

**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

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APRIL 9, 1992

Dear:

I am writing in response to your Letter of February 28, 1992, to Patrick Conklin in which you inquired whether funds provided through Disabled Students Programs and Services (DSPS) can be used to purchase new lift-equipped vans for your program, in particular, you asked:

- 1, Can AB 77 dollars be used to purchase or replace the District's existing fleet of aging lift-equipped vans?
2. In the event that the Butte College district discontinues its policy of providing fixed-route transportation to the general student body, what becomes of the districts obligation to provide specialized van transportation for the disabled student?

As you pointed out in your letter, Education Code Section 67311 provides funding for services to students with disabilities including "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." However, Section 67310 imposed the condition that these state-funded services "not duplicate services or instruction that are available to all students, either on campus or in the community."

In addition, Section 67312 provides that each segment is to adopt rules and regulations to implement this general Intersegmental framework for state funding of services to students with disabilities. The Board of Governors has adopted Title 5 regulations (commencing with Section 56000) detailing requirements for use and allocation of DSPS funds. Section 56026 lists services for which state funds can be used. This list includes "transportation assistance (off-campus), only if not otherwise provided by the college, to all students, where public accessible transportation is unavailable or is deemed inadequate by the Chancellor's Office." The accompanying implementation guidelines clearly state that, where the college provides off-campus transportation for all non-disabled students, "only the additional cost of the service-required because of the students' disabilities, (aides, lifts, etc.), should be funded by excess cost dollars."

Thus, the answer to your first question is that DSPS funds cannot be used to replace the vehicles themselves, but such funds could be used to pay for lifts to be installed in new vehicles purchased by the college. Alternatively, the college could choose to retrofit its regular buses with lifts and charge this cost to DSPS.

On the other hand, if the college were to discontinue transportation services for non-disabled students, then DSPS funds could be used to pay for the entire cost of purchasing lift-equipped vehicles, but this would require documentation that accessible public transportation is unavailable or inadequate. In that case, you would need to submit this documentation and a request for approval to purchase the vehicles to the DSPS Unit in the Chancellor's Office.

If you have any further questions, you may contact Ralph Black of my staff at (916) 445-1826.

Sincerely,

THOMAS. NUSSBAUM
Vice Chancellor and General Counsel

cc: Ralph Black
Karen Halliday
Patrick Conklin

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