

Date of Hearing: March 24, 2021

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 126 (Eduardo Garcia) – As Amended March 16, 2021

SUBJECT: Special education programs: Family Empowerment Centers on Disability and Early Start Family Resource Centers

SUMMARY: Requires the establishment of additional Family Empowerment Centers on Disability (FECs), establishes increased funding levels awarded to each center, establishes new requirements for data collection and reporting to the California Department of Education (CDE), and states intent to provide \$20 million in one-time funding to Family Empowerment Centers and Family Resource Centers to support families of students with disabilities, whose education has been impacted by the COVID-19 pandemic. Specifically, **this bill:**

- 1) Requires the CDE, by March 1, 2022, to award grants to establish new FECs in the regions in the state established under the Early Start Family Resource Centers that do not have an FEC.
- 2) In making these awards, requires the CDE to grant priority to organizations operating as Early Start Family Resource Centers in order to promote continuity of service to families, and shall also take into consideration the capacity of applicants to carry out specified activities. Requires the Superintendent of Public Instruction (SPI) to establish new grant priorities no later than February 15, 2022, and requires the CDE to give priority in that manner once it is determined by the SPI.
- 3) Requires that the Advisory Commission on Special Education be included among the entities from whom it will seek advice in developing the grant application.
- 4) Increases the minimum base rate awarded to each FEC, from \$150,000 to \$246,000, beginning with the 2021-22 fiscal year.
- 5) Includes adjustments to the allocation mechanism for the FECs to account for school enrollment of the region served, and a cost-of-living adjustment, beginning with the 2022-23 fiscal year.
- 6) Requires the CDE to develop a data collection template for use by FECs, and to provide guidance to FECs on how to define and report data, which must include:
 - a) The number of parent trainings provided by an FEC, including, but not limited to trainings on IEPs and LREs;
 - b) The number of IEP meetings attended by FEC personnel;
 - c) The disability categories of children and young adults served by an FEC;
 - d) Demographic information, including preferred language, of families served by an FEC;
 - e) The nature of disagreements between parents and schools, and the manner in which those disagreements were resolved with FEC assistance; and

- f) Parental satisfaction with FEC services.
- 7) Requires the CDE to consult with the Family Empowerment and Disability Council (FEDC) on the development of the data collection template.
 - 8) As a condition of the receipt of funds, requires FECs to:
 - a) Provide training and information to parents on the benefits of inclusion in the LRE for children with disabilities;
 - b) Attend individualized education program (IEP) development meetings, subject to the availability of center resources and upon parental request; and
 - c) Submit data annually, in accordance with CDE's template, by a deadline specified by the SPI, no later than June 30, 2023.
 - 9) Requires the CDE, following the initial awarding of a grant to a FEC, to assess the center's eligibility for continued funding, at a minimum, as follows:
 - a) For an FEC established during or after the 2021–22 fiscal year, the CDE would assess the center's eligibility every five years after the center is established.
 - b) For an FEC established before the 2021–22 fiscal year, the CDE would assess the center's eligibility during the 2023–24 fiscal year and every five years thereafter.
 - 10) Requires that assessments be based on a FEC's demonstrated ability to meet its statutory responsibilities.
 - 11) Requires the FEDC to ensure that an outside entity performs an annual, independent evaluation of the effectiveness of services provided by FECs, including an evaluation of the metrics listed in CDE's data collection template, and increases the funding for the FEDC to \$246,000.
 - 12) Requires the CDE, by June 30, 2022, to inform parents of children with disabilities of the availability of FEC services by including in its notice of procedural safeguards information on the purpose of the centers, as well as the website that lists contact information for the centers, and include the information on all of the CDE's translated versions of its notice of procedural safeguards and on a sample notice of procedural safeguards that it maintained on its website.
 - 13) States the intent of the Legislature to appropriate \$20 million in federal funds to the CDE for the purpose of providing grants to Family Empowerment Centers on Disability and, as specified, Family Resource Centers, for specified, for expenditure through September 30, 2023.
 - 14) States the intent of the Legislature to award funding to FECs for the purpose of supporting families of students with disabilities with the impacts of the COVID-pandemic on their education in a timely, efficient, and equitable manner by increasing family access to alternative dispute resolution (ADR), facilitation of IEP meetings, and other supports to families, particularly those families who face language and other barriers to full participation in their children's education.

- 15) Requires the CDE, in those Early Start Family Resource Center regions where there was no Family Empowerment Center on Disability as of January 1, 2021, to award funding to Early Start Family Resource Centers operated through the Department of Developmental Services.
- 16) Requires a FEC and an Early Start Family Resource Center receiving funding to serve parents and families of children and young adults 3 to 22 years of age, who had an IEP before their 18th birthday.
- 17) Requires the CDE to award funding to eligible entities specified in this subdivision in a manner based on school enrollment in the regions they serve, in a manner consistent with the allocation mechanism used for current FECs.
- 18) Requires that funding provided through these awards be spent in the following manner:
 - a) At least 50% must be used to work in partnership with one or more SELPAs in the region served by the FEC to broaden access to ADR, facilitation of IEP process, and training of additional individuals to conduct these activities, with particular focus on serving families with language and other barriers to full participation. States that ADR and facilitation of IEPs meetings may be conducted in partnership with SELPAs or independently.
 - b) Requires that remaining funding be used to avert disputes and support resolution of conflict at the lowest level possible, by providing any of the following:
 - i. Parent-to-parent support and training related to the effect of the COVID-19 pandemic on the education of students with disabilities;
 - ii. Supporting LEAs in fulfilling their Child Find responsibilities under the IDEA, and implementing re-engagement strategies, as required to be developed by existing law, for students with disabilities;
 - iii. Providing parents with language access support, in addition to the access required to be provided by LEAs, including interpretation and translation of written materials;
 - iv. Providing parents with referrals for other services, such as support for pupil and family needs, respite services, physical and mental health services, and other services as required by family circumstances; and
 - v. Assisting parents in accessing support through other programs, such as Foster Youth Services Coordinating Program and programs administered by the Department of Developmental Services and the Department of Rehabilitation.
- 19) Requires the CDE, in awarding funding to:
 - a) By August 31, 2021, announce and post criteria for funding and by November 30, 2021 make awards of this funding.
 - b) Require, at a minimum, that entities eligible to receive this funding submit:
 - i. A plan summarizing how they will conduct required activities with this funding; and

- ii. Evidence of a partnership with at least one SELPA located in the region served by the entity which operates an ADR program.
- c) Establish standard metrics to ensure consistency in data collection and require that grantees submit an annual report until funding is exhausted which details the number of families served, the demographics of the pupils served, and the services provided, including the number of families served through ADR and IEP facilitation.
- d) Fulfill any additional reporting requirements associated with federal Governor's Emergency Education Relief II Fund.
- e) Annually until this funding is exhausted, submit a report summarizing these activities to the appropriate fiscal and policy committees of the Legislature.

EXISTING LAW:

- 1) Requires establishment of FECs in 32 Early Start regions across the state (Education Code (EC) 56402).
- 2) Requires a minimum base rate allocation of \$150,000 for each FEC and establishes an allocation mechanism that is determined according to school enrollment of the region served (EC 56406).
- 3) Requires FEC grant applicants to demonstrate that their region has a need for training and information for underserved parents of children and young adults with disabilities (EC 56406).
- 4) Requires FEC grant applicants to demonstrate how they will accomplish the following: provide services regardless of cultural, linguistic, geographical, socioeconomic, or other barriers; provide services in accordance with a family's linguistic and cultural preferences and needs; coordinate with existing family support organizations in their region; promote collaborative relationships between parents and local educational agencies and special SELPAs. (EC 56406)
- 5) Requires FEC grant recipients to provide training and information that meets the needs of parents of children and young adults with disabilities in the region served; collaborate with community-based organizations and state and local agencies serving children with disabilities; help parents better understand the nature of their children's disabilities and educational and developmental needs; train parents to communicate effectively with special education providers; participate in the development of individualized education programs (IEPs); gather information about the range of programs and services available to support children and young adults with disabilities; participate in school improvement and reform activities; and advocate for children's needs while promoting positive interactions between parents and school staff (EC 56408).
- 6) Requires the FEDC to consist of an executive director from each FEC and allocates \$150,000 to support the council's work (EC 56410).

- 7) Requires the FEDC to accomplish the following: provide central coordination of training and information dissemination for FECs; develop a technical assistance system and activities in accordance with a plan developed by FEDC members; ensure performance of a periodic assessment of service delivery and management for each FEC; assist FECs as they build their capacity to serve their regions; develop uniform data collection and tracking systems that interface with, and do not duplicate, existing special education data systems; establish outcome-based evaluation procedures for use by CDE; conduct media outreach and other public education efforts to promote the goals of FECs; and support and coordinate system improvement efforts at a local, state, and national level (EC 56410).
- 8) Requires the CDE to include, on the sample procedural safeguards maintained on its website, a link to a webpage that lists FECs (EC 56415).

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “Family Empowerment Centers assist families of children and youth with disabilities, by providing them with professional training, appropriate information, referral services and peer-to-peer support. The ongoing COVID-19 pandemic and disruptions of distance learning highlight the additional anxiety families of children with disabilities face. Family Empowerment Centers can support these families by providing them with training, referral services and peer-to-peer support. AB 126 would fund the critical work of California’s network of FECs and FRCs and improve their ability to act as a resource for statewide efforts to resolve conflict at the lowest level and in an efficient and equitable manner.”

Many schools in California closed for in-person instruction as a result of COVID-19. On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of the COVID-19 virus. An Executive Order (EO) issued on March 13, 2020 authorized, but did not require, LEAs to close schools for in-person instruction as a result of the threat of COVID-19. The state subsequently began using a color-coded tiered system to determine when schools could reopen for in-person instruction. Except for LEAs located in the highest tier of virus spread, the decision regarding whether to close or re-open schools was left to each LEA, in consultation with local public health officials.

The vast majority of California public schools were closed for in-person instruction through the end of the 2019-20 school year, and many also began the 2020-21 school year by offering only or mostly remote instruction. As of January 2021, due to increasing surges in the rates of COVID-19, many schools throughout the state, including those in the largest school districts, remained closed for in-person instruction. As of this writing most school districts have either begun to return students to some form of in-person instruction, or have plans to do so soon.

Students with disabilities likely significantly affected by COVID-19 school disruptions. While data specific to students with disabilities is not yet available, there is little doubt that the education of many students with disabilities was disrupted by the COVID-19 related school disruptions during the 201-20 and 2020-21 school years. Research indicates that the “summer slide” in achievement is particularly significant for low income students with disabilities (Gershenson, 2016), suggesting that the disruptions to schooling during the pandemic may have disproportionately significant impacts for these students.

A review of the available research on the effects of the pandemic for these students and their families (Brandenburg, 2020) found:

- During the COVID-19 pandemic, parents became responsible for in-person learning for their children. However, parents were and continue to be ill equipped for this role as they have no training or education in the specialized learning plans used in school...Parents and their students with disabilities reported high levels of anxiety and depressed moods.
- Parents of children with disabilities experienced a loss of their general and community support networks, loss of support from education and therapy specialists, and loss of routine, which continues with the ongoing pandemic.
- For many children, the stress of this sudden transition and loss of the typical school routine resulted in depressive symptoms, acting out, and changes in behavior.
- Parents were overwhelmed by the increased demands on them to provide for their children’s schooling, maintain a home routine, and continue their own work responsibilities without opportunity for a break or respite.

A national survey of 1,500 parents conducted by ParentsTogether in May, 2020 reported results consistent with these findings:

- 20% of parents whose children have an IEP said that they are receiving those services, and that 39% were not receiving any support at all.
- Children who qualify for IEPs were also twice as likely as their peers to be doing little or no remote learning (35% vs. 17%).
- Parents of students with disabilities were twice as likely to say that distance learning is going poorly (40% vs. 19% for those without IEPs).
- Parents were almost twice as concerned about their children’s’ mental health (40% vs. 23%).

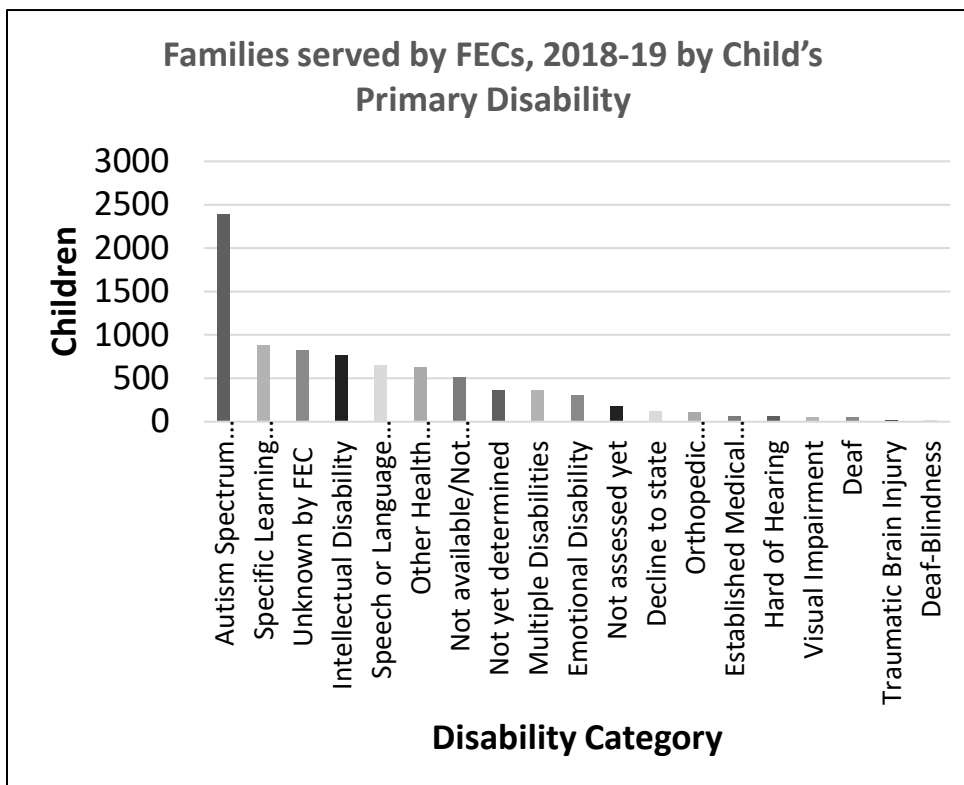
Family Empowerment Centers support children with disabilities and their families but many families remain unserved. This bill proposes to fund the expansion of the existing network of FECs, to serve all of the regions of the state, consistent with the intent of the legislation which established the FECs.

FECs were established in 2001 by enactment of SB 511, in an effort to help families of children with disabilities, ages 3-22, navigate the special education system and gain access to accurate information, specialized training, and peer-to-peer support. The centers were

also tasked with promoting collaborative relationships between schools and parents of children with disabilities, collaborating with state and local agencies and community-based organizations serving children with disabilities (including Early Start Family Resource Centers, which support families and children with disabilities who are ages 0-3), and advocating for children in a manner that promotes alternative dispute resolution. The centers are nonprofits staffed and run primarily by parents, guardians, and family members of children and young adults with disabilities.

Counties Not Served by an FEC as of 2018	
Alameda	Riverside
Contra Costa	Sacramento
Del Norte	San Bernardino
Humboldt	San Joaquin
Lake	San Mateo
Los Angeles*	San Mateo
Marin	Santa Barbara
Mendocino	Stanislaus
Merced	Ventura
Monterey	Yolo
*Currently, only 3 of 7 planned FECs have been funded in LA County	

In the 2018-19 fiscal year FECs served 8,268 unduplicated families. Families of younger children utilized FEC services most heavily. 30% of the parents served were Spanish-only speakers. 127 foster and kinship care families were served. FECs conducted 2,136 consultations with parents and attended 656 IEP meetings to support parents. The FECs held 469 trainings for parents, 233 trainings for professionals, and 591 trainings for general audiences. FECs served families of children with a variety of disabilities, as shown below.



Although SB 511 called for establishment of 32 centers across the state, the last center was added in 2006, leaving the network at its current size of 14 centers.

The missing 18 centers leaves families in large regions of the state, including several densely populated areas such as Alameda County and portions of Los Angeles County, without access to the services provided by

FECs. The above table lists counties that do not currently have access to an FEC. According to the FEDC, the existing FECs are struggling to meet demand for their services, in part because they are serving parents not only from their regions, but from surrounding regions that currently lack a center. All twelve FECs responding to a survey about challenges they face indicated that limited funding prevents them from providing critical services to families, including parent trainings, sibling support, outreach, and peer-to-peer mentorship programs. In particular, more than half of respondents indicated that limited funding makes it difficult for them to hire and retain long-term, experienced employees because they cannot offer benefits or competitive pay.

Fully funding the FECs, and strengthening data reporting requirements for them (another requirement of this bill) were recommendations of the Statewide Special Education Task Force in its 2015 report to the California Department of Education, State Board of Education, and Commission on Teacher Credentialing, titled *One System: Reforming Education to Serve All Students*.

Special education dispute resolution. This bill states the intent of the Legislature to provide funding to FECs (and in some cases Family Resource Centers) for the purpose of helping to resolve disputes to broaden access to alternative dispute resolution, facilitation of individualized

education program process, and training of additional individuals to conduct these activities, with particular focus on serving families with language and other barriers to full participation.

The federal Individuals with Disabilities Education Act (IDEA) requires states to make the following dispute resolution options available to consumers of federally-funded special education services: mediation, written state complaints, and due process complaints.

When parents and schools disagree on matters such as student eligibility for services or the services to be included in a student's IEP, parents have the right under the law to resolve their disagreements with the district using a system known as "due process." This system provides parents with a progressive series of options for resolving their complaints. At the least formal end of the spectrum, parents and districts settle their disagreements using a resolution session, which typically involves only parents and the district and may result in the production of a settlement that does not become binding until three days post-session.

If parents do not feel that their complaints can be resolved with a resolution session, or that session does not resolve the dispute, they may request mediation, mediation and a hearing, or a hearing without mediation. In mediations, a mediator from the Office of Administrative Hearings (OAH) will try to help both parties reach a binding agreement. If parents and districts cannot reach an agreement via mediation, or if the filing party does not wish to go to mediation, the case will go to a hearing. In this case, an OAH judge specializing in special education law decides the outcome of the case. According to OAH, parents most commonly request mediation and a hearing, while "hearing only" is the least common type of due process request.

In addition to these options, parents and schools may engage in less formal means of resolving conflict, through a set of practices known as Alternative Dispute Resolution (ADR). According to the CDE, the ADR process is less formal than a due process hearing and intends to maintain positive relationships between families and LEA staff by working collaboratively toward solutions. ADR is a voluntary method of resolving disputes and may not be used to delay the right to a due process hearing. Examples of ADR include facilitated IEP meetings, parent-to-parent assistance, ombudspersons, collaborative negotiation, and informal local mediation.

For a number of years the state encouraged LEAs to resolve disagreements with families collaboratively and informally whenever possible, through \$1.9 million in small grants to SELPAs and LEAs to support training in ADR. A 2018 survey of ADR grantees conducted by the Napa County Office of Education indicated that over 500 state complaints were averted by ADR activities conducted by grantees.

The 2020-21 Budget, in anticipation of an increased number of disputes related to the COVID-19 pandemic, includes \$8.6 million to SELPAs to assist LEAs with establishing and improving local ADR.

California has far more disputes related to special education than most other states.

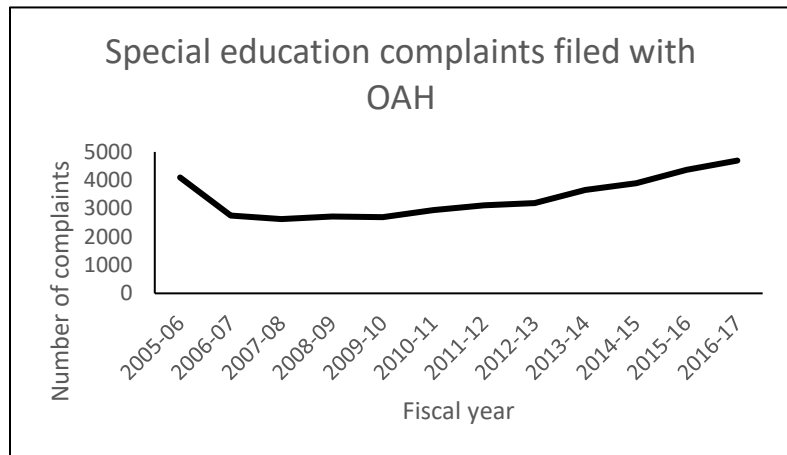
According to the federally-funded Consortium for Appropriate Dispute Resolution in Special Education (CADRE), for 2018-19:

- Mediation requests in California represented nearly half of all requests in the country.
- California's rate of mediation requests was 400% higher than the national average.
- California's rate of due process complaints was 40% greater than the national average.

- California’s rate of state complaints was 30% higher than the national average.
- California had the fifth highest rate of overall special education disputes among the states, at a rate roughly double the national average.

Special education disputes rising sharply before COVID-19 pandemic, likely to increase further because of school disruptions.

The rate of state complaints filed with OAH has been steadily rising in recent years. Data from the OAH indicates that the total number of special education cases filed due to disputes between families and schools has increased over the past decade, from 2,748 complaints in the 2006-07 fiscal year to 5,046



complaints in the 2018-19 fiscal year, a 54% increase. Problems with the provision of services required by IEPs during the COVID-19 school disruptions are likely to accelerate this trend. While California’s case rate continues to climb, the national trend runs in the opposite direction, with many states reporting decreases in disputes.

“There are no winners in the current system.” Statewide Special Education Task Force report calls for reform of dispute resolution system. Calling an examination of the special education dispute resolution system “imperative,” the 2015 *One System* report by the Statewide Task Force on Special Education, noted “the current due process system is in need of revision in order to assist in resolving disputes in a more timely, efficient and cost effective manner.” The report also noted that the process often results in costly attorney fees for both families and schools and that prolonged litigation may negatively impact educational benefit for the child, and that some practices can cause excessive stress and anxiety for all participants. The *One System* report cites a 2013 report by the American Association of School Administrators published “Rethinking Special Education Due Process,” which found:

- District compliance with IDEA is radically different today than when IDEA was created over three decades ago. Major changes to federal accountability and compliance monitoring system for students with disabilities...have opened the door to potential alternatives to due process hearings that would benefit all parties.
- The cost and complexity of a due process hearing hinder low and middle income parents from exercising the procedural protection provisions to which they are entitled.
- Numerous studies document the dissatisfaction felt by parents and schools with the due process system. A study on the fairness of special education hearing found that both parents and school officials had negative experiences with hearings, regardless of who prevailed.
- Most publications point to the need for alternative ways to deal with special education disputes that could assist in resolving disputes in a more timely, efficient, and cost

effective manner and that does not perpetuate adversarial relationships. It appears that this approach would be of great benefit to the students.

The report concludes: “there are no winners in the current due process system as it often results in an impairment of the trust between the parents and school agencies and often incurs many years of contentiousness while the student remains in the K-12 system.”

Current dispute resolution system highly inequitable. As noted above, the Statewide Special Education Task Force report noted the inequities inherent in the state’s system of dispute resolution. Research on this topic has found:

- Citing numerous sources, the American Association of School Administrators report *Rethinking Special Education Due Process* states: “The cost and complexity of a due process hearing hinder low- and middle-income parents from exercising the procedural protection provisions to which they are entitled...Because of education, language or income barriers, the majority of low-income parents cannot obtain representation, afford to pay for it or advocate effectively for their children. Notably, it is districts composed of high populations of low-income students that are more likely to struggle to meet IDEA mandates. In addition, the parents residing in these districts file due process requests at a considerably lower rate than their wealthier counterparts. The correlation between low quality of education for students with disabilities and the low earnings of their parents means that families of children who are in dire need of improved educational services are the least able or likely to advocate and seek enforcement of IDEA’s education protections through the due process system. As a result, “the rights provided by the IDEA become worthless because parents do not have true avenues to exercise them.”
- A 2011 review of due process claims in California found that 75% came from families in “wealthy white” districts, while only 19% of requests were filed by parents in “poor minority” districts (Ong-Dean, 2011).
- A 2019 U.S. General Accounting Office (GAO) report on dispute resolution in selected states found that a greater proportion of very high-income school districts had dispute resolution activity as well as higher rates of dispute activity than very low-income districts in most of the five states GAO reviewed.
- A 2011 legal review of inequities in special education noted: “Children from families without financial resources are the most likely to require compensatory education, because their parents cannot afford private school tuition, tutoring, and other services if a district is not providing [a free, appropriate public education]. Yet, it is often difficult for these parents to present sufficient evidence of the need for compensatory education, owing to some of the same difficulties discussed above in accessing independent experts and private providers who can testify at a hearing.” (Hyman, 2011)

Family support helps to prevent and resolve disputes in a cost effective and more equitable manner, but state has failed to adequately invest in it.

As shown in the graphic on this page, published by CADRE, dispute resolution takes many forms along a continuum, which ranges from prevention activities such as family engagement and training, to legal activities such as due process hearings and litigation.

Investments on the informal side of the continuum prevent conflicts from

escalating to more lengthy, expensive, and contentious interventions. As noted above, California has a high rate of conflicts which escalate to this legal end of the continuum, but has never fully built the informal end of the spectrum by investing in the kinds of family support provided by FECs.

Examples of how such an investment can help resolve conflict at the lowest level come from the regions which currently have FECs. A 2016-17 FEDC report states that two-thirds of 232 parent respondents indicated that they had a disagreement with a school or a district about their child’s IEP, 80% of whom believed that their FEC’s involvement helped them resolve the disagreement. Nearly 60% of respondents indicated that they used alternative dispute resolution.

Standardization of FEC data needed. With enactment of the Local Control Funding Formula (LCFF), which placed greater control for education spending at the local level, Local Control and Accountability Plans (LCAP) were put in place to create a mechanism for assessing effective expenditure of funds. The importance of parent involvement in efforts to improve local educational systems was formally recognized by inclusion of parent and community engagement as one of eight state priorities that must be addressed as LEAs develop their LCAPs. Specifically, LEAs are required to establish parent advisory committees and English learner parent advisory committees that provide input during LCAP development. According to the CDE and the Statewide Task Force report on special education, efforts to improve special education similarly require input from parents and families, but formal, state-mandated mechanisms similar to those implemented for general education do not exist.

As parent-staffed centers with strong ties to their local special education agencies, FECs are ideally structured to facilitate parental engagement in efforts to identify and resolve local challenges in special education. However, the Statewide Special Education Task Force report highlights challenges in data collection and analysis that need to be addressed before FECs can fulfill this role. Although SB 511 implemented accountability measures—namely the

CADRE Continuum of Dispute Resolution Processes & Practices																		
Stages of Conflict	Stage I			Stage II		Stage III		Stage IV		Stage V								
Levels of Intervention	Prevention			Disagreement		Conflict		Procedural Safeguards		Legal Review								
Assistance/ Intervention Options	Family Engagement	Participant & Stakeholder Training	Stakeholder Council	Collaborative Rule Making	Parent to Parent Assistance	Case Manager	Telephone Intermediary	Facilitation	Mediation Models	Ombudsperson	Third Party Opinion/Consultation	Resolution Meeting	Mediation Under IDEA	Written State Complaints	Due Process Hearing	Hearing Appeal (Two-Tier Systems)	Litigation	Legislation
	Third-Party Assistance						Third-Party Intervention											
	Decision Making by Parties						Decision Making by Third-Party											
	Interest-Based						Rights-Based											
Dimensions that help clarify placement of the options along the Continuum	Informal & Flexible						Formal & Fixed											

development of a uniform data collection system—to ensure that FEC services could be monitored across the network of centers, it did not specify what would happen to these data once they were reported to the CDE, or what the utility of these data would or should be, outside of providing a general assessment of FEC function. Furthermore, the FEDC, comprised primarily of executive directors from each of the 14 FECs, states that in many cases, centers are unable to allocate sufficient resources from their limited funding to pay for the software and staff time needed to accomplish intensive data collection. The council also states that specific guidance from the CDE would help centers identify the types of measures needed to assess statewide and local issues in special education. This bill addresses these issues by increasing the base grant and by requiring the CDE to generate a data collection template for use by FECs.

Academic and other outcomes for students with disabilities in California. According to data from the CDE, California’s students with disabilities have among the lowest academic and behavioral outcomes of all student groups:

- English language arts: In 2018-19, 16% of students with disabilities met or exceeded standard, compared to 56% for students without disabilities.
- Mathematics: In 2018-19, 13% of students with disabilities met or exceeded standard, compared to 43% for students without disabilities.
- Science: In 2018-19, 8% of students with disabilities met or exceeded standard, compared to 33% for students without disabilities.
- Graduation: In 2018-19, the four year adjusted cohort graduation rate for students with disabilities was 67.7%, vs. 84.5% for all students. The five year adjusted cohort graduation rate for students with disabilities was 71.2%, compared to 85.5% for all students. These rates are among the lowest for all subgroups for which the state tracks data.
- Suspension and expulsion: In 2018-19, the suspension rate for students with disabilities was 6.4%, compared to 3.5% for students overall. Students with disabilities had a rate of multiple suspensions of 40%, compared with 30% for all students. The expulsion rate for students with disabilities was 0.8%, the same as the statewide average.
- Attendance: In 2018-19, the chronic absenteeism rate for students with disabilities was 19.5%, compared to 12.1% for students overall.
- College attendance: In 2017-18, 45.4% of students with disabilities who completed high school were enrolled in college, compared to 64.4% for all students. Students with disabilities also had the lowest rate of enrollment at the University of California and the California State University.

Most school districts identified by the state as underperforming were on the basis of performance of students with disabilities. Current law requires that the CDE identify school districts for “differentiated assistance” (DA) based on student performance (status and change) on certain indicators, which include English language arts and mathematics, graduation, chronic absenteeism, suspension, and college/career readiness. Performance on these indicators yields a color coded score, which is then used to identify districts for this assistance.

Of the 333 districts identified for DA in 2019, 187 (56%) were identified because of low performance of students with disabilities on at least two of these metrics. Of those 187 districts, 114 were eligible based on additional student groups, while 73 were eligible based solely on students with disabilities.

According to a 2020 analysis by Policy Analysis for California Education (PACE), *Students with Disabilities and Differentiated Assistance*, the most common indicators making identifying districts on the basis of the performance of students with disabilities were suspensions (67% of districts), ELA and math performance (63% of districts), and chronic absenteeism (54% of districts).

Arguments in support. The California School Boards Association writes, “Originally, there were supposed to be 32 centers across the state. However, only 14 were developed. The missing 18 centers leaves families in large regions of the state, including several densely populated areas such as Alameda County and portions of Los Angeles County, without access to the services provided by FECs. The existing FECs are struggling to meet demand for their services, in part because they are serving parents not only from their regions, but from surrounding regions that currently lack a center. AB 126 expands the FEC network to the underserved regions of the state, provides a one-time adjustment to increase the base grant, and improves coordination between California’s Department of Education and FECs through the development of a uniform and rigorous data collection, tracking and reporting system. The services provided by FECs are valuable in California, where the scope of the need for special education services is great. Nearly 12 percent of students in the state are enrolled in special education, and the proportion of special education students requiring more intensive and complex educational plans has increased over the past decade. AB 126 will support the critical work of FECs and improve their ability to act as a resource for statewide efforts to improve special education.”

Recommend Committee amendments. *Staff recommends that the bill be amended* as follows:

- 1) Strike language stating that it is the intent of the Legislature to appropriate \$20 million in one-time funding for specified activities will be included in subsequent legislation, and instead require that the activities be funded, contingent upon an appropriation for that purpose.
- 2) Refer to IEP facilitation as one form of ADR, instead of as a distinct activity.
- 3) Expand the priority given to organizations applying to become new FECs, and those eligible to receive the one-time funding for COVID-related activities.
- 4) Technical and clarifying changes.

Related legislation. AB 2056 (Eduardo Garcia) of the 2019-20 Session was substantially similar to this bill. This bill was held in this Committee.

AB 236 (Eduardo Garcia) of the 2019-20 Session was substantially similar to this bill. This bill was held in the Senate Appropriations Committee.

AB 2704 (O’Donnell) of the 2017-18 Session was substantially similar to this bill. This bill was held in the Senate Appropriations Committee.

SB 695 (Portantino) of the 2019-20 Session would have required LEAs to communicate in the native language of a parent during the planning process for an IEP, and provide a student’s parent with a copy of the completed IEP and other related documents in the native language of

the parent within 30 days of the IEP team meeting. This bill was vetoed by Governor Newsom, who stated:

Current law already requires that non-English speaking parents and guardians understand their child's IEP, and LEAs must take any action needed to ensure that pupil's non-English speaking parent understands the IEP process and LEAs must also provide any materials used to assess or place a student with exceptional needs in the parent's native language.

By establishing more prescriptive requirements, particularly specifying a 30-day timeline within which those documents must be translated, the bill would exceed the requirements of federal law (the Individuals with Disabilities Act), thereby creating a costly reimbursable state mandate that will reduce funding available to support broader educational programs for these students.

If a California school district's practices of providing translation services are inadequate, avenues already exist to remedy these problems.

SB 884 (Beall), Chapter 835, Statutes of 2016, requires CDE to include in its sample procedural safeguards, maintained on its website, a link to the CDE webpage that lists FECs.

SB 511 (Alpert), Chapter 690, Statutes of 2001, required CDE to establish FECs in each of 32 Early Start regions in the state, established the FEDC, allocated a base grant of \$150,000 to each FEC, established an allocation mechanism that is determined according to school enrollment of the region served, required FECs to collect specified types of data, and specified certain responsibilities for the FEDC.

REGISTERED SUPPORT / OPPOSITION:

Support

Antelope Valley SELPA
Association of Regional Center Agencies
Berkeley Unified School District
Butte County SELPA
California Association of School Psychologists
California Charter Schools Association
California School Boards Association
Coalition for Adequate Funding for Special Education
East San Gabriel Valley SELPA
Exceptional Family Resource Center
Exceptional Parents Unlimited
Family Focus Resource and Empowerment Center
Family Soup
Folsom Cordova Unified School District
H.e.a.r.t.s. Connection
Irvine Unified School District
Long Beach Blast
North Region SELPA
North Santa Cruz County SELPA
Riverside County Superintendent of Schools

Orange Unified School District
Plumas Rural Services
San Luis Obispo County SELPA
Santa Barbara County SELPA
Santa Clara County SELPAs I, II, III, IV, VII
Solano County SELPA
Tri-Valley SELPA
West Contra Costa Unified School District SELPA
Westside Music Conservatory
Westside Regional Center
Whittier Area Cooperative SELPA
Yolo County Office of Education
Yuba County SELPA
Several individuals

Opposition

None on file

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