compatible with braille translation software or alternative media for students with disabilities.

(2) "Printed instructional material or materials" means instructional material or materials in book or other printed form.

(3) "Nonprinted instructional materials" means instructional materials in formats other than print, and includes instructional materials that require the availability of electronic equipment in order to be used as a learning resource, including, but not necessarily limited to, software programs, videotapes and audiotapes.

(4) "Structural integrity" means all of the printed instructional material, including, but not limited to, the text of the material, sidebars, the table of contents, chapter headings and subheadings, footnotes, indexes, glossaries, and bibliographies. "Structural integrity" need not include nontextual elements such as pictures, illustrations, graphs, or charts. If good faith efforts fail to produce an agreement pursuant to subdivision (a) between the publisher or manufacturer and the university, college, or particular campus of the university or college, as to an electronic format that will preserve the structural integrity of the printed instructional material, the publisher or manufacturer shall provide the instructional material in ASCII text and shall preserve as much of the structural integrity of the printed instructional material as possible.

(5) "Specialized format" means braille, audio, or digital text that is exclusively for use by blind or other persons with disabilities.

(f) Nothing in this section shall be construed to prohibit a university, college, or particular campus of the university or college from assisting a student with a disability by using the electronic version of printed instructional material provided pursuant to this section solely to transcribe or arrange for the transcription of the printed instructional material into braille. In the event a transcription is made, the campus or college shall have the right to share the braille copy of the printed instructional material with other students with disabilities.

(g) The Chancellor of the California Community Colleges, the Chancellor of the California State University, and the President of the University of California may each establish one or more centers within their respective segments to process requests for electronic versions of instructional materials pursuant to this section. If a segment establishes a center or centers, and a college or campus within the jurisdiction of the center chooses to participate in the center, each of the following shall apply:

(1) A college or campus designated as within the jurisdiction of a center shall submit requests for instructional material made pursuant to subdivision (a) to the center, which shall transmit the request to the publisher or manufacturer.

(2) If there is more than one center, each center shall make every effort to coordinate requests within its segment.

(3) The publisher or manufacturer of instructional material shall be required to honor and respond to only those requests submitted through a designated center.

(4) If a publisher or manufacturer has responded to a request for instructional materials by a center, or on behalf of all the centers within a segment, all subsequent requests for these instructional materials shall be satisfied by the center to which the request is made.

(h) Nothing in this section shall be deemed to authorize any use of instructional materials that would constitute an infringement of copyright under the Copyright Revision Act of 1976, as amended (17 U.S.C. Sec. 101 et seq.).

(i) The governing boards of the California Community Colleges, the California State University, and the University of California shall each adopt guidelines consistent with this section for its implementation and administration. At a minimum, the guidelines shall address all of the following:

(1) The designation of materials deemed "required or essential to student success."

(2) The determination of the availability of technology for the conversion of nonprinted materials pursuant to subdivision (d) and the conversion of mathematics and science materials pursuant to paragraph (4) of subdivision (e).

(3) The procedures and standards relating to distribution of files and materials pursuant to subdivisions (a) and (b).

(4) Other matters as are deemed necessary or appropriate to carry out the purposes of this section.

(j) Failure to comply with the requirements of this section shall be a violation of Section 54.1 of the Civil Code.

(k) This section does not apply to a request by an institution for a captioned format, as defined in paragraph (1) of subdivision (a) of Section 67302.5, of an instructional material, as defined in paragraph (4) of subdivision (a) of Section 67302.5.

67302.

(a) (1) An individual, firm, partnership, or corporation that publishes or manufactures printed instructional materials for students attending the University of California, the California State University, or a California Community College, shall provide to the university, college, or particular campus of the university or college, for use by students attending the University of California, the California State University, or a California Community College, any printed instructional material in an electronic format mutually agreed upon by the publisher or manufacturer and the college or campus. Computer files or electronic versions of printed instructional materials shall maintain the structural integrity of the printed instructional material, be compatible with commonly used braille translation and speech synthesis software, and include corrections and revisions as may be necessary. The computer files or electronic versions of the printed instructional material shall be provided to the university, college, or particular campus of the university or college at no additional cost and in a timely manner, upon receipt of a written request that does all of the following:

(A) Certifies that the university, college, or particular campus of the university or college has purchased the printed instructional material for use by a student with a disability or that a student with a disability attending or registered to attend that university, college, or particular campus of the university or college has purchased

the printed instructional material. The requirements of this subparagraph shall be satisfied if the instructional material consists of a digital open source textbook or related materials developed or acquired pursuant to Section 66409.

(B) Certifies that the student has a disability that prevents him or her from using standard instructional materials.

(C) Certifies that the printed instructional material is for use by the student in connection with a course in which he or she is registered or enrolled at the university, college, or particular campus of the university or college.

(D) Is signed by the coordinator of services for students with disabilities at the university, college, or particular campus of the university or college or by the campus or college official responsible for monitoring compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) at the university, college, or particular campus of the university or college.

(2) If and when the California Open Source Digital Library is established pursuant to statute, the request described in paragraph (1) shall be submitted to, and satisfied by, the library where the instructional material needed by a student with a disability is available from that library.

(b) An individual, firm, partnership, or corporation specified in subdivision (a) may also require that, in addition to the conditions enumerated above, the request shall include a statement signed by the student agreeing to both of the following:

(1) He or she will use the electronic copy of the printed instructional material in specialized format solely for his or her own educational purposes.

(2) He or she will not copy or duplicate the printed instructional material for use by others.

(c) If a college or university permits a student to directly use the electronic version of an instructional material, the disk or file shall be copy-protected, or the college or university shall take other reasonable precautions to ensure that students do not copy or distribute electronic versions of instructional materials in violation of the Copyright Revisions Act of 1976, as amended (17 U.S.C. Sec. 101 et seq.).

(d) An individual, firm, partnership, or corporation that publishes or manufactures nonprinted instructional materials for students attending the University of California, the California State University, or a California Community College shall provide computer files or other electronic versions of the nonprinted instructional materials for use by students attending the University of California, the California State University, or a California Community College, subject to the same conditions set forth in subdivisions (a) and (b) for printed instructional materials, when technology is available to convert these nonprinted instructional materials to a format that maintains the structural integrity of the nonprinted instructional materials that is compatible with braille translation and speech synthesis software.

(e) For purposes of this section:

(1) "Instructional material or materials" means textbooks and other materials written and published primarily for use by students in postsecondary instruction, including, but not limited to, digital open source textbooks and related materials developed or acquired pursuant to Section 66409, that are required or essential to a student's success in a course of study in which a student with a disability is enrolled. The determination of which materials are "required or essential to student success" shall be made by the instructor of the course in consultation with the official making the request pursuant to paragraph (4) of subdivision (a) in accordance with guidelines issued pursuant to subdivision (i). "Instructional material or materials" does not include nontextual mathematics and science materials until the time software becomes commercially available that permits the conversion of existing electronic files of the materials into a format that is compatible with braille translation software or alternative media for students with disabilities.

(2) "Nonprinted instructional materials" means instructional materials in formats other than print, and includes instructional materials that require the availability of electronic equipment in order to be used as a learning resource, including, but not necessarily limited to, software programs, videotapes and audiotapes.

- (3) "Printed instructional material or materials" means instructional material or materials in book form or other printed form.
- (4) "Specialized format" means braille, audio, or digital text that is exclusively for use by blind persons or other persons with disabilities.
- (5) "Structural integrity" means all of the printed instructional material, including, but not limited to, the text of the material, sidebars, the table of contents, chapter headings and subheadings, footnotes, indexes, glossaries, and bibliographies. "Structural integrity" need not include nontextual elements such as pictures, illustrations, graphs, or charts. If good-faith efforts fail to produce an agreement pursuant to subdivision (a) between the publisher or manufacturer and the university, college, or particular campus of the university or college, as to an electronic format that will preserve the structural integrity of the printed instructional material, the publisher or manufacturer shall provide the instructional material in ASCII text and shall preserve as much of the structural integrity of the printed instructional material as possible.
- (f) Nothing in this section shall be construed to prohibit a university, college, or particular campus of the university or college from assisting a student with a disability by using the electronic version of printed instructional material provided pursuant to this section solely to transcribe or arrange for the transcription of the printed instructional material into braille. In the event a transcription is made, the campus or college shall have the right to share the braille copy of the printed instructional material with other students with disabilities.
- (g) The Chancellor of the California Community Colleges, the Chancellor of the California State University, and the President of the University of California may each establish one or more centers within their respective segments to process requests for electronic versions of instructional materials pursuant to this section. If a segment establishes a center or centers, and a college or campus within the jurisdiction of the center chooses to participate in the center, each of the following shall apply:
- (1) A college or campus designated as within the jurisdiction of a center shall submit requests for instructional material made pursuant to subdivision (a) to the center, which shall transmit the request to the publisher or manufacturer.
 - (2) If there is more than one center, each center shall make every effort to coordinate requests within its segment.
 - (3) The publisher or manufacturer of instructional material shall be required to honor and respond to only those requests submitted through a designated center.
 - (4) If a publisher or manufacturer has responded to a request for instructional materials by a center, or on behalf of all the centers within a segment, all subsequent requests for these instructional materials shall be satisfied by the center to which the request is made.
- (h) Nothing in this section shall be deemed to authorize any use of instructional materials that would constitute an infringement of copyright under the Copyright Revision Act of 1976, as amended (17 U.S.C. Sec. 101 et seq.).
- (i) The governing boards of the California Community Colleges, the California State University, and the University of California shall each adopt guidelines consistent with this section for its implementation and administration. At a minimum, the guidelines shall address all of the following:
- (1) The designation of materials deemed "required or essential to student success."
 - (2) The determination of the availability of technology for the conversion of nonprinted materials pursuant to subdivision (d) and the conversion of mathematics and science materials pursuant to paragraph (4) of subdivision (e).
 - (3) The procedures and standards relating to distribution of files and materials pursuant to subdivisions (a) and (b).
 - (4) Other matters as are deemed necessary or appropriate to carry out the purposes of this section.
- (j) Failure to comply with the requirements of this section shall be a violation of Section 54.1 of the Civil Code.

(k) This section does not apply to a request by an institution for a captioned format, as defined in paragraph (1) of subdivision (a) of Section 67302.5, of an instructional material, as defined in paragraph (4) of subdivision (a) of Section 67302.5.

67302.5.

(a) As used in this section, the following terms have the following meanings:

(1) "Captioned" or "captioning" means the display of text corresponding to, and synchronized with, the spoken-word audio portion of instructional material.

(2) "Electronic format" means a computer file or other digital medium that embodies instructional material, is not itself captioned, but from which a captioned format may be created using commercially available technology.

(3) "Institution" means the University of California, the California State University, a California Community College, or any campus or location of any of those institutions.

(4) "Instructional material" means any audiovisual work, as that term is defined in Section 101 of Title 17 of the United States Code, that is created and published primarily for use by students in postsecondary instruction, and is required for a student's success in a course of study in which a student with a disability is enrolled. The determination of which materials are "required for student success" shall be made by the instructor of the course in consultation with the official making the request pursuant to subdivision (b) in accordance with guidelines issued pursuant to subdivision (i).

(5) "Publisher" means any individual, firm, partnership, or corporation that is engaged in the business, whether for profit or not for profit, of selling instructional material in which it owns or controls some or all of the copyright to that material. "Publisher" does not include any entity that is a subdivision of any state or other governmental body, other than the State of California.

(6) "Writing" includes facsimile transmission and e-mail.

(b) (1) A publisher that publishes instructional material used by students attending, or by instructors for use in classroom presentations at, the University of California, the California State University, or a California Community College, shall, upon request by an institution on behalf of a student or instructor at that institution, do one of the following:

(A) Provide access to a captioned format of the instructional material directly to the student or the instructor by providing an Internet password, delivery of a disk or file, or in any other appropriate manner.

(B) Provide to the institution a captioned format of the instructional material.

(C) Provide to the institution an electronic format, if available, of the instructional material, unless the institution already has an electronic format in its possession, and a license permitting the institution to create a captioned format of the material, to the extent the publisher has the right to grant that license.

(2) A publisher shall respond to a properly addressed request that meets the requirements of subdivision (c) in the following manner, as applicable:

(A) Within 10 calendar days after the receipt of the request, the publisher shall provide to the institution a notice, in writing, as to which of the three actions in paragraph (1) it intends to take.

(B) If the publisher does not possess an electronic format of the instructional material, it shall advise the institution of that fact in the notice provided pursuant to subparagraph (A).

(C) If the publisher lacks sufficient rights to distribute, or license the institution to create, a captioned format of some or all of the instructional material covered by the request, it shall advise the institution of that fact in the notice provided pursuant to subparagraph (A), and shall provide both of the following to the institution, to the extent that the publisher is able to do so:

(i) An electronic format of the instructional material to which the publisher does not control the applicable rights.

(ii) The name and contact information of the person that the publisher believes to be capable of authorizing creation of a captioned format of the instructional material. Any person capable of authorizing the creation of the captioned format shall be deemed to be the publisher of that material for purposes of this section.

(D) If the publisher notifies the institution that it will provide an electronic format and a license permitting the institution to create a captioned format, it shall provide the electronic format and the license within seven calendar days of providing the notice pursuant to subparagraph (A).

(E) If the publisher notifies the institution that it will provide a captioned format of the requested material, the publisher shall provide the captioned format as soon as it is possible to do so, but not later than 14 calendar days after providing the notice pursuant to subparagraph (A).

(3) If a publisher fails to respond to a request, as required by paragraph (2), within 10 calendar days of receiving the request, the institution shall be deemed to have received a license permitting the institution to create a captioned format of the instructional material.

(c) (1) An institution, if it chooses to submit a request pursuant to subdivision (b), shall include in the request all of the following:

(A) Certification that the institution or an instructor at that institution has purchased the instructional material either (i) for use by a student with an auditory disability that prevents the student from using the instructional material in a noncaptioned format or (ii) for use in a class in which a student with such a disability is enrolled, or that a student with such a disability attending, or registered to attend, that institution has purchased the instructional material.

(B) Certification that the student has an auditory disability that prevents the student from using instructional material in noncaptioned format.

(C) Certification that the instructional material is for use by the student or an instructor in connection with a course in which the student is registered or enrolled at the institution.

(D) The signature of the coordinator of services for students with disabilities at the institution, or by an official responsible for monitoring compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) at the institution.

(E) At a minimum, an e-mail address and a facsimile number at which the person signing the request may be contacted.

(2) A publisher may require, in addition to the requirements enumerated in paragraph (1), a request to include a statement signed by the student agreeing to both of the following:

(A) He or she will use the captioned format of the instructional material solely for his or her own educational purposes.

(B) He or she will not distribute or reproduce the captioned format for use by others.

(d) (1) Any institution possessing an electronic format of an instructional material shall take reasonable precautions to ensure that the electronic format is not distributed to any third party, except as provided in paragraph (2) and subdivision (e), and shall, to the extent possible, maintain in effect all copy-protection measures embedded in any electronic format provided by a publisher.

(2) An institution may retain an outside vendor to assist it in the exercise of rights granted to it by a publisher or by this section, and shall ensure, pursuant to an agreement that the publisher and the institution shall both have the power to enforce, that the electronic format is not further distributed and that any captioned format made from it is provided only to the institution.

(e) (1) If a publisher provides to an institution a captioned format of instructional materials, the institution shall provide the captioned format to the student or instructor on whose behalf the request was made and may retain a copy of that captioned format.

(2) Except as provided in paragraph (4), if a publisher grants an institution a license to create a captioned format, the institution shall provide a copy of the resulting captioned format to the publisher and may retain a copy of the captioned format.

(3) Pursuant to paragraph (1) or (2), the institution may provide additional copies to any other of its students, any instructor employed by the institution for classroom use, any student at any other institution, or any other institution for classroom use, if the institution collects and forwards to the publisher all institutional and student certifications required under subdivision (b).

(4) The institution shall cease to distribute additional copies of a captioned format to any other institution if either of the following occurs:

(A) The institution receives notice that a captioned format has become commercially available from the publisher or other copyright owner of the instructional material. However, if this occurs, the institution may continue to allow its own instructors to use any captioned format that the institution previously created.

(B) The publisher, or other copyright owner, of the instructional material notifies the institution that the institution's captioned format contains material errors or omissions.

(5) An instructor who receives a captioned format, or access to a captioned format pursuant to subparagraph (A) of paragraph (1) of subdivision (b), shall not use the captioned format for any purposes except for the classroom use for which the captioned format was requested or, in accordance with paragraph (3), for use in other classes at the institution with which the instructor is affiliated at the time that a request was made pursuant to subdivision (b).

(f) (1) The Chancellor of the California Community Colleges, the Chancellor of the California State University, and the President of the University of California may each designate an office, or may by agreement designate a single office, to maintain a registry of publisher contact information. A registry office designated pursuant to this subdivision may be a center described in subdivision (g) of this section or subdivision (g) of Section 67302.

(2) A publisher intending to sell instructional materials in the state shall provide to the office designated pursuant to paragraph (1) the name and contact information of its office or employee designated to handle requests made under this section, or an Internet Web site containing that information. If a publisher fails to provide that information, a request under subdivision (b) may be sent to a publisher at the address of its primary place of business, to the attention of its rights and permissions department.

(g) The Chancellor of the California Community Colleges, the Chancellor of the California State University, and the President of the University of California may each establish one or more centers within their respective segments to process requests pursuant to this section. A center under this subdivision may be a center established under subdivision (g) of Section 67302. All of the following requirements apply with respect to any center established or designated for the purposes of this subdivision:

(1) If an institution designated as within the jurisdiction of a center chooses to process requests in the manner set forth in this subdivision, it shall submit all requests made under this section to the center, which shall transmit these requests to publishers.

(2) Each center shall make every effort to coordinate requests within its segment.

(3) A publisher shall not be required to respond to requests from institutions that a center has been designated to represent, unless those requests are communicated through the center.

(4) The center shall, in handling all electronic formats and captioned formats for the benefit of students enrolled in the institutions the center represents, have the same rights and obligations arising under subdivisions (d) and (e) as the institutions on whose behalf it acts.

(h) Access to a captioned format, an electronic format, or a license to create a captioned format pursuant to subdivision (b) shall be provided free of any fee or royalty that is additional to the initial purchase of the instructional material by the student, the instructor, or the institution.

(i) (1) The Board of Governors of the California Community Colleges and the Trustees of the California State University may, and the Regents of the University of California are requested to, adopt guidelines consistent with this section for its implementation and administration. It is the intent of the Legislature that the guidelines, if adopted, address all of the following:

(A) The designation of materials deemed "required for student success."

(B) The procedures and standards relating to distribution of files and materials pursuant to subdivisions (b), (d), and (e).

(C) The possibility of involving outside networks or partnerships between publishers and institutions to provide for access to instructional materials for students with disabilities and to facilitate the issuance of licenses by publishers under subparagraph (C) of paragraph (1), and paragraph (3), of subdivision (b).

(D) Other matters as are deemed necessary or appropriate to carry out the purposes of this section.

(2) For purposes of paragraph (1), the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the University of California are encouraged, from time to time, in the reasonable discretion of the respective governing body, to convene an advisory group, at least one-third of the membership of which shall be representatives designated by publishers as having a substantial volume of transactions with institutions under this section.

(j) Nothing in this section shall be construed to require a publisher to produce or deliver an electronic format of instructional material if the publisher offers that instructional material for sale only in a form that is not computer-readable.

(k) Nothing in this section shall be construed as vesting any copyright or copyright interest in any captioned format in any person or entity other than the publisher.

(l) Nothing in this section shall be construed to authorize any use of instructional materials that would violate the takings clause of the Fifth Amendment to the United States Constitution or would constitute an infringement of copyright under the Copyright Revision Act of 1976, as amended (17 U.S.C. Sec. 101 et seq.).

(m) This section exclusively governs requests for captioned formats of instructional materials and Section 67302 does not apply to requests for captioned formats of instructional materials.

(n) The provisions of this section shall apply to the University of California, the California State University, and the California Community Colleges only to the extent that the respective institution, by appropriate resolution, makes these provisions applicable.

67302.5.

(a) As used in this section, the following terms have the following meanings:

(1) "Captioned" or "captioning" means the display of text corresponding to, and synchronized with, the spoken-word audio portion of instructional material.

(2) "Electronic format" means a computer file or other digital medium that embodies instructional material, is not itself captioned, but from which a captioned format may be created using commercially available technology.

(3) "Institution" means the University of California, the California State University, a California Community College, or any campus or location of any of those institutions.

(4) "Instructional material" means any audiovisual work, as that term is defined in Section 101 of Title 17 of the United States Code, that is created and published primarily for use by students in postsecondary instruction, and is required for a student's success in a course of study in which a student with a disability is enrolled. The determination of which materials are "required for student success" shall be made by the instructor of the course in consultation with the official making the request pursuant to subdivision (b) in accordance with guidelines issued pursuant to subdivision (i). "Instructional material" includes audio-visual works that constitute digital open source textbooks and related materials developed or acquired pursuant to Section 66409.

(5) "Publisher" means any individual, firm, partnership, or corporation that is engaged in the business, whether for profit or not for profit, of selling instructional material in which it owns or controls some or all of the copyright to that material. "Publisher" does not include any entity that is a subdivision of any state or other governmental body, other than the State of California.

(6) "Writing" includes facsimile transmission and e-mail.

(b) (1) A publisher that publishes instructional material used by students attending, or by instructors for use in classroom presentations at, the University of California, the California State University, or a California Community College, shall, upon request by an institution on behalf of a student or instructor at that institution, do one of the following:

(A) Provide access to a captioned format of the instructional material directly to the student or the instructor by providing an Internet password, delivery of a disk or file, or in any other appropriate manner.

(B) Provide to the institution a captioned format of the instructional material.

(C) Provide to the institution an electronic format, if available, of the instructional material, unless the institution already has an electronic format in its possession, and a license permitting the institution to create a captioned format of the material, to the extent the publisher has the right to grant that license.

(2) A publisher shall respond to a properly addressed request that meets the requirements of subdivision (c) in the following manner, as applicable:

(A) Within 10 calendar days after the receipt of the request, the publisher shall provide to the institution a notice, in writing, as to which of the three actions in paragraph (1) it intends to take.

(B) If the publisher does not possess an electronic format of the instructional material, it shall advise the institution of that fact in the notice provided pursuant to subparagraph (A).

(C) If the publisher lacks sufficient rights to distribute, or license the institution to create, a captioned format of some or all of the instructional material covered by the request, it shall advise the institution of that fact in the notice provided pursuant to subparagraph (A), and shall provide both of the following to the institution, to the extent that the publisher is able to do so:

(i) An electronic format of the instructional material to which the publisher does not control the applicable rights.

(ii) The name and contact information of the person that the publisher believes to be capable of authorizing creation of a captioned format of the instructional material. Any person capable of authorizing the creation of the captioned format shall be deemed to be the publisher of that material for purposes of this section.

(D) If the publisher notifies the institution that it will provide an electronic format and a license permitting the institution to create a captioned format, it shall provide the electronic format and the license within seven calendar days of providing the notice pursuant to subparagraph (A).

(E) If the publisher notifies the institution that it will provide a captioned format of the requested material, the publisher shall provide the captioned format as soon as it is possible to do so, but not later than 14 calendar days after providing the notice pursuant to subparagraph (A).

(3) If a publisher fails to respond to a request, as required by paragraph (2), within 10 calendar days of receiving the request, the institution shall be deemed to have received a license permitting the institution to create a captioned format of the instructional material.

(4) If and when the California Open Source Digital Library is established pursuant to statute, the request described in paragraph (1) shall be submitted to, and satisfied by, the library where the instructional material needed by a student with a disability is available from that library.

(c) (1) An institution, if it chooses to submit a request pursuant to subdivision (b), shall include in the request all of the following:

(A) Certification that the institution or an instructor at that institution has purchased the instructional material either (i) for use by a student with an auditory disability that prevents the student from using the instructional material in a noncaptioned format or (ii) for use in a class in which a student with such a disability is enrolled, or that a student with such a disability attending, or registered to attend, that institution has purchased the instructional material. The requirements of this subparagraph shall be satisfied if the instructional material consists of a digital open source textbook or related materials developed or acquired pursuant to Section 66409.

(B) Certification that the student has an auditory disability that prevents the student from using instructional material in noncaptioned format.

- (C) Certification that the instructional material is for use by the student or an instructor in connection with a course in which the student is registered or enrolled at the institution.
- (D) The signature of the coordinator of services for students with disabilities at the institution, or by an official responsible for monitoring compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) at the institution.
- (E) At a minimum, an e-mail address and a facsimile number at which the person signing the request may be contacted.
- (2) A publisher may require, in addition to the requirements enumerated in paragraph (1), a request to include a statement signed by the student agreeing to both of the following:
- (A) He or she will use the captioned format of the instructional material solely for his or her own educational purposes.
- (B) He or she will not distribute or reproduce the captioned format for use by others.
- (d) (1) Any institution possessing an electronic format of an instructional material shall take reasonable precautions to ensure that the electronic format is not distributed to any third party, except as provided in paragraph (2) and subdivision (e), and shall, to the extent possible, maintain in effect all copy-protection measures embedded in any electronic format provided by a publisher.
- (2) An institution may retain an outside vendor to assist it in the exercise of rights granted to it by a publisher or by this section, and shall ensure, pursuant to an agreement that the publisher and the institution shall both have the power to enforce, that the electronic format is not further distributed and that any captioned format made from it is provided only to the institution.
- (e) (1) If a publisher provides to an institution a captioned format of instructional materials, the institution shall provide the captioned format to the student or instructor on whose behalf the request was made and may retain a copy of that captioned format.
- (2) Except as provided in paragraph (4), if a publisher grants an institution a license to create a captioned format, the institution shall provide a copy of the resulting captioned format to the publisher and may retain a copy of the captioned format.
- (3) Pursuant to paragraph (1) or (2), the institution may provide additional copies to any other of its students, any instructor employed by the institution for classroom use, any student at any other institution, or any other institution for classroom use, if the institution collects and forwards to the publisher all institutional and student certifications required under subdivision (b).
- (4) The institution shall cease to distribute additional copies of a captioned format to any other institution if either of the following occurs:
- (A) The institution receives notice that a captioned format has become commercially available from the publisher or other copyright owner of the instructional material. However, if this occurs, the institution may continue to allow its own instructors to use any captioned format that the institution previously created.
- (B) The publisher, or other copyright owner, of the instructional material notifies the institution that the institution's captioned format contains material errors or omissions.
- (5) An instructor who receives a captioned format, or access to a captioned format pursuant to subparagraph (A) of paragraph (1) of subdivision (b), shall not use the captioned format for any purposes except for the classroom use for which the captioned format was requested or, in accordance with paragraph (3), for use in other classes at the institution with which the instructor is affiliated at the time that a request was made pursuant to subdivision (b).
- (f) (1) The Chancellor of the California Community Colleges, the Chancellor of the California State University, and the President of the University of California may each designate an office, or may by agreement designate a single office, to maintain a registry of publisher contact information. A registry office designated pursuant to this subdivision may be a center described in subdivision (g) of this section or subdivision (g) of Section 67302.

(2) A publisher intending to sell instructional materials in the state shall provide to the office designated pursuant to paragraph (1) the name and contact information of its office or employee designated to handle requests made under this section, or an Internet Web site containing that information. If a publisher fails to provide that information, a request under subdivision (b) may be sent to a publisher at the address of its primary place of business, to the attention of its rights and permissions department.

(g) The Chancellor of the California Community Colleges, the Chancellor of the California State University, and the President of the University of California may each establish one or more centers within their respective segments to process requests pursuant to this section. A center under this subdivision may be a center established under subdivision (g) of Section 67302. All of the following requirements apply with respect to any center established or designated for the purposes of this subdivision:

(1) If an institution designated as within the jurisdiction of a center chooses to process requests in the manner set forth in this subdivision, it shall submit all requests made under this section to the center, which shall transmit these requests to publishers.

(2) Each center shall make every effort to coordinate requests within its segment.

(3) A publisher shall not be required to respond to requests from institutions that a center has been designated to represent, unless those requests are communicated through the center.

(4) The center shall, in handling all electronic formats and captioned formats for the benefit of students enrolled in the institutions the center represents, have the same rights and obligations arising under subdivisions (d) and (e) as the institutions on whose behalf it acts.

(h) Access to a captioned format, an electronic format, or a license to create a captioned format pursuant to subdivision (b) shall be provided free of any fee or royalty that is additional to the initial purchase of the instructional material by the student, the instructor, or the institution.

(i) (1) The Board of Governors of the California Community Colleges and the Trustees of the California State University may, and the Regents of the University of California are requested to, adopt guidelines consistent with this section for its implementation and administration. It is the intent of the Legislature that the guidelines, if adopted, address all of the following:

(A) The designation of materials deemed "required for student success."

(B) The procedures and standards relating to distribution of files and materials pursuant to subdivisions (b), (d), and (e).

(C) The possibility of involving outside networks or partnerships between publishers and institutions to provide for access to instructional materials for students with disabilities and to facilitate the issuance of licenses by publishers under subparagraph (C) of paragraph (1), and paragraph (3), of subdivision (b).

(D) Other matters as are deemed necessary or appropriate to carry out the purposes of this section.

(2) For purposes of paragraph (1), the Board of Governors of the California Community Colleges, the Trustees of the California State University, and the University of California are encouraged, from time to time, in the reasonable discretion of the respective governing body, to convene an advisory group, at least one-third of the membership of which shall be representatives designated by publishers as having a substantial volume of transactions with institutions under this section.

(j) Nothing in this section shall be construed to require a publisher to produce or deliver an electronic format of instructional material if the publisher offers that instructional material for sale only in a form that is not computer-readable.

(k) Nothing in this section shall be construed as vesting any copyright or copyright interest in any captioned format in any person or entity other than the publisher.

(l) Nothing in this section shall be construed to authorize any use of instructional materials that would violate the takings clause of the Fifth Amendment to the United States Constitution or would constitute an infringement of copyright under the Copyright Revision Act of 1976, as amended (17 U.S.C. Sec. 101 et seq.).

(m) This section exclusively governs requests for captioned formats of instructional materials and Section 67302 does not apply to requests for captioned formats of instructional materials.

(n) The provisions of this section shall apply to the University of California, the California State University, and the California Community Colleges only to the extent that the respective institution, by appropriate resolution, makes these provisions applicable.

67305. Reader Services [67305 - 67307]

Notwithstanding the provisions of Section 67300, federal and state vocational rehabilitation funds may be utilized to provide reader and interpreter services to clients of the Department of Rehabilitation, provided that those funds are administered in full compliance with applicable federal and state laws and regulations and the policies and procedures of the Department of Rehabilitation.

67306.

(a) California State University systemwide policy governing the provision of services to students with disabilities shall include a requirement that Disabled Student Services (DSS) directors maintain a list of readers who meet certain standards. These standards shall include some college education, a 3.0 grade point average, or the possession of equivalent skills. It is expected that most students will select a reader from this list.

(b) In addition, systemwide policy shall require that students and readers meet in a mutually agreeable public facility, either on campus or off campus, as appropriate to the student's coursework and consistent with campus policy. Requests for, and explanation of, the need for exceptions to this regulation shall be made in writing by a student on a standardized form developed by the California State University and maintained on file.

(c) Students who prefer a reader not on the campus list or prefer alternative locations for services mutually agreed to by the reader and the student, shall file written requests on a standardized form provided by the DSS director, or his or her designee, and developed by the California State University, to be maintained on file.

(d) At the beginning of each term, students shall receive a notice informing them of the option to choose a reader not on the list and to choose a location for receiving reader services in a nonpublic facility. The notice shall be signed by both the student and the DSS director, or his or her designee, and shall be maintained on file.

67307.

Reader services for students with disabilities attending the California State University shall be provided for required reading not readily available on tape, handouts, and materials necessary for the required research papers. The number of reader hours provided shall be determined by the appropriate DSS staff person, in consultation with the student, and based on the volume of materials to be read. While the desirable number of hours to be available is, at a minimum, 1.5 hours of reader service per unit per week, the final number of reader services to be provided is dependent upon the student courseload, the individual student's need, and available campus funds.

67310. State-Funded Services [67310 - 67313]

(a) The Legislature finds and declares 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. The Legislature recognizes the historic underrepresentation of disabled students in postsecondary programs and the need for equitable efforts that enhance the enrollment and retention of disabled students in public colleges and universities in California.

(b) The Legislature recognizes its responsibility to provide and adequately fund postsecondary programs and services for disabled students attending a public postsecondary institution.

(c) To meet this responsibility, the Legislature sets forth the following principles for public postsecondary institutions and budgetary control agencies to observe in providing postsecondary programs and services for students with disabilities:

(1) The state funded activity shall be consistent with the stated purpose of programs and services for disabled students provided by the California Community Colleges, the California State University, or the University of California, as governed by the statutes, regulations, and guidelines of the community colleges, state university, or the University of California.

(2) The state funded activity shall not duplicate services or instruction that are available to all students, either on campus or in the community.

(3) The state funded activity shall be directly related to the functional limitations of the verifiable disabilities of the students to be served.

(4) The state funded activity shall be directly related to these students' full access to and participation in the educational process.

(5) The state funded activity shall have as its goals the independence of disabled students and the maximum integration of these students with other students.

(6) The state funded activity shall be provided in the most integrated setting possible, consistent with state and federal law, state policy and funding requirements, and missions and policies of the postsecondary segment, and shall be based on identified student needs.

(d) It is the intent 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, consistent with the principles set forth in subdivision (c), to disabled students in their respective postsecondary institutions.

(e) All public postsecondary education institutions shall continue to utilize other available resources to support programs and services for disabled students as well as maintain their current level of funding from other sources whenever possible.

(f) Pursuant to Section 67312, postsecondary institutions shall demonstrate institutional accountability and clear program effectiveness evaluations for services to students with disabilities.

67311.

It is the desire and 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 ongoing administration and operation of the services and programs.

These fixed costs are basic ongoing administrative and operational costs of campus programs that are relatively consistent in frequency from year-to-year, such as:

(1) Access to, and arrangements for, adaptive educational equipment, materials, and supplies required by disabled students.

(2) Job placement and development services related to the transition from school to employment.

(3) Liaisons with campus and community agencies, including referral and followup services to these agencies on behalf of disabled students.

(4) On-campus and off-campus registration assistance, including priority enrollment, applications for financial aid, and related college services.

(5) Special parking, including on-campus parking registration, temporary parking permit arrangements, and application assistance for students who do not have state handicapped placards or license plates.

(6) Supplemental specialized orientation to acquaint students with the campus environment.

(7) Activities to coordinate and administer specialized services and instruction.

(8) Activities to assess the planning, implementation, and effectiveness of disabled student services and programs.

The baseline cost of these services shall be determined by the respective system and fully funded with annual adjustments for inflation and salary range changes, to the extent funds are provided.

(b) Continuing variable costs that fluctuate with changes in the number of students or the unit load of students. These continuing variable costs are costs for services that vary in frequency depending on the needs of students, such as the following:

- (1) 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.
- (2) On-campus mobility assistance, including mobility training and orientation and manual or automatic transportation assistance to and from college courses and related educational activities.
- (3) Off-campus transportation assistance, including transporting students with disabilities to and from the campus in areas where accessible public transportation is unavailable, inadequate, or both.
- (4) Disability-related counseling and advising, including specialized academic, vocational, personal, and peer counseling, that is developed specifically for disabled students and not duplicated by regular counseling and advising services available to all students.
- (5) Interpreter services, including manual and oral interpreting for deaf and hard-of-hearing students.
- (6) Reader services to coordinate and provide access to information required for equitable academic participation if this access is unavailable in other suitable modes.
- (7) Services to facilitate the repair of equipment and learning assistance devices.
- (8) Special class instruction that does not duplicate existing college courses but is necessary to meet the unique educational needs of particular groups of disabled students.
- (9) Speech services, provided by licensed speech or language pathologists for students with verified speech disabilities.
- (10) Test taking facilitation, including adapting tests for and proctoring test taking by, disabled students.
- (11) Transcription services, including, but not limited to, the provision of Braille and print materials.
- (12) Specialized tutoring services not otherwise provided by the institution.
- (13) Notetaker services for writing, notetaking, and manual manipulation for classroom and related academic activities.

State funds may 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. Each institution shall be responsible for documenting its costs to the appropriate state agencies.

(c) One-time variable costs associated with the purchase or replacement of equipment. One-time variable costs are one-time expenditures for the purchase of supplies or the repair of equipment, such as adapted educational materials and vehicles. State funds shall be provided for these expenses on an actual cost basis as documented by each institution.

67312.

(a) The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California are requested to, for their respective systems, do all of the following:

- (1) Work with the Department of Finance to develop formulas or procedures for allocating funds authorized under this chapter.
- (2) Adopt rules and regulations necessary to the operation of programs funded pursuant to this chapter.
- (3) Develop and implement, in consultation with students and staff, a system for evaluating state-funded programs and services for disabled students on each campus at least every five years. At a minimum, these systems shall provide for the gathering of program cost and budget breakdowns, outcome data, staff and

student perceptions of program effectiveness, and data on the implementation of the program and physical accessibility requirements of the Federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).

(b) (1) The Trustees of the California State University shall, and the Regents of the University of California are requested to, for their respective systems, provide, as part of established college personnel onboarding and training, information regarding disability access and compliance pursuant to Section 67312.5.

(2) The Chancellor of the California Community Colleges and community college districts shall collaborate to provide, as part of established college personnel onboarding and training, information regarding disability access and compliance pursuant to Section 67312.5.

(c) Commencing in January 1990, and every two years thereafter, the Board of Governors of the California Community Colleges shall submit a report to the Governor and the education policy committees of the Legislature describing its efforts to serve students with disabilities. These biennial reports shall also include a review on a campus-by-campus basis of the enrollment, retention, transition, and graduation rates of disabled students, including categorical funding of those programs.

67312.5.

(a) The Trustees of the California State University shall, and the Regents of the University of California and the governing boards of independent postsecondary institutions are requested to, each establish a Disability Access and Compliance Training Program for their campuses. A Disability Access and Compliance Training Program shall be included within existing college personnel training and provided to college personnel upon onboarding.

(b) (1) On or before January 1, 2026, the Chancellor of the California Community Colleges shall establish a Disability Access and Compliance Training Program for California Community College campuses. On or before the start of the 2026–27 academic year, community college districts shall include the Disability Access and Compliance Training Program within existing college personnel training and provide the training to college personnel upon onboarding.

(2) The Chancellor of the California Community Colleges shall develop the training components described in paragraphs (1), (2), and (3) of subdivision (c). Each community college district shall develop the training components described in paragraphs (4) and (5) of subdivision (c).

(c) A Disability Access and Compliance Training Program established pursuant to subdivision (a) or (b) shall include, but is not limited to, all of the following:

(1) The legal and procedural responsibility of college personnel to provide effective accommodations for disabled students, the implementation and administration of this responsibility, and the campus, criminal, and civil consequences for failing to comply with this responsibility.

(2) Guidance regarding constructing and enforcing accessibility fixtures and practices in the universal design of campus coursework and classrooms.

(3) Common facts and myths regarding anti-disability and ableist stigmas and prejudices, including guidance on how to mitigate and report instances of anti-disability and ableist discrimination and harassment.

(4) The availability of, and contact information for, academic, campus, and local community resources for individuals experiencing anti-disability or ableist discrimination or harassment.

(5) Training on how to increase access to campus academic accommodations hubs, disability students program faculty liaisons, academic accommodations guidance, disability access center disability access liaison team members, designated campus department ambassadors, and any other relevant campus personnel to offer additional support to students with disabilities.

67313.

Nothing in this chapter shall be construed to be directing any student, or students, toward a particular program or service for students with disabilities nor shall anything in this chapter be used to deny any student

an education because he or she does not wish to receive state funded disabled student programs and services.