

## **COMMONLY ASKED QUESTIONS ABOUT “MANDATED” VS “NON-MANDATED” DSP&S SERVICES**

### **Q. What DSP&S services are colleges mandated to provide?**

**A.** Because of the nature of serving students with disabilities there is no specific list of mandated versus non-mandated services.

Technically, no "DSP&S" services are required, because participation in DSP&S is voluntary on the part of each college. Colleges are governed by the Title 5 regulations regarding DSP&S only because they accept the DSP&S funds allocated to them every year. A college could refuse the DSP&S funds and not be subject to the requirements of Title 5 regarding DSP&S.

However, colleges are still subject to state and federal law regarding the civil rights of people with disabilities to be served in a non-discriminatory manner. State Government Code sections 11135-11139.5, Section 504 of the federal Rehabilitation Act and the federal American's with Disabilities Act all guarantee equal access to people with disabilities, and community colleges are subject to all of those laws.

Given all of that, the answer of what is “mandated” always depends on the disability-related educational limitation(s) of each individual student. You can never say that any specific type of service or accommodation is always "mandated", because there are some students with disabilities who won't need those services in order to receive equal access to the instruction, information, or programs offered by the college. For example, sign language interpreting for auditory information is a standard service that no one questions as an appropriate accommodation for people with disabilities. However, it is only "mandated" for those students, such as a deaf student, who cannot receive the information as it is originally presented unless they receive the accommodation of sign language interpreting. A student who is hard-of-hearing and can use an assisted listening device that provides the information as effectively as the sign language is not necessarily being denied a "mandated" service if the sign language interpreter is not also provided.

There is a slightly different answer regarding some services typically provided by DSP&S programs, depending if the question being asked is whether a service is legally required versus a requirement of receiving DSP&S funding. Two services that come up in such questions are Learning Disability assessment and High Tech Center instruction. Neither of these services is specifically required by state or federal law or regulation to be provided by colleges to students with disabilities. However, California community colleges have received increased funding in the past to address the assessment of learning disabilities and instruction in assistive computer software. Additionally, based on a federal Department of Education, Office of Civil Rights review of the California

community college system and subsequent resolution agreement with the Chancellor's Office, alternate media services (Braille, etext, large print, captioning) were specifically funded. So, while there is no direct legal or regulatory requirement to provide those services, there is a system standard and general programmatic expectation that has developed regarding access for students to such services, and in the case of alternate media and agreement with the federal government that such services will be provided at a higher level than in the past.

The issue of what is "mandated" must always be addressed on an individual basis, and consultation with district legal staff and the Chancellor's Office is recommended.