

The California Advisory Commission on Special Education

ACSE 2009–2010 annual report



Overview

Benjamin Franklin wrote that “energy and persistence conquer all things.” If only that were true. As California perseveres through challenging economic times and faces yet another year of devastating budget cuts to education, our education system is experiencing a transformation that is substantially altering decades-old patterns and programs. The frustration of a complicated political landscape and dwindling resources threatens to cloud the optimism of many of us who are dedicated to effecting positive change for students with disabilities.

The Advisory Commission on Special Education (ACSE) is charged with staying attuned to how students with disabilities are faring in this new climate. Many traditional school districts across the state report that they are developing more “inclusive” models for delivering special education services.

Current research supports the practice of educating students with disabilities alongside their typically developing peers from the earliest grades and giving all students access to quality teaching and grade-level standards. And the popularity of charter schools continues to grow.

While best practices support the inclusion of students with individualized education programs (IEPs) in the general education classroom, it is important to ask whether or not general education teachers are receiving the training and specialized supports they need to make this inclusion successful for all students involved—especially in the immediate future, when class sizes are increasing throughout the state. There is much talk of districts implementing response to intervention (RtI) philosophies and changing from the traditional special education model (of resource specialist or RSP classrooms, for example) to a

learning center model. Do these new approaches ensure that students with disabilities will receive the individualized instruction they need to meet their academic goals? Some question whether students with disabilities will get lost in the shuffle as traditional, designated special education resources are replaced by service delivery models that tout more access to general education. Can this new access deliver? Or is the promise of inclusion going to mask the lack of resources that are actually available to students with disabilities in our schools? And finally, charter schools are struggling to combat criticism that they do not welcome or serve students with disabilities. Do students with disabilities truly have access to choice?

These are some of the questions the ACSE has asked over the past year and will continue to study as it moves into 2010–2011.

—*Kristin Wright,*
ACSE Chair

Liaison Efforts

The ACSE maintains its commitment to sustain and expand its positive working relationships with stakeholders and other organizations that are active in promoting the education of students with disabilities. In addition to regularly attending the meetings of these various groups, ACSE commissioners share agendas with them and coordinate activities. At each of its meetings, the ACSE also welcomes input from parents, students, teachers, advocates, and organizations.

Numerous groups regularly appear before the commission and provide valuable information. These include California's State Board of Education (SBE), the Commission on Teacher Credentialing (CTC), the Youth Leadership Forum, the California Teachers Association (CTA), the California Organization for Special Educators (CARS+), the California School Employees Association (CSEA), the California Charter Schools Association, the California Speech-Language-Hearing Association (CSHA), the Special Education Administrators of County Offices (SEACO), the Special Education Local Plan Area (SELPA) Association, and the California State Parent Teacher Association (PTA).

The Commission Notes . . .

ACSE commissioners recorded the comments that stakeholders brought to each meeting in 2009–2010 and documented several recurring themes.

Teachers consistently expressed concerns about the circumvention of caseload limits in schools through the reassignment of resource specialists. Educators also shared concerns about and personal experiences related to assaults by students against special education teachers. In addition, some educators expressed concern about the new requirements for the “added authorizations” in special education teacher credentialing, the short timeline for completing the coursework required to earn a credential, and other recent credentialing changes.

The concerns that parents brought to the ACSE focused on the assurance of due process, timely educational assessments and eligibility decisions, and parents' ability to obtain appropriate special education services for their children with disabilities.

The ACSE deeply appreciates the efforts of those individuals who keep the commission fully cognizant of these and other issues that affect children with disabilities and the people committed to their education. The information gained from this input helps the commission more confidently serve in its advisory capacity.

The Commission Responds . . .

In response to the concerns about due process that parents have voiced at numerous ACSE meetings, the ACSE invited a representative of the Office of Administrative Hearings (OAH) to give a presentation about the OAH at the ACSE's February meeting. Tim Newlove, Presiding Judge (Laguna Hills), provided an overview of how the OAH is organized and explained the processes and procedures that are followed in administrative hearings with parents and school districts. Stakeholders were given an opportunity for direct public comment following the presentation.

It is ACSE's hope that this presentation helped to clarify processes for parents and teachers so that they can more effectively advocate for children with disabilities. A guide to understanding special education due process hearings is available from the OAH at www.oah.dgs.ca.gov/default.htm.





Areas of Focus

During the ACSE 2009–2010 meeting year, several exemplary schools and organizations made presentations to the commission, describing how their programs and strategies successfully support students with disabilities.

Sanger Unified School District

In 2004, the Sanger Unified School District became one of the first of 98 California school districts to enter Program Improvement status because of its failure to make adequate yearly progress (AYP) and its poor Academic Performance Index (API) scores. In addition, the Sanger district needed to implement an effective, district-wide system of assessment. This is the same year that Sanger USD began its response to intervention (RtI) journey.

Within its RtI efforts, Sanger adopted the collaborative culture of the Professional Learning Community (PLC) for its teachers and focused on early intervention for its students. Sanger has since reduced its special education referral rates by more than 50 percent. The success of this implementation has also led to 12 of the district's 13 elementary schools earning APIs above 800, eight Sanger schools meriting State Distinguished Schools status, two district schools being nominated as National Blue Ribbon Schools, and one school being recently named a National Blue Ribbon School. It should be noted that Sanger USD serves a community in California's Central Valley that has a high percentage of minority students (82 percent) and English language learners (42 percent) and low socioeconomic status (76 percent).


The Advisory Commission on Special Education has supported the RtI movement for the past three years and encourages CDE's development of best-practice guidelines for implementing RtI in schools.

CHIME Charter Middle School

Because of its reputation as a national leader in the development and delivery of quality inclusive education for students who receive special education services, the CHIME (Community Honoring Inclusive Model Education) Charter Middle School in Woodland Hills was invited by the ACSE to make a presentation about its program. Key to CHIME's success is the way the school provides ongoing research and training for the development, implementation, and dissemination of best practices for educating its diverse student population. The administration believes that weekly professional development opportunities and ample collaboration time for the staff have also contributed to the school's high API. CHIME is committed to supporting all children in family, school, and community-centered environments. For more information, visit CHIME's Web site at www.chimeinstitute.org.

Pathways at UCLA

Pathways is a two-year postsecondary program designed for young adults with developmental disabilities. Part of UCLA Extension and located near the university campus, Pathways reflects a national movement among community colleges and universities to give young adults with developmental disabilities a chance to explore vocational opportunities, attend extension classes, and develop independent living skills. For more information on Pathways, contact the Pathway Office at 310-794-1235, or go to www.uclaextension.edu/pathway.



The Commission Recommends Early Transition

Parents gain insight into their child's interests and abilities as they watch the child grow. This experience makes parents perfectly suited to being an important voice in planning their child's transition out of high school. Ideally, transition planning begins by middle school—although the earlier it starts, the better. At the first transition planning meeting, parents, teachers, and (if appropriate) the student himself start working on how the student will develop the skills needed to move seamlessly into the adult world after high school. Transition is a process, not a single event, so the best transition plan is a set of activities that follow a child through high school and that are adjusted to support the child's growth and development.

Many schools in California participate in Work-Ability, a program funded by the California Department of Education to assist students with disabilities in acquiring marketable job skills, as well as in transitioning out of high school. During a child's first year of high school, parents can work with teachers to help the child participate in Work-Ability, if possible, and to secure career exploration activities, job shadowing opportunities, and career awareness field trips—all tailored to the child's abilities and interests.

Throughout life at home, parents also can promote a successful transition for their children by encouraging them; talking to them about their skills, interests, and potential; and making the world of adult living part of their daily conversation from the earliest age possible. As well, parents can model good work habits. There are numerous additional ways that parents can make transition to adult living a natural next step for their children. For more information, download *Transition to Adult Living: An Information and Resource Guide* at www.calstat.org/publications/pdfs/Transition_final_08.pdf.

Using Data to Support Students

Education Results Partnership (*edresults.org*), a free data system for school improvement, is a partnership of California Business for Education Excellence (an arm of the California Business Roundtable), the California State University System (CSU), and a number of corporate business sponsors. Representing this partnership, James Lanich addressed the ACSE on “What Can We Learn from the Data about Students with Disabilities in Public Schools?”

The partnership’s Web site provides data profiles of all public schools in California, allows for comparisons of schools, and features a framework of best practices based on data. The data that have been gathered through this consortium are available online to anyone interested—and at no cost (go to <http://edresults.org/index.php>). While the current available data are largely categorical and do not yet provide a complete picture of the demographics of students receiving special education services in California public schools, the system is now allowing school districts to enter student-level data for analysis in their efforts to increase achievement.

Overall, this user-friendly Web site makes it possible for anyone to access district demographic and achievement information, allowing parents, for example, to make more informed decisions about where to educate their children. Further, the site provides a mechanism for schools and districts to discover where student achievement is happening and thus learn from one another.

The ACSE looks forward to encouraging more specificity in the collection and use of reportable data to assist in measuring the school performance of students with disabilities and their post-secondary outcomes.

The Commission Advocates Timely Information for Parents

A number of ACSE commissioners have children with disabilities who range from school age to adult. These commissioners have met with numerous other parents of children with disabilities throughout the state. It has become clear to the ACSE that what parents most want is information that is specific to the needs of their family and their child. In addition, receiving pertinent information and support in a timely manner can be critical. For example, knowing when a child is eligible for Supplemental Security Income (SSI) and In-Home Support Services (IHSS) is important for many families of limited finances, as this information can mean the difference between the child having a roof over her head or finding herself homeless.

We understand that for some parents, finding resources can be a significant challenge. They may not know where to begin looking, or they may not own a computer—now almost a requirement for accessing important resources. The ACSE advocates that school districts offer basic information about resources at IEP meetings, thus giving parents a platform for asking questions and a place to start gathering information to support their child and themselves at the earliest possible time in the education process.

The Commission Encourages . . . Parent Involvement

The Advisory Commission on Special Education believes that parent involvement is a key element in the success of the life of a child with special needs.

A number of agencies provide resources for families of children with disabilities: Parent Training and Information Centers (PTIs), funded through the U.S. Department of Education; and Family Empowerment Centers (FECs) and Family Resource Centers (FRCs), funded through the California Department of Education (CDE). These agencies provide training, information, and support to families of children with disabilities; and they help parents participate effectively in the lives and education of their children.

An additional source of support for families and caregivers (often administered through PTIs and FRCs) is the Family Participation Fund, established by CDE through the State Improvement Grant. This fund provides financial assistance to families who do not

have any other agency support, thereby allowing them to become active members of decision-making committees, task forces, and other policy-making bodies.

A third source of support for parents is CDE’s Procedural Safeguards and Referral Services, which provides technical assistance, information, and resources to parents, school districts, advocates, agencies, and others about procedural safeguards regarding students between the ages of 3 and 21 with disabilities and their educational rights (phone 800-926-0648; TTY 916-323-9779; fax 916-327-3704; e-mail speceducation@cde.ca.gov).

A comprehensive list of agencies in California that provide resources to families of children with disabilities can be found at www.cde.ca.gov/sp/se/qal/caprntorg.asp, and an annotated directory of parent centers can be downloaded from www.calstat.org/specialEdgeOld.html.

Legislation

While the ACSE supports every effort to secure from the federal government full funding for special education, the commission continues to work to keep California's outstanding special education programs from regressing in scope and effect. The state's budget crisis has caused many promising bills to be tabled. However, members of the California Assembly have introduced two important bills that the ACSE supports.

Assembly Bill 2160 (Bass) extends the law that allows school districts or local education agencies (LEAs) to keep in their current positions those special education teachers who are teaching pupils with autism while the teachers are earning the required credentials for working with these students, if the teacher agrees. The law also recommends modifications that would enhance and expedite the procedures for issuing and renewing teaching credentials.

Assembly Bill 1841 (Buchanan) changes those state special education statutes that relate to parents or guardians who refuse all services in the individualized education program (IEP) so that California statutes conform to federal regulations. The bill deletes the requirement that an LEA or school district must file a request for due process in these cases.

The U.S. Congress also has addressed two important areas related to special education: physical restraints and funding. In brief, HR 4247, the Preventing Harmful Restraint and Seclusion in Schools Act, was passed by the House of Representatives this past year with strong bipartisan support; the Act is now in the U.S. Senate. In addition, Representative Steny Hoyer from Maryland and Senator Tom Harkin from Iowa are strong supporters of the nation's schools and yearly have introduced fiscal legislation that supports education.



The Commission Supports . . .

. . . Full Federal Funding

California citizens want and expect students with special needs to have the same advantages that all other students receive. The state has passed laws that make it possible for students with special needs to reach their full potential, but the federal government is not doing its part. The lack of federal funds that were promised to special education programs has forced general education to take on more than its fair share of the financial burden, thus short-changing all students. We need to work together to get more education funding, but especially the funding that was promised to students with special needs.

California State Assembly member Joan Buchanan has introduced Assembly Joint Resolution 31, which petitions the Congress and the President of the United States to enact House Resolution 1102 and/or other special education bills pending before Congress to fully fund special education. There is no opposition to this resolution, but it does not force Congress to do anything. It merely emphasizes the need.

At this time, the Legislative Subcommittee of the California Advisory Commission on Special Education has an opportunity to communicate with the special education leaders and supporters in other states on this issue. Working with other states to support efforts to secure rightful federal dollars for special education would help the entire educational community address the encroachment issues that place an undue burden on general education and that affect all states because of federal and state mandates.

Making sure that this issue is communicated to all citizens is imperative. The current project of ACSE's Legislative Subcommittee is to deliver this message to California's citizens, California's state and federal legislators, educational communities, political leaders in other states, and all members of Congress. Everyone can help by spreading the word that more funding for special education is fiscally smart and absolutely essential. Using educational funds wisely allows everyone to benefit.

—*Betty Karnette,*
California Legislator,
1992–1994; 1996–2008

The GOAL Award

The California Advisory Commission on Special Education created the GOAL Award in 2005–2006. GOAL—Grazer Outstanding Achievement in Learning—is named after film producer Brian Grazer, who has donated \$100,000 over a ten-year period to recognize programs with exemplary practices in special education and to celebrate both those programs that serve California youth with disabilities and the professionals who provide the services. The commission is grateful to Brian Grazer for making this award possible.

Many exemplary programs applied for the GOAL award this year, and ACSE selected two winners, one to represent the southern part of the state and one to represent the northern. The ACSE is proud to recognize and award both FACTS and Barkery for their fine work. Each program is highlighted on this page. For additional information about the GOAL Award, visit the ACSE Web site at www.cde.ca.gov/sp/se/as/acsegoalaward.asp. For information about the eight programs that received a GOAL honorable mention, go to www.calstat.org/infoAdditionalResources.html.

Foothill Area Community Transition Services

Foothill Area Community Transition Services (FACTS), a community-based transition program, is the 2010 winner of the GOAL Award for Southern California. FACTS focuses primarily on preparing students for the adult world by helping them learn vocational, social, and domestic skills. Located in various community settings, FACTS facilitates a natural transition into adult living by helping students become integrated members of their communities.

FACTS students learn how to plan and cook meals and take public transportation independently from home, school, and work. In these and other ways, the students are given the opportunity to practice independent living skills in environments that are realistic, safe, and appropriate to their individual needs. The program works closely with the California Department of Rehabilitation, the Southern California Regional Center, and community businesses.

Go to www.foothillselpa.org/reg-prog/facts.htm for more information about FACTS.

The Barkery

Winner of the 2010 GOAL Award for Northern California, the Barkery is part of the Tehama Adult Learning Center, which provides services for students 18–22 years old in Tehama County. The Barkery is a student-operated local business that makes, markets, and sells dog biscuits. The venture provides a real-life learning and working environment for students in this Tehama County Transition Program. Barkery students can be found filling orders every morning and selling their product in the community. Each student works on individual goals, but all students work toward the overall success of the Barkery business. Notable successes for these students (and there are many) include enhanced self-esteem, increased communication abilities, and improved social skills.

Go to www.tehamaschools.org/department/special-education/barkery for more information about the Barkery.





The Commission Promotes . . .

. . . Using People First Language

The pages from any newspaper will remind us that we are a long way from putting people before their disability labels. A “disabled student,” for example, is suddenly disabled before he is a student at all. When we put people first, however, as in “a student with a disability,” we include that student in the broader group of all students first. While the People First Language movement is not new, it requires for many of us a commitment to—and a consciousness of—how we speak about and describe others. As inclusive practices in education continue to gain momentum, teaching and modeling inclusive language—without labels—remains central to all efforts to promote disabilities awareness and equity. The use of People First Language helps to create a school and societal culture that fosters a sense of belonging for all. The ACSE strongly promotes People First Language in all verbal and written forms, within commission meetings and without.

Acknowledgments

The ACSE would like to acknowledge those experts in the field of special education who have presented to the commission current information and data and served as catalysts in assisting the ACSE to think more deeply about issues that affect students with disabilities. Thank you to Don Shalvey from the Bill and Melinda Gates Foundation; Julie Fabro-cini, Executive Director of the CHIME (Community Honoring Inclusive Model Education) Charter School; Jan Jones-Wadsworth from the Commission on Teacher Credentialing; Richard Smith, Deputy Superintendent of the Sanger Unified School District in Fresno County; Judge Tim Newlove from the Office of Administrative Hearings; Eddie Rea with the California Foundation of Independent Living Centers; Mary Beth Phillips at the California Association of Family Empowerment Centers; Jane Floethe-Ford from Parents Helping Parents; and our many other association liaisons who keep us informed and current on issues relative to their constituency and ours. The ACSE would also like to thank CARS+ for hosting our February meeting and bringing us closer to our Southern California stakeholders.

An additional thank-you goes to our dedicated State Board of Education member Yvonne Chan, who is always considering and voicing the needs of students with disabilities in her role as liaison; and Assemblymember Joan Buchanan and her staff, who have listened and acted on behalf of students with special needs.

A special thanks goes to Kathleen Smith and Anthony Sotelo, who support the ACSE in their vital roles at the California Department of Education, and to the many consultants who graciously assisted the ACSE in broadening its understanding of policies, procedures, and the political landscape, including Chris Drouin, Georgianne Knight, Janet Canning-Digmon, Rachel Perry, Allison Smith, Chris Reefe, Heather Carlson, and Jennifer Johnson.

And finally, our deepest gratitude goes to our two State Directors—Mary Hudler, State Director of Special Education; and Ronald Kadish, Director of State Special Schools—who are both retiring from their posts this year after decades with the California Department of Education. As Executive Secretary to the ACSE, Mary Hudler has served for the past four years with authenticity and honest leadership. Ronald Kadish has diligently served on the ACSE for many years, representing State Schools of the Deaf and Blind; he will finish his distinguished career with CDE this summer.

Taking the reigns from Mary Hudler is veteran educator Fred Balcom, who is no stranger to special education nor to the California Department of Education. A respected educator and leader, Balcom was the former State Director of Special Education for the state of Idaho and most recently director of the District and School Improvement Division at the California Department of Education. The ACSE has every confidence that he will work both skillfully and tirelessly for students with disabilities in California.

The California Advisory Commission on Special Education . . .

. . . is an advisory body mandated by federal and state statutes to provide recommendations and advice to the State Board of Education, the Superintendent of Public Instruction, the State Legislature, and the Governor in new or continuing areas of research, program development, and evaluation in California special education:

“The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

“Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population, and be composed of individuals involved in, or concerned with, the education of children with disabilities.”

— *Public Law 108-446; 20 United States Code (USC) 1412(a)(21) A-D Section 612*

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Commission meeting dates and locations, 2010–2011*

August 16–17, Sacramento	December 2–3, Sacramento	March 24–25, Sacramento
October 14–15, Sacramento	January 27–28, Sacramento	May 26–27, Sacramento

Location: California Department of Education, 1430 “N” Street, Sacramento, CA 95814

* *Exact dates may change. Please visit the ACSE Web site (www.cde.ca.gov/sp/sel/as/acse.asp) or contact the commission’s secretary for the most current information or to obtain a schedule.*