

## 7. Educational Assistance Class Instruction (Approved Special Class)

Title 5, section 56028 establishes the definition and requirements for educational assistance classes as follows:

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 Educational Code section 76000 et seq. and 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 student (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 may also refer, however, to distinct courses with their own CORs, designed either to meet educational objectives unique to a population with specific disabilities, or to supplement the standard objectives in an otherwise similar course with objectives unique to that population. In both cases, educational assistance classes must be primarily instructional in nature and must have objectives that fall within the instructional mission of the CCCs. Such courses cannot be designed primarily to provide group activities or services (e.g., therapeutic activity, counseling, or assessment testing), but must instead provide systematic instruction in a body of content or skills whose mastery forms the basis of the student grade.

Title 5, section 56028 requires that classes designed to meet the needs of students with disabilities must be open to enrollment of students who do not have disabilities, but provides that in order to qualify as an educational assistance class, a majority of those enrolled must be students with disabilities. The course description published in the college catalog may note that it has been designed for students with specific disabilities, but the college may not restrict enrollment to such students, nor require students to register for classes through the Disabled Student Program and Services (DSPS) program or counselor, nor otherwise violate the open-enrollment provisions of state law (Cal. Code Regs., tit. 5, § 51006).