

Date of Hearing: March 22, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1340 (Garcia) – As Introduced February 16, 2023

SUBJECT: School accountability: pupils with exceptional needs

SUMMARY: Requires the California Department of Education (CDE) to annually post on its website data on specified academic and other outcomes for students with disabilities, disaggregated by federal disability category. Specifically, **this bill:**

- 1) Requires the CDE to, on an annual basis, report on its website that allows the public to view statewide-level data for pupils who are individuals with exceptional needs, disaggregated by the identified disability or disabilities, for each of the following:
 - a) Scores on the California Assessment of Student Performance and Progress (CAASPP) in English language arts, mathematics, and science;
 - b) Scores on the English Language Proficiency Assessments for California;
 - c) Rates of chronic absenteeism;
 - d) Rates of suspension;
 - e) Four- and five-year cohort graduation rates; and
 - f) College-going rates.

EXISTING LAW:

- 1) In federal law, establishes the Individuals with Disabilities Education Act (IDEA), in order to ensure that all children with disabilities have a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living, among other purposes. (20 U.S.C. Section 1400)
- 2) In federal law (IDEA), establishes the following disability categories:
 - a) Intellectual disability;
 - b) Hard of hearing;
 - c) Deafness;
 - d) Speech or language impairment;
 - e) Visual impairment;
 - f) Emotional disturbance;

- g) Orthopedic impairment;
 - h) Other health impairment;
 - i) Deaf-blindness;
 - j) Multiple disability;
 - k) Autism;
 - l) Traumatic brain injury; and
 - m) Specific learning disability. (20 U.S.C. Section 1401)
- 3) Requires the CDE to publicly report, on an annual basis on its website, enrollment data by English language acquisition status and disability.
- 4) Requires the CDE, on an annual basis, to include a report on its website that allows the public to view the following assessment data by English language acquisition status:
- a) CAASPP test results by English language arts, mathematics, and science; and
 - b) English Language Proficiency Assessments for California.
- 5) Defines “English language acquisition status” to include separately reporting data for all of the following:
- a) Long-term English learners;
 - b) English learners at risk of becoming long-term English learners;
 - c) English learners; and
 - d) Reclassified fluent English proficient pupils. (EC 60900.1)

FISCAL EFFECT: Unknown

COMMENTS:

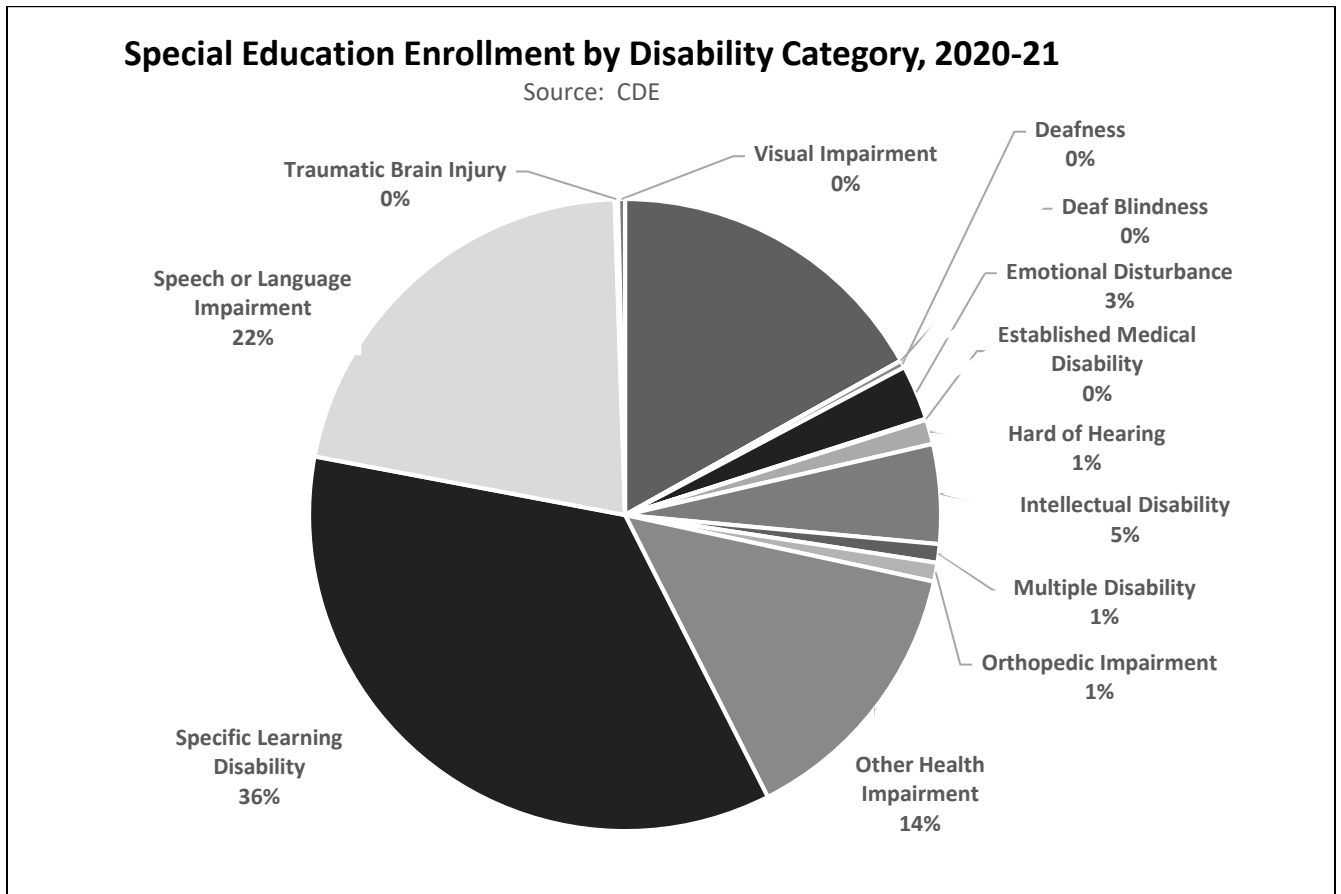
Need for the bill. The author states, “AB 1340 would require the Department of Education to report on its website disaggregated data by pupils identified disabilities. Collecting data by individual disability will allow schools to provide the appropriate educational resources to their students.”

Federal and state law establishes 13 disability categories which qualify a student for support under the IDEA. In the 2020-21 school year students with disabilities composed 12.5% of California’s public prekindergarten through 12th grade school enrollment. As noted above,

IDEA authorizes federal funding for the needs of school-age children with a range of qualifying conditions:

- Intellectual disability;
- Hard of hearing;
- Deafness;
- Speech or language impairment;
- Visual impairment;
- Emotional disturbance;
- Orthopedic impairment;
- Other health impairment;
- Deaf-blindness;
- Multiple disability;
- Autism;
- Traumatic brain injury; and
- Specific learning disability.

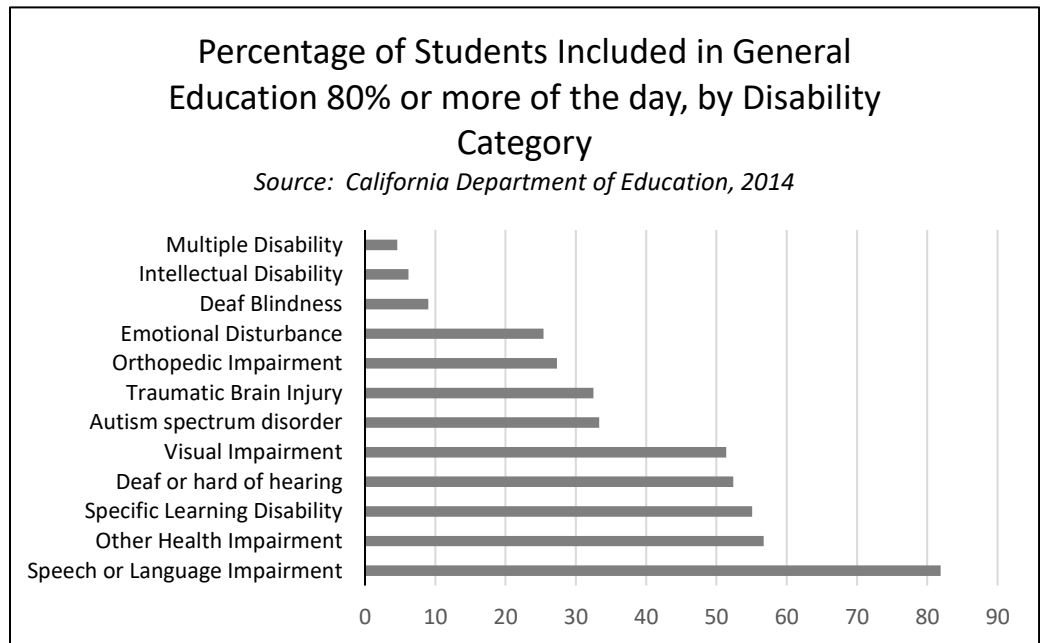
The distribution of disabilities is shown in the table below:



Current data reporting for students with disabilities insufficient for policy purposes. When this Committee is asked to evaluate the effect of a policy on a subset of students with disabilities – for example, students who are visually impaired - it requires data about this subgroup of students’ progress on academic and other measures.

Under current CDE practice, a single number for all students with disabilities is shown, obscuring important information about students’ progress which is needed for evidence-based policymaking and to provide transparent information for the public.

To illustrate the importance of disaggregated data on subgroups of students with disabilities, the chart to the right highlights the different rates of inclusion of students with disabilities in the general education environment. This information is critical for the development of policy which aims to address the inclusion of students with disabilities.



Special education in California. Federal law (IDEA) mandates that states provide students with disabilities with access to special education services, and organizes disabilities into thirteen classifications that cover a broad range of conditions: specific learning disabilities; speech or language impairments; autism; other health impairments (includes students with chronic or acute health problems, such as heart conditions or diabetes); intellectual disability; emotional disturbance; orthopedic impairment; hard of hearing; multiple disabilities; visual impairments; deaf; traumatic brain injuries; and deaf and blind.

When children are three years of age and older, they may enter the special education system when LEAs determine that their needs cannot be met in general education programs. When this occurs, LEAs refer students for professional evaluation to determine if they qualify for special education. If the evaluation indicates that a student has a disability, and that the disability interferes with the student’s education, the LEA is legally obligated to provide the student with special education services. Students identified as qualifying for special education receive an individualized education program (IEP)—a written legal document developed by a team of stakeholders, including a student’s family—that outlines the students’ educational goals and the services that will be provided to meet those goals. For students requiring other special accommodations to facilitate their participation in school activities (e.g., wheelchair ramps or blood sugar monitoring), Section 504 plans may be added to, or replace, an IEP.

According to the CDE, in 2018-19 there were 795,000 children, aged birth to 22, who were identified as having exceptional needs. 720,000 of these children were enrolled in grades K-12, representing roughly 12% of K-12 enrollment. The composition of this student population has changed in recent years. Specifically, although the most common disabilities in 2015 were specific learning disabilities, speech and language impairments, and other health impairments—

which together constituted about 73% of all students with disabilities, the proportion of students with these disabilities has declined, and the proportion of students identified with autism spectrum disorder has increased. Autism spectrum disorder is now the third largest disability category in which students are identified.

Viewed as a whole, there is a significant achievement gap between students with disabilities and their peers. The Legislative Analyst’s Office (LAO) notes that while performance on standardized tests (including those specifically designed for students with disabilities) has improved over the past several years, a majority of students with disabilities still fail to meet state and federal achievement expectations, that 60% of these students graduate on time with a high school diploma (compared to 83% of all students), and about two-thirds of are engaged productively after high school (with about half enrolled in an institute of higher education and 15% competitively employed within one year after high school). As noted above, there is no published state data about the performance of these students (or any other subgroup of students with disabilities) on state assessments and other key educational measures.

Arguments in support. Family Soup writes, “The Legislative Analyst’s Office (LAO) reported in 2017 the chronic absenteeism, graduation rates, and standardized test results for students with disabilities. However, this data was not broken down by identified disabilities. They also reported that the annual spending on special education services was \$13 billion a year, meanwhile school districts are still reporting poor outcomes for their students with disabilities. There is a need for more streamlined data systems that will report the progress of these students. The CDE reported that the state needs policy change that will ensure closely integrated and coordinated state monitoring, data collection, and support efforts from all state agencies and divisions.

AB 1340 will provide transparency around the educational outcomes of students with disabilities by creating a new data collection method, in order to ensure that these students are getting the resources that they need.”

Related legislation. AB 1868 (Luz Rivas), Chapter 907, Statutes of 2022, requires the CDE to annually report on its website specified data on English learners (ELs), including enrollment data by English language acquisition status and disability and specified student performance and outcome data by English language acquisition status.

REGISTERED SUPPORT / OPPOSITION:

Support

Best S.T.E.P Forward
Family Soup

Opposition

None on file

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