

DISABILITY SUPPORT AND ACCOMMODATIONS

SAN JOSÉ STATE UNIVERSITY

**Report Number 02-40
November 22, 2002**

Members, Committee on Audit

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ABBREVIATIONS

AB	Assembly Bill
ADA	Americans with Disabilities Act
CFR	Code of Federal Regulations
CO	Chancellor's Office
CSU	California State University
DRC	Disability Resource Center
DSA	Disability Support and Accommodations
SAM	State Administrative Manual
UC	University of California

INTRODUCTION

PURPOSE

Our overall audit objective was to ascertain the effectiveness of existing policies and procedures related to the administration of the disability support and accommodations (DSA) program and to determine the adequacy of controls over the related processes to ensure compliance with relevant governmental regulations, Trustee policy, Office of the Chancellor directives, and campus procedures.

Within the overall audit, specific goals included making a determination as to whether:

- ▶ Administration and management of the DSA program provide effective internal control; clear lines of organizational authority; delegations of authority; formation of an Advisory Committee on Services to Students with Disabilities; and documented policies and procedures.
- ▶ The adequacy of and satisfaction with the DSA program are consistently monitored and assessed.
- ▶ Campus notification and grievance processes ensure appropriate compliance with regulatory requirements and timely and adequate resolution of noted disability-related issues.
- ▶ Persons and campus areas providing disabled student services possess the necessary qualifications and are appropriately trained and aware of their roles and responsibilities.
- ▶ Reasonable access and accommodations are provided to applicants and employees in compliance with Title I of the Americans with Disabilities Act (ADA), and student disability services comply with state law and California State University (CSU) and campus policies.
- ▶ Verification of disability is timely and adequately performed, and appropriate documentation is provided in compliance with CSU and campus policies.
- ▶ Disability records and information are properly maintained, safeguarded, and retained in accordance with state and federal regulations and CSU policy.
- ▶ Campus programs, services, and activities are readily accessible to all persons, and adaptive aids and other equipment are properly maintained and safeguarded.
- ▶ Campus disaster plans include evacuation procedures for disabled persons.
- ▶ Budgeting procedures adequately address program funding and ensure effective accounting and management control, and grant funds are administered in compliance with sponsor agreements.
- ▶ Chargebacks for disability support services are complete, accurate, valued properly, and processed timely, and credit is received.

SCOPE AND METHODOLOGY

This review emphasized, but was not limited to, compliance with state and federal laws, Board of Trustee policies, and Office of the Chancellor and campus policies, letters, and directives. July 2000 to August 2002 was the primary period of review.

We focused primarily upon internal, administrative, compliance, and operational controls over the management of the DSA program. Specifically, we reviewed and tested policies, procedures, and processes for:

- ▶ Monitoring the quality and effectiveness of campus DSA services.
- ▶ Soliciting and resolving student complaints and grievances relating to programmatic, physical, and other accessibility issues.
- ▶ Hiring DSA program staff and campus-wide training practices.
- ▶ Providing reasonable access and accommodations to applicants and employees.
- ▶ Verifying disabilities and providing (or declining) student disability support services.
- ▶ Maintaining and protecting disability information, including data in automated systems.
- ▶ Providing programs, services, and activities that are readily accessible to disabled individuals.
- ▶ Administering program and grant funds for disability support and other related services.
- ▶ Authorizing and processing expenditures of program funds that include, but are not limited to, grant awards, miscellaneous revenues, and petty cash.
- ▶ Valuing, processing, and collecting chargebacks for DSA services provided to self-supporting operations.
- ▶ Recording, safeguarding, and maintaining inventory for adaptive aids and equipment.

BACKGROUND

As a result of a systemwide risk assessment conducted by the Office of the University Auditor during the last quarter of 1999, the Board of Trustees, at its January 2002 meeting, directed that *Disability Support and Accommodations* be reviewed.

The proposed scope of the audit as presented in Attachment B, Audit Item 2 of the January 29-30, 2002, meeting of the Committee on Audit stated that the review would include all CSU programs for disabled employees, students, and visitors including accessibility of facilities, provision of enabling supportive services, and use of adaptive technologies. Potential impacts include excessive costs, adverse publicity, inadequate accommodations and services, legal liabilities, and regulatory fines and sanctions. A related audit, *Handicapped Access*, was performed in 1988.

Beginning in the early 1970s, both the federal government and the state of California adopted laws that had far-reaching effects on improving services to students with disabilities and on the availability of these services at the postsecondary level. In 1973, Congress adopted the Federal Rehabilitation Act ensuring equal opportunity for persons with disabilities in the fields of employment and education and prohibiting discrimination on the basis of disability by any agency, including educational institutions that receive federal funds. In June 1977, the federal government issued regulations implementing Section 504 of the Rehabilitation Act of 1973. In response to Section 504 regulations, CSU campuses prepared self-evaluations that identified steps needed to ensure that students with disabilities had equal access to educational opportunities. In March 1980 and in response to the 1979 Budget Act, CSU also developed a policy statement that formalized the objectives of the Disabled Students Program to increase the enrollment of students with disabilities in the total student population and to facilitate their access to all educational programs. The *Policy for the Provision of Services to Students with Disabilities* detailed program goals and objectives, definitions of disabilities, and support services to be offered. The policy became the basis from which campus programs were developed and justified enrollment and funding requests. In 1980, the CSU Systemwide Advisory Committee on Services to Students with Disabilities was also established.

In 1989, the CSU revised the 1980 policy statement and incorporated disability services identified in Assembly Bill (AB) 746 into the new *Policy for the Provision of Services to Students with Disabilities*. In 1990, the federal government reinforced its commitment to individuals with disabilities by enacting the ADA. The ADA reaffirmed Section 504 of the Rehabilitation Act of 1973 regulations and extended the discrimination prohibition beyond the campus to businesses and organizations that did not receive federal funds. Additionally, the ADA detailed additional criteria in the areas of employment, new construction or renovation, transportation, and telecommunications. The ADA also required the appointment of an ADA coordinator and the development of a self-evaluation and transition plan to itemize compliance steps.

In November 1995, the Bureau of State Audits issued a report, *CSU and UC: Campuses Generally Provide Access for Students with Disabilities*, including four CSU and two University of California (UC) campuses. The report noted that overall, the chancellor's office (CO) of the CSU had developed adequate policies requiring respective campuses to comply with provisions of the ADA; all four campuses had developed adequate guidelines to meet the needs of, and provide access to, their students with disabilities; and students at all four campuses indicated a high level of satisfaction with services provided by their respective campuses. Based on the audit results, the Bureau of State Audits recommended that the CO increase campus awareness of ADA requirements by instructing its campuses to provide training classes or seminars for faculty and staff, and address conditions and remove barriers that may deny access to its students. The CO concurred with the findings and most of the recommendations in the report.

Disabled student enrollment at the CSU has grown from 3,760 to 9,699 students (a 158% increase) from fall 1980 to fall 2001. Additionally, the number of students by disability category (visual limitation, communication disability, deafness, mobility limitation, learning disability, and other functional limitations) changed dramatically reflecting a growth of students with certain disabilities seeking services from campus disability support services programs. Most notably, the number of students with specific learning disabilities increased from 124 in fall 1980 (3.3% of students served) to 4,078 (42% of students served) in fall 2001.

Throughout this report, we will refer to the program as disability support and accommodations (DSA). At San José State University, the disability resource center, the ADA compliance officer, programmatic managers, and other responsible individuals administer the DSA program.

OPINION

We visited the San José State University campus from August 12, 2002, through September 20, 2002, and audited the procedures in effect at that time.

In our opinion, the administration and management of the DSA program provided reasonable assurance that San José State University was in compliance with applicable regulations, CSU policies, and other directives. Through coordinated efforts, the campus demonstrated commitment to disabled employees, students, and visitors by providing signage, parking, and telephones in strategic and accessible locations on the campus; documenting comprehensive policies and procedures for the DSA program; and establishing the adaptive technology center and the alternative media center to accommodate the needs of disabled individuals. Areas in need of improvement are referenced in the executive summary.

EXECUTIVE SUMMARY

The purpose of this section is to provide management with an overview of conditions requiring their attention. Areas of review not mentioned in this section were found to be satisfactory. Numbers in brackets [] refer to page numbers in the report.

PROGRAM ADMINISTRATION [6]

The disability resource center (DRC) had not documented policies and procedures to protect student disability information, and to accept, research, and resolve informal complaints. Proper development, documentation, and communication of written policies and procedures improve internal control and ensure that disabled students are properly served.

PERSONNEL QUALIFICATIONS AND TRAINING [6]

The campus had not developed an Americans with Disabilities Act (ADA) training plan for faculty, staff, and other individuals that work with disabled persons. An effective training plan reduces the risk of noncompliance with federal, state, and California State University (CSU) policies.

EMPLOYEE ACCOMMODATIONS [7]

Delegations of authority had not been documented for the DRC interim director and her assistant to approve employee accommodation requests. Documenting delegations of authority enhances internal control.

PROGRAM AND PHYSICAL ACCESSIBILITY [8]

Campus computer labs and websites were not fully accessible by all persons. Providing access to campus programs, services, activities, and communications reduces the risk of regulatory scrutiny, potential lawsuits, and negative publicity.

OBSERVATIONS, RECOMMENDATIONS, AND CAMPUS RESPONSES

PROGRAM ADMINISTRATION

The disability resource center (DRC) had not documented policies and procedures to protect student disability information, and to accept, research, and resolve informal complaints.

State Administrative Manual (SAM) §20050 states that one symptom of a deficient internal control system is policy and procedural or operational manuals that are either not currently maintained or are nonexistent.

The DRC interim director felt that the confidentiality statement appearing in various places throughout the policy handbook protected disability information. She also stated that not developing informal complaint procedures was an oversight.

Failure to develop, document, and communicate written policies and procedures increases the risk that disabled students will not be properly served and that misunderstandings will occur.

Recommendation 1

We recommend that the campus document policies and procedures to:

- a. Protect student disability information.
- b. Accept, research, and resolve informal complaints.

Campus Response

We concur. The DRC will develop two policies: one to protect student disability information, “confidentiality policy,” and one to resolve informal complaints, “informal complaint procedures.” Policies will be in place and implemented on or before June 1, 2003.

PERSONNEL QUALIFICATIONS AND TRAINING

The campus had not developed an Americans with Disabilities Act (ADA) training plan for faculty, staff, and other individuals that work with disabled persons.

The Bureau of State Audits report, *CSU and UC: Campuses Generally Provide Access for Students with Disabilities*, dated November 24, 1995, states that to increase campus awareness of ADA requirements, the chancellor’s office of the California State University (CSU) should instruct its campuses to provide training classes or seminars for faculty and staff.

Although the campus had not documented a training plan, the DRC interim director stated that efforts were made to provide faculty and staff with useful information for working with persons with disabilities.

Not maintaining an effective training plan increases the risk of noncompliance with federal, state, and CSU policies.

Recommendation 2

We recommend that the campus develop and document an ADA training plan for faculty, staff, and other persons to ensure sufficient understanding of student disability issues and campus-related support and accommodation services.

Campus Response

We concur. The DRC, human resources group, and faculty affairs will develop a formal training plan for all employees to understand the issues of students with disabilities and campus-related support and accommodation services. A plan of action will be in place and implemented on or before June 1, 2003.

EMPLOYEE ACCOMMODATIONS

Delegations of authority had not been documented for the DRC interim director and her assistant to approve employee accommodation requests.

SAM §20050 states that the elements of a satisfactory system of internal accounting and administrative control include a system of authorization and record-keeping procedures.

The DRC interim director stated that she was not aware that written delegations of authority were not in place and acknowledged the need for these documents.

Internal control is compromised when delegations of authority are not fully documented.

Recommendation 3

We recommend that the campus:

- a. Document delegations of authority for individuals who approve employee accommodation requests.
- b. Implement a process to ensure that such delegations are appropriately maintained.

Campus Response

We concur. The president will delegate authority to the director of the DRC/disabled employees assistance program to approve employee accommodation requests and maintain confidential records as appropriately prescribed by law and system policies.

The maintenance and follow through of delegation authority will be assessed by the vice president for student affairs, or designee, on an annual basis. A letter delegating authority, as well as ensuring appropriate maintenance will be in place on or before June 1, 2003.

PROGRAM AND PHYSICAL ACCESSIBILITY

Campus computer labs and websites were not fully accessible by all persons.

We noted that:

- ▶ Self-instructional computer labs in the college of business were not fully accessible by all persons.
- ▶ Websites for two campus programs (college of business and student union) were not fully accessible by all persons. We also noted that responsibility for this area had not been clearly defined.

Code of Federal Regulations (CFR) Title 28, Part 35, *Nondiscrimination on the Basis of Disability in State and Local Government Service*, §35.149, effective January 26, 1992, states that no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

CFR Title 28, Part 35, *Nondiscrimination on the Basis of Disability in State and Local Government Service*, §35.160(a) and §35.160(b)(1), state that a public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others, and furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity, respectively.

The associate dean of the college of business indicated that computer lab accessibility issues had not been brought to her attention for resolution. The adaptive computer specialist stated that due to the division of responsibility for campus websites hosted by faculty and other areas, the campus was unable to maintain effective compliance and to ensure that accessibility standards are met. He further stated that he provides assistance to campus areas in constructing accessible websites; however, he acknowledged that responsibility for ensuring that they are fully accessible to all persons had not been clearly defined.

Insufficient access to campus programs, services, activities, and communications increases the risk of regulatory scrutiny, potential lawsuits, and negative publicity.

Recommendation 4

We recommend that the campus:

- a. Review and correct the accessibility issues noted in the computer labs and websites.
- b. Define and document responsibilities to ensure that websites are fully accessible to all persons.

Campus Response

We concur. The director of the DRC will work with the college of business to ensure that the computer labs are fully accessible. The director of the DRC will also work with both the college of business and the Student Union Inc., to ensure that their websites are fully accessible to persons with disabilities. The Accommodations Review Board, which is the official compliance board for the university, will oversee the progress towards full compliance of computer labs and university websites. Access to computer labs noted above, and websites, will be in place and implemented on or before June 1, 2003.

APPENDIX A: PERSONNEL CONTACTED

<u>Name</u>	<u>Title</u>
Robert L. Caret	President
Gloria S. Alva	Administrative Assistant to the Director, Disability Resource Center
Marlene Anderson	Bursar, Bursar's Office
Dona Bertain	Associate Vice President, Human Resources Services Group
Eric V. Christierson	Adaptive Computer Specialist, Disability Resource Center
Bill Coker	Lieutenant, University Police
Joyce D'Amico	Executive Assistant to the Dean, College of Business
Brad Davis	Diversity and Personnel Officer, Office for Equity and Diversity
Armand de la Cruz	Deaf and Hard of Hearing Services Coordinator, Disability Resource Center
Nancie Fimbel	Associate Dean, College of Business
Alvaro Gomez	Interim Associate Director, Disability Resource Center
Susan Hansen	Director, University Housing Services
Kristin A. Kelly	Administrative Services Manager, Student Union
Vida C. Kenk	Associate Dean, College of Science
Susanna Liu	Librarian
Steve Mansfield	Facilities Coordinator, College of Science
Cindy Marota	Interim Director, Disability Resource Center
Martin B. Schulter	Interim Associate Vice President for Student Services
Julie Sedlemeyer	Workability IV Associate Director, Career Center
Wiggys Sivertsen	Director, Counseling Services
Steve Zlotolow	Associate Dean, International and Extended Studies



San José State
UNIVERSITY

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January 7, 2003

Mr. Larry Mandel
University Auditor
The California State University
401 Golden Shore, 4th Floor
Long Beach, CA 90802

**Campus Response to Audit Report Number 02-40
DISABILITY SUPPORT AND ACCOMMODATIONS AUDIT
San José State University**

Enclosed is San José State University's response to Audit No. 02-40.
The campus is committed to addressing the issues identified in this audit
report.

Please let me know if I can provide you with additional information.



DON W. KASSING
Vice President for Administration and Finance

Enclosure

c: **President Robert L. Caret**
Senior Director Shawn Bibb

SAN JOSÉ STATE UNIVERSITY

**DISABILITY SUPPORT AND ACCOMMODATIONS
AUDIT REPORT NO. 02-40**

RECOMMENDATION 1

We recommend that the campus document policies and procedures to:

- a. Protect student disability information.
- b. Accept, research, and resolve informal complaints.

CAMPUS RESPONSE

We concur. The Disability Resource Center (DRC) will develop two policies: one to protect student disability information, "confidentiality policy," and one to resolve informal complaints, "informal complaint procedures." Policies will be in place and implemented on or before June 1, 2003.

RECOMMENDATION 2

We recommend that the campus develop and document an ADA training plan for faculty, staff, and other persons to ensure sufficient understanding of student disability issues and campus-related support and accommodation services.

CAMPUS RESPONSE

We concur. The Disability Resource Center (DRC), Human Resources Group and Faculty Affairs will develop a formal training plan for all employees to understand the issues of students with disabilities and campus related support and accommodation services. A plan of action will be in place and implemented on or before June 1, 2003.

RECOMMENDATION 3

We recommend that the campus:

- a. Document delegations of authority for individuals who approve employee accommodation requests.
- b. Implement a process to ensure that such delegations are appropriately maintained.

CAMPUS RESPONSE

We concur. The President will delegate authority to the director of the Disability Resource Center/Disabled Employees Assistance Program (DRC/DEAP) to approve employee accommodation requests and maintain confidential records as appropriately prescribed by law and system policies. The maintenance and follow through of delegation authority will be assessed by the Vice President for Student Affairs, or designee, on an annual basis. A letter delegating authority, as well as ensuring appropriate maintenance will be in place on or before June 1, 2003.

RECOMMENDATION 4

We recommend that the campus:

- a. Review and correct the accessibility issues noted in the computer labs and websites.
- b. Define and document responsibilities to ensure that websites are fully accessible to all persons.

CAMPUS RESPONSE

We concur. The director of Disability Resource Center (DRC) will work with the College of Business to ensure that the computer labs are fully accessible. The director of the DRC will also work with both the College of Business and the Student Union Inc., to ensure that their websites are fully accessible to persons with disabilities. The Accommodations Review Board (ARB), which is the official compliance board for the university, will oversee the progress towards full compliance of computer labs and university web sites. Access to computer labs noted above, and web sites, will be in place and implemented on or before June 1, 2003.

THE CALIFORNIA STATE UNIVERSITY
OFFICE OF THE CHANCELLOR

BAKERSFIELD

January 29, 2003

CHANNEL ISLANDS

CHICO

MEMORANDUM

DOMINGUEZ HILLS

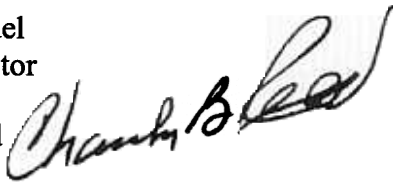
FRESNO

TO: Mr. Larry Mandel
University Auditor

FULLERTON

HAYWARD

FROM: Charles B. Reed
Chancellor



HUMBOL

LONG BEACH

SUBJECT: Draft Final Report Number 02-40 on *Disability Support and Accommodations*, San José State University

LOS ANGELES

MARITIME ACADEMY

In response to your memorandum of January 29, 2003, I accept the response as submitted with the draft final report on *Disability Support and Accommodations*, San José State University.

MONTEREY BAY

NORTHRIDGE

POMONA

CBR/amd

SACRAMENTO

Enclosure

SAN BERNARDINO

SAN DIEGO

cc: Dr. Robert L. Caret, President
Mr. Don W. Kassing, Vice President for Administration and Finance

SAN FRANCISCO

SAN JOSE

SAN LUIS OBISPO

SAN MARCOS

SONOMA

STANISLAUS