

SPECIAL EDUCATION LEGISLATION

KEY ASSEMBLY BILLS

During the first year of the current two-year California legislative session, several pieces of proposed legislation pertaining to special education instruction and services became law. This insert to *The Special EDge* offers readers an overview of the most important of those bills that Governor Schwarzenegger signed.

Legislation Conforming State Statute to Federal Regulations

To qualify to receive more than a billion dollars in federal grant monies for special education programs, the federal government required California to bring its laws into conformance with new federal regulations. These regulations were released in October 2006 and resulted from the December 2004 reauthorization of the Individuals with Disabilities Education Improvement Act (IDEA '04). Two bills this year were introduced in the state Legislature to achieve this conformance: Assembly Bill (AB) 1663 and AB 685.

AB 1663, Chapter 454, was sponsored by State Superintendent of Public Instruction Jack O'Connell and authored by Assembly Members Noreen Evans and Gloria Romero. The bill resulted in several amendments to California's special education policies and practices. As an urgency measure, AB 1663 went into effect on October 10, 2007, when it was signed by the Governor and chaptered into law by the Secretary of State. It addressed such key issues as pupil identification, assessment, and eligibility; individualized education program development, including notice, implementation, and review; and procedural safeguards, including due process hearing procedures and requirements.

In its final version, AB 1663 is 43 pages long. The full text of the chaptered bill is available online through the "Bill Information" button at www.leginfo.ca.gov. A supplement to A Composite of Laws: California Special Education Programs is also available online at www.cde.ca.gov/sp/se/ac/. In addition, the Composite of Laws Database Search Engine Web site has been updated to reflect the changes made by AB 1663. That Web site address is www3.scoe.net/speced/laws_search/searchLaws.cfm.

AB 685, Chapter 56, was sponsored by the State Superintendent of Public Instruction and authored by Assembly Member Betty Karnette. It amended several sections of the Education Code (EC) and the Government Code. Like AB 1663, AB 685 brought state law into conformance with the new federal regulations that resulted from the reauthorization of IDEA in 2004; but unlike AB 1663, this bill dealt less with revising policy matters than with making technical, nonsubstantive changes to law. For example, AB 685 updated obsolete terminology, revised cross-references in state statute to federal citations that had been renumbered in 2006, and repealed outdated sections of the Education Code. AB 685 was not an urgency measure, so it will go into effect on January 1, 2008.

INTERNET RESOURCES

More information

about the legislative process and about the members and activities of the California Assembly and Senate is available through the following Web sites:

www.legislature.ca.gov/

The official site for the California State Legislature offers a wealth of information.

www.leginfo.ca.gov

This site is a rich source of information about proposed legislation and existing state statutes.

www.assembly.ca.gov

Information specific to the Assembly and its activities can be found here.

www.sen.ca.gov

Information specific to the Senate and its activities can be found here.

State and federal laws and regulations

pertaining to special education can also be viewed online:

www.leginfo.ca.gov/calaw.html

California Law, Education Code

www.calregs.com/linkedslice/default.asp?SP=CCR-1000&Action=Welcome

California Code of Regulations, Title 5

www.gpoaccess.gov/uscode/index.html

The United States Code, Title 20, Chapter 33

www.gpoaccess.gov/cfr/index.html

The Code of Federal Regulations, Title 34, Chapter III, Part 300

Parent-friendly information

and resources on special education legislation can be found at the following:

www.taalliance.org/centers/index.htm

The Technical Assistance Alliance for Parent Centers helps parents with federal laws related to special education.

www.supportforfamilies.org/legislative/laws.html

This page offers parents a compendium of websites on federal legislation and public policy affecting children with disabilities and their families.

Bills Pertaining to Nonpublic Schools

This past year saw the passage of two bills that applied specifically to nonpublic schools (NPSs) and agencies. One of them, *AB 216, Chapter 382*, was authored by Assembly Member Karen Bass.

Before AB 216 was chaptered into law, EC Section 56366.10 mandated that a nonpublic, nonsectarian school that provided special education and related services to an individual with exceptional needs had to certify in writing to the State Superintendent of Public Instruction that its students would have access to educational materials, services, and programs to the extent that these things were available at the local educational agency (LEA) in which the nonpublic school was located. Such materials, services, and programs were to include standards-based, core curriculum and the same instructional materials that were used by the LEA in which the nonpublic school was located.

Assembly Bill 216 amended EC Section 56366.10 to require that students have access to the educational materials, services, and programs that are *required by their individualized education programs (IEPs)*, rather than to the extent these items are available at the LEA. The bill also revised the provision relating to standards-based, core curriculum and instructional materials by mandating the following requirements:

- *Students in kindergarten and grades one through eight shall have access to standards-based, core curriculum and instructional materials that have been adopted by the State Board of Education.*
- *Students in grades nine through twelve shall have access to standards-based, core curriculum and instructional materials used by any local educational agency that contracts with the nonpublic, nonsectarian school.*

The intent of AB 216 is to ensure that NPSs have flexibility in selecting a curriculum that is appropriate for each student's needs, as defined by his or her IEP, while maintaining the same high standards that apply for all students in California. Assembly Bill 216 was not an urgency measure, so it will go into effect on January 1, 2008.

The second bill affecting NPSs was Assembly Bill 485, Chapter 233, which was sponsored by the State Superintendent of Public Instruction and authored by Assembly Member Jose Solorio. Existing law authorizes a school district to enter into a master contract with a nonpublic, nonsectarian school or agency for the provision of



special education and related services, but only if the school or agency meets specified standards and has been certified by the State Superintendent of Public Instruction. Further, the superintendent is authorized to revoke the certification of a nonpublic, nonsectarian school or agency for any of the reasons already specified in law.

Assembly Bill 485 amended Education Code Section 56366.4 by adding a new subsection, which reads as follows:

“(c) If the Superintendent determines that a nonpublic, non-sectarian school or agency has violated the certification requirements pursuant to this section and revokes the certification, the nonpublic, nonsectarian school or agency; the site administrator, business, organization, or entity involved in the administration of the nonpublic, nonsectarian school or agency whose certification was revoked; and the site administrator, business, organization, or entity whose nonpublic, nonsectarian school or agency certification was revoked at any time previously, shall not be eligible to apply for recertification of the school or agency for two full years from the date of revocation.”

This two-year hiatus is intended to give nonpublic schools and agencies whose certifications have been revoked adequate time to meet state standards before they reapply for certification. Assembly Bill 485 was not an urgency measure, so it will go into effect on January 1, 2008.

Bills Worth Noting

The following bills are pertinent to all students in California, but they will be of particular interest for students who receive special education instruction and services.

AB 347, Chapter 526, was sponsored by the State Superintendent of Public Instruction and authored by Assembly Member Pedro Nava. It added new language to the Education Code that says school districts shall do the following:

“Ensure that all pupils who have not passed one or both parts of the high school exit examination by the end of grade 12 have the opportunity to receive intensive instruction and services as needed based on the results of the diagnostic assessment and prior results on the high school exit examination . . . for up to two consecutive academic years after completion of grade 12 or until the pupil has passed both parts of the high school exit examination, whichever comes first. A school district shall employ strategies for intensive instruction and

CALIFORNIA STATE LEGISLATIVE GLOSSARY

Author: A member of the Legislature who agrees to introduce a bill.

Bill: The vehicle through which revisions to state law or new laws are made. Bills must be introduced at a certain time each year, and they are given numbers according to the order in which they are introduced. These numbers are recycled from one legislative session to another, so when researching bills that became law in previous legislative years, a person must also know a bill’s chapter number and the year in which the bill became law.

Chapter: After the Legislature passes a bill and the Governor signs it, the Secretary of State assigns the bill a chapter number. At this point, the bill has been “chaptered” and becomes law.

Legislative session: A legislative session encompasses two years: July 1, 2006 through June 30, 2007, was the first year of the current two-year session, which will end on June 30, 2008.

Policy bill: A bill that changes or adds to the policies and practices that are codified in state law.

Technical bill: A bill that makes minor changes to law that do not affect the state’s policies.

Sponsor: The person or organization that develops proposed legislation and then seeks a member of the Legislature to introduce it. Legislators are often both sponsor and author of proposed legislation.

Urgency measure: A bill that is deemed to affect the public’s health, peace, or safety and therefore becomes law as soon as the bill is signed by the Governor and chaptered. A two-thirds majority in the Legislature is required to pass an urgency measure. Bills that are not urgency measures take effect on January 1 of the following year.

The California State Legislature Web site offers a comprehensive glossary of legislative terms at www.legislature.ca.gov/quicklinks/glossary.html.



services that are most likely to result in these pupils passing the parts of the high school exit examination that they have not yet passed” (EC 37254 [d][4]).

The bill also provided that “Eligible pupils may receive intensive instruction and services on Saturdays, evenings, or at a time and location deemed appropriate by the school district in order to meet the needs of these pupils” (EC 37254[c][2]). Further, the bill specified up to \$1,500,000 to provide county offices of education with funding to oversee the delivery of such instruction and services.

To assist the students in the classes of 2006 and 2007 who have not passed one or both sections of CAHSEE by the end of grade twelve, AB 347 became an urgency measure. It went into effect on October 12, 2007, when it was signed by the Governor and chaptered by the Secretary of State.

AB 962, Chapter 688, was authored by Assembly Member Guy Houston. The bill expressed the Legislature’s findings and declarations about the state’s shortage of speech-language pathologists. In particular, the Legislature found and declared that “Shortages of

speech-language pathologists in public schools result in school districts expending scarce funds to contract out for services as well as utilizing limited resources for IDEA due process legal mandates.” In addition “The shortages of school-based speech-language pathologists create unmanageable caseloads, excessive paperwork, and excessive workloads for school-based speech-language pathologists, further challenging public schools charged with the recruitment and retention of these professionals.

Assembly Bill 962 requires the State Superintendent of Public Instruction to distribute information to school districts and county offices of education to encourage the appropriate use of licensed speech-language pathology assistants under the supervision of qualified professionals. The bill also requires the California Postsecondary Education Commission to assess and discuss issues, information, and barriers relating to, and progress made in the accomplishment of, the creation of additional speech-language pathology assistant training programs. The commission’s findings are to be presented to the Legislature in a report that is due no later than June 1, 2008. ◆

STATE PERSONNEL DEVELOPMENT GRANT

California has been awarded a five-year, \$11,000,000 federal grant to improve outcomes for students with disabilities, as announced by the California Department of Education. The “State Personnel Development Grant” was submitted to the U.S. Department of Education in March 2007 on behalf of the Improving Special Education Services (ISES) Partnership. According to Jack O’Connell, California’s Superintendent of Public Instruction, “California’s grant application won the highest ratings and highest funding from federal reviewers in this national state education agency competitive award process. The distinction partly results from years of our effectively working in partnership with local education agencies to improve the results for students with disabilities.” Over the next five years, these grant dollars will be used to fund teacher training and other related activities designed to improve education for all children, with a particular focus on better results for individuals with disabilities.

The ISES developed the work plan for the grant, with input from parents, educators, and interested community members across the state. This grant will be used to fund teacher training and other related activities designed to improve education for all children, with a particular focus on better results for individuals with disabilities. The grant activities will provide support in several areas that are vital to improving student outcomes: in efforts to recruit and retain highly qualified special education teachers and other personnel who work with students with disabilities; in coordinating services for students with disabilities; in making behavioral supports available for students with disabilities; in affecting improved academic outcomes, especially in the area of literacy, by using scientific/evidence-based instructional practices; in supporting the participation of parents and family members in school-related activities; and in collecting and disseminating data.

Go to www.calstat.org/sigPcse.html for more information about the grant and the current efforts to execute its activities.