

Date of Hearing: April 26, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1517 (Gallagher) – As Amended March 9, 2023

SUBJECT: Special education: special education local plan areas: local plans

SUMMARY: Requires that when a local educational agency (LEA) qualifies for Differentiated Assistance (DA) on the basis of the performance of students with disabilities, the county superintendent of schools include the administrator of its Special Education Local Plan Area (SELPA) on its expert technical assistance team, and requires that the superintendent of a school district consult with its SELPA administrator prior to adoption of a Local Control and Accountability Plan (LCAP); and makes changes to required elements of local plans and annual assurances support plans. Specifically, **this bill:**

- 1) Requires that, before the governing board of a school district considers the adoption or an annual update of an LCAP, and when the school district is determined to be in need of DA for performance of students with disabilities, the superintendent of the school district consult with its SELPA administrator to determine which specific actions are needed to support outcomes on the California School Dashboard.
- 2) Requires that, when students with disabilities are the identified subgroup that qualifies an LEA for DA, the county superintendent of schools consult with and include its SELPA administrator or administrators as part of the expert technical assistance team.
- 3) Changes the date by which the California Department of Education (CDE) is required to develop a template for the annual assurances support plan, from July 1, 2026, to July 1, 2024.
- 4) Changes the date by which SELPAs must include an annual assurances support plan in their local plan, from July 1, 2027 to July 1, 2025.
- 5) Requires the annual assurances support plan to include:
 - a) A description of how the governing board of the SELPA has determined that the SELPA will connect its participating agencies in need of technical assistance to the statewide system of support (SOS) and to also include a description of how it will include technical assistance offered through the special education resource leads;
 - b) A description of how the governing board of the SELPA has determined the technical assistance, direct services, monitoring activities, and professional development the SELPA will provide its participating agencies to support improved outcomes for students with disabilities is in alignment with the SOS; and
 - c) A description of how the governing board of the SELPA has determined it will recruit, maintain, and support an active community advisory committee (CAC), including involvement in an advisory manner of the development of all sections of the local plan and participation in the LCAPs of their respective member agencies.

- 6) Requires each SELPA submitting a local plan to the Superintendent of Public Instruction (SPI) to ensure that the plan provides technical assistance to its member LEAs to support monitoring activities as directed by the CDE. Requires that the description of technical assistance provided to member LEAs include how the SELPA will:
 - a) Conduct professional development addressing any identified area for improvement by the CDE;
 - b) Participate, in collaboration with county offices of education (COEs), in DA activities for students with disabilities;
 - c) Participate in activities designed to improve LEA performance on the California School Dashboard for students with disabilities;
 - d) Under the direction of the CDE, provide leadership and coordination of compliance and improvement monitoring activities for LEAs in need of universal, targeted, and intensive supports;
 - e) Coordinate, review, provide feedback, and certify individualized education plan (IEP) implementation monitoring, as required by the CDE; and
 - f) Coordinate, review, provide feedback, and certify the California Longitudinal Pupil Achievement Data System (CALPADS) special education data, as required by the CDE.

EXISTING LAW:

- 1) Requires each SELPA to administer local plans and the allocation of state and federal special education funds. (Education Code (EC) 56195)
- 2) Requires the governing boards of school districts to submit local plans to the SPI, either as single or multi-district SELPAs, or to join with the COE to submit a plan. (EC 56195.1)
- 3) Requires each SELPA submitting a local plan to the SPI to ensure, in conformity with federal law and regulations, that it has in effect policies, procedures, and programs that are consistent with state laws, regulations, and policies governing the following:
 - a) Free appropriate public education;
 - b) Full educational opportunity;
 - c) Child find and referral;
 - d) IEPs, including development, implementation, review, and revision;
 - e) Least restrictive environment;
 - f) Procedural safeguards;
 - g) Annual and triennial assessments;

- h) Confidentiality;
 - i) Transition to the preschool program;
 - j) Children in private schools;
 - k) Compliance assurances;
 - l) A description of the governance and administration of the local plan;
 - m) A description of the regionalized operations and services and the direct instructional support provided by program specialists to be provided through the local plan;
 - n) Verification that a CAC has been established;
 - o) Personnel qualifications;
 - p) Performance goals and indicators;
 - q) Participation in state and districtwide assessments;
 - r) Supplementation of state, local, and other federal funds;
 - s) Maintenance of financial effort;
 - t) Opportunities for public participation before adoption of policies and procedures;
 - u) Suspension and expulsion rates;
 - v) Access to instructional materials by blind individuals with exceptional needs;
 - w) Overidentification and disproportionate representation by race and ethnicity; and
 - x) Prohibition of mandatory medication use. (EC 56205)
- 4) Requires that multidistrict local plans specify the roles and responsibilities of participating LEAs and the administrator of the SELPA, and include copies of joint powers agreements or contractual agreements, and requires that the governance and administration of the local plan reflect a regular schedule of consultations with teachers, administrators, and parent members of the CAC. (EC 56205)
- 5) Requires that each local plan submitted to the SPI contain:
- a) An annual budget plan with descriptions of specified expenditures;
 - b) An annual service plan describing the services to be provided by each LEA; and
 - c) An annual assurances support plan. (EC 56205)

- 6) Requires, commencing July 1, 2027, each SELPA's local plan to include an annual assurances support plan, for the purpose of demonstrating how the SELPA and its participating agencies are coordinating to assure effective outcomes for students with disabilities.
- 7) Requires the CDE to develop a template for the annual assurances support plan by July 1, 2026.
- 8) Requires the annual assurances support plan to include all of the following elements:
 - a) A description of how the governing board of the SELPA has determined that the SELPA will support participating agencies in achieving the goals, actions, and services identified in their LCAPs;
 - b) A description of how the governing board of the SELPA has determined that the SELPA will connect its participating agencies in need of technical assistance to the SOS; and
 - c) A brief description of the services, technical assistance, and support the governing board of the SELPA has determined it will provide. (EC 56122)
- 9) Requires the superintendent of a school district to consult with its SELPA administrator or administrators to determine that specific actions for individuals with exceptional needs are included in the LCAP or annual update to the LCAP, and are consistent with strategies included in the annual assurances support plan for the education of individuals with exceptional needs. (EC 52062)
- 10) Requires, by January 31, 2025, the State Board of Education (SBE) to adopt an Individuals with Disabilities Education Act (IDEA) Addendum to the LCAP relating to improvements in services for individuals with exceptional needs.
- 11) Requires LEAs, by July 1, 2025, to complete the IDEA addendum when they are identified as in need of an improvement plan under federal law.
- 12) Requires LEAs to develop the IDEA Addendum in conjunction with, and attached to, the LCAP and annual update to the LCAP and be updated annually.
- 13) Requires the CDE to develop a process to design the template for the IDEA Addendum that meets specified objectives.
- 14) Requires LEAs to submit the IDEA Addendum to the CDE within 15 days of adoption by the governing board of a school district, county board of education, or governing body of a charter school. (EC 52064.3)

FISCAL EFFECT: This bill has been keyed a possible state-mandated local program by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. The author writes, “Including SELPAs as part of the technical assistance team for LEAs when students with disabilities are involved ensures all students, regardless of their abilities, have access to a high quality education. This bill will also increase transparency and accountability by requiring the timely implementation of the Annual Assurances Support plan. This will provide a more comprehensive and effective approach to serving California’s students with disabilities.

SELPAs are dedicated to the belief that all students can learn and that students with special needs must be guaranteed equal opportunity to become contributing members of society.

Unfortunately, the legislature has delayed the support plan from taking effect in the last three legislative sessions (2017-2018, 2019-2020, & 2021-2022) and pushed these delays through four budget trailer bills in four of the last six years. It is time the legislature prioritizes the support plan’s implementation to help deliver high quality education to the lowest performing subgroup on the CA School Dashboard.

We also need to consider how the COVID19 pandemic has created an educational crisis for all students in our state, especially on students with disabilities. This is evidenced by the increase in SWD student count, low performance on dashboard indicators, and significant chronic absenteeism of our most vulnerable population. Denying SELPAs the opportunity to be part of the expert technical assistance team supporting LEAs to improve outcomes would be a disservice to our students with disabilities. It is critical we act now in order to stop the crisis in its tracks and start the recovery process. The changes proposed in the bill are a small but key addition to the work already being done in each school district.”

What are SELPAs? Since 1977, all school districts and COES have been required to form regional consortia of sufficient size and scope to provide for all special education service needs of children residing within the region’s boundaries. These consortia are known as SELPAs. SELPAs were conceived in California’s 1974 *California Master Plan for Special Education* for the purpose of facilitating collaboration among LEAs and COEs that would ensure sufficient economies of scale to adequately provide services for students with an IEP. Each SELPA develops a local plan including its budget and service plans.

LEAs are required to belong to a SELPA. Multi-district SELPAs are governed by a board composed of the member LEAs. If LEAs are of sufficient size and service scope, they may serve as their own SELPA. According to WestEd, more than 90% of California LEAs, serving approximately 60% of California students with an IEP, belong to a multi-district SELPA. As of the 2019-20 academic year, California had 136 SELPAs: 83 multi-district SELPAs, 47 single-district SELPAs, 5 statewide charter SELPAs, an one SELPA serving only students in Los Angeles County court schools.

Each SELPA must have an administrative unit that serves as the legal entity receiving and distributing funds on behalf of the SELPA. Each SELPA is also required to have CAC to provide families and other local stakeholders the opportunity to provide input on special education programs and services.

SELPAs are the direct recipients of all state and federal special education funding. In turn, SELPAs allocate some or all of the funding to member LEAs based on an allocation plan developed by the SELPA’s governing board.

SELPAAs assist and monitor districts in the delivery of special education. Each SELPA has a local plan describing how it provides special education services, and activities vary from entity to entity. According to the SELPA Administrators of California, SELPA responsibilities include such things as:

- Ensuring program availability for all children with disabilities
- Curriculum development and support
- Governance committees, including CACs
- Data reporting to the State
- Assistance with understanding compliance requirements
- Regionalized services and program specialists
- Transition planning
- Interagency coordination
- Program coordination
- Program evaluation
- Fiscal management
- Budget planning and review
- Staff development
- Community Awareness
- Alternative dispute resolution

“One system.” In 2015 the CDE, the Commission on Teacher Credentialing (CTC), and the SBE issued a comprehensive special education policy report titled *ONE SYSTEM: Reforming Education to Serve ALL Students*.

In this report, the state agencies noted that “too many educational systems and services remain uncoordinated, contributing in particular to a special education system that is isolated in much of its implementation and less effective as a result.” The report also presented a vision for the alignment of these systems:

In a coherent system of education, all children and students with disabilities are considered general education students first; and all educators, regardless of which students they are assigned to serve, have a collective responsibility to see that all children receive the education and the supports they need to maximize their development and potential, allowing them to participate meaningfully in the nation’s economy and democracy.

Separate and overlapping accountability systems. The *California Special Education Governance and Accountability (SEGA) Study*, published by WestEd in 2021, found that “although students with an IEP are included in and addressed through the general education governance and accountability structures — for example, as a specific student group on the Dashboard and for eligibility for differentiated assistance — California also has both separate and overlapping special education governance and accountability structures.”

Two primary parts of the accountability systems impacting students with disabilities are the California Schools Dashboard and the federally-required State Performance Plan. These are both separate and overlapping in different ways, as described and shown in the chart below:

- California Schools Dashboard:** The Dashboard is an online tool that reports school and LEA performance and progress on both state and local measures. State measures apply to LEAs and charter schools, and student groups, and are based on data that is collected consistently across the state. Local measures apply at the LEA and charter school level and are based on data collected at the local level. Charter schools are displayed as their own LEA on the Dashboard independent of their authorizer. The state and local measures are drawn from the ten priority areas of the LCFF. The data displayed on the Dashboard is used to determine which LEAs and charter schools receive Differentiated Assistance (DA) by COEs. The Dashboard is part of an accountability system that applies to all students.
- State Performance Plan (SPP):** The federal IDEA requires each state to develop and submit an SPP. The SPP is a six-year plan that includes 17 measures, or indicators, that are related to either IDEA compliance or student performance. The State Board of Education (SBE) sets rigorous and measurable annual targets for each of the 17 indicators, on a six year cycle. States must report their progress in relation to these targets in an annual update, called the Annual Performance Report (APR). Indicator 5a is one of the measures of LRE, and represents the percent of children with disabilities, ages 6-22, served inside the regular classroom for at least 80% of the day. The SPP data is used by the federal government for purposes of technical assistance and enforcement actions. The SPP is an accountability system that applies only to students with disabilities.

	State Performance Plan	California School Dashboard
Description	Federal process required by IDEA , specific to students with disabilities.	An online tool that provides information on multiple measures of school success for all students, not specific to students with disabilities.
Origin of Indicators	17 federal indicators drawn from IDEA Part B.	11 state and local indicators drawn from the ten priority areas of the Local Control Funding Formula (LCFF) and approved by the State Board of Education (SBE).
Indicator Types	Compliance and Performance Indicators (please see the Getting to Know the State Performance Plan Indicators document).	State indicators: based on data collected consistently across the state. Local indicators: based on data collected and reported by LEAs using SBE-approved self-reflection tools.
Results	Results are provided annually to school districts, county offices of education, and charter schools ² within the local-level APR. SPP indicators are measured in relation to targets aligned with IDEA and approved by the SBE. For more information on targets, please refer to the individual indicator handouts included in this guide.	Results are updated annually on the Dashboard website. Dashboard state indicators utilize a color coded system ranging from blue (highest) to red (lowest). The overall performance level reflects a combination of current performance (status) compared to past performance (change). For local indicators, SBE-approved standards are used to support an LEA in both measuring and reporting progress. The LEA will select Met or Not Met based on whether the standard for a local indicator was achieved.

Source: SELPA System Improvement Leads

While some of the indicators used in the two systems are similar, they are often not identical. For example, the Dashboard and the SPP use different metrics (in the case of the SPP indicators, determined by the federal government) and use different calculations to determine student graduation rates.

As shown in the adjacent chart, the separate and overlapping nature of these systems extends to funding, plans, and improvement support, as well.

The SEGA study noted that while California currently requires collaboration between SELPAs and COEs on member LEAs’ LCAPs, “the disconnect between the varied plans that address special education (LCAP, SEP, SELPA local plan) may lead to disjointed ownership and responsibility for improving outcomes for students with an IEP.”

Exhibit 8. California’s governance and accountability structures and primary tools for all students and for students with an IEP.

Structure Type	General Education Governance and Accountability for All Students, Including Those with an IEP	Governance and Accountability Specifically for Students with an IEP
Funding	LCFF	AB 602, Low Incidence, Educationally Related Mental Health Services, etc.
Primary Plans	LCAP	SELPA Local Plan (Contracts and Certifications, Governance and Administration, Annual Budget Plan, Annual Service Plan), LEA Special Education Plan, LEA Comprehensive Coordinated Early Intervening Services (CCEIS) Plan
Accountability Data	Dashboard	State Performance Plan and Annual Performance Report Indicator Data
Improvement Support	Statewide System of Support	CDE Monitoring and Quality Assurance, Technical Assistance Projects

Source: WestEd, 2021

IDEA addendum to the LCAP. AB 181 (Committee on Budget), Chapter 52, Statutes of 2022, requires the SBE, by January 31, 2025, to adopt an IDEA Addendum to the LCAP relating to improvements in services for students with disabilities, and requires that it be completed by LEAs identified as in need of an improvement plan under the IDEA. The CDE is required to develop a process to design the template for the IDEA Addendum that:

- Provides opportunities for input from educational partners;
- Results in a template that meets the oversight and monitoring requirements of the CDE and the SBE under the IDEA; and
- Facilitates the ability to identify areas of the IDEA Addendum that are in alignment with the LCAP.

LEAs will be required to develop the addendum in conjunction with, and attached to, the LCAP and annual update to the LCAP, and to submit it to the CDE within 15 days of adoption by the LEAs governing board or body.

Most districts identified by the state as underperforming were on the basis of performance of students with disabilities. This bill proposes to require that, when a school district is determined to be in need of DA based on the performance of students with disabilities, the superintendent of the school district consult with its SELPA administrator to determine which specific actions are needed. The bill also proposes to require the county superintendent of schools include the SELPA administrator in its expert technical assistance team supporting these school districts.

Current law requires that the CDE identify school districts for DA based on student performance 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 on the California School Dashboard, which is then used to identify districts for 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 the outcomes for 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), English language arts and math performance (63% of districts), and chronic absenteeism (54% of districts).

How does the SOS address the performance of students with disabilities? This bill proposes to require that SELPAs be part of the support provided to LEAs when the performance of students with disabilities has made an LEA eligible for DA, a level of assistance in the state's SOS.

The SOS is part of the state's accountability system, and is intended to provide support to LEAs to build their capacity to support the continuous improvement of student performance, address achievement gaps, and improve collaboration with stakeholders to ensure that LCAPs reflect the needs of students. The SOS provides three levels of assistance: general assistance, differentiated assistance, and intensive intervention. As noted above, while students with disabilities are included in the general student population addressed by the SOS, California has additional separate and overlapping accountability structures for students with disabilities.

There are several ways in which the state provides support related to students with disabilities, either in connection with or independent from DA:

- *Special education resource leads.* Current law requires the California Collaborative for Education Excellence (CCEE) and the CDE to establish a process to select SELPAs to serve as special education resource leads to work with lead agencies and other COEs, to improve student outcomes as part of the SOS. The state has funded two types of special education resource leads: System Improvement Leads, which work to build the capacity of SELPAs to support LEAs in 1) data use and governance, 2) continuous improvement, and 3) implementation of high leverage practices; and Content Leads develop the capacity of SELPAs to support the LEAs they serve in developing and implementing evidence-based practices for students with disabilities in particular areas of need.
- *Supporting Inclusive Practices.* The Supporting Inclusive Practices project, funded through the CDE and administered by COEs, provides tiered technical assistance to LEAs focused on building, implementing, sustaining, monitoring, and scaling up evidence-based practices within integrated educational systems to increase inclusion of PreK – 12th grade students with disabilities in general education settings. Research on improving outcomes for students with disabilities points to inclusion in the general

education environment as the highest leverage practice, but California has a low rate of inclusion relative to other states.

- *Differentiated Assistance.* While the inclusion of SELPAs or special education staff on DA teams is not mandated under current law, a 2022 WestEd report, “Evaluation of California’s Differentiated Assistance” found that 68% of LEAs which did include staff with special education expertise reported that DA improved outcomes for students. The report recommended including staff with special education expertise as a best practice in designing DA teams.

The SEGA report found insufficient data to determine whether special education supports provided through the SOS and other technical assistance contracts were equitably distributed to LEAs, or to evaluate the provision of general technical assistance.

A 2019 PACE report, *The Early Implementation of California’s System of Support*, found that “the Dashboard results have shone a spotlight on California’s failure to adequately address the needs of our students with disabilities, but it will take system transformation at all levels to significantly improve both opportunities and outcomes for this large and diverse population of students.”

The Committee may wish to consider that siloed or overlapping support undermines the effectiveness of efforts to improve outcomes for students with disabilities, particularly because the highest leverage practice to improve outcomes – inclusion – is by definition a system change that requires the collaborative effort of all systems serving students with disabilities.

SEGA study recommendations on improving support to LEAs to improve outcomes for students with disabilities. Among many recommendations, the SEGA study recommended that the state:

- Align improvement planning requirements and supports provided through the Statewide System of Support across general and special education;
- Increase transparency and alignment of the state’s general and special education accountability, monitoring, and technical assistance structures;
- Amplify the voices of special education stakeholders, including families, in all governance and accountability structures;
- Continue to provide Statewide System of Support resources and to support inclusive practices for students with an IEP, for both general education and special education audiences;
- Collect data on how resources and supports are accessed by LEAs and distributed by technical assistance providers. Provide guidance to technical assistance providers on making supports available to the LEAs based on need and to LEAs on how to access resources and supports; and
- Encourage COEs, charter school authorizers, and the state to include special education expertise and support in LCAP improvement planning supports and differentiated

assistance for LEAs, charter schools, and COEs. Build the expertise of local leaders to plan for and direct inclusive preschool and transitional kindergarten programs.

Recommended Committee Amendments. *Staff recommends that this bill be amended* to remove the proposed changes to the dates by which the annual assurances template will be developed by the CDE and completed by SELPAs.

Arguments in support. The SELPA Administrators of California writes, “For over forty years, SELPAs have collaborated with the California Department of Education to offer programs, services, and assistance to SWDs. California’s continued investment in and reliance on SELPAs demonstrate confidence in the quality and effectiveness of the support SELPAs provide. However, there is currently no statutory requirement that SELPAs be consulted in determining actions needed to support SWDs.

AB 1517 would guarantee the interests of SWDs are sufficiently represented by specifically requiring SELPAs to be a part of the technical assistance team supporting their member LEAs. The Annual Assurances Support Plan will require SELPAs and participating agencies to demonstrate how they are coordinating for purposes of assuring effective outcomes for SWDs. The goal of the plan is to help districts and county offices benefit from the experience of other local agencies, while also increasing transparency and accountability. Under existing law, the Annual Assurances Support Plan requirement will not take effect until July 1, 2027. However, AB 1517 would implement this important update by July 1, 2025.

While there has been significant progress in educational outcomes of SWDs, SELPAs can contribute and advocate more effectively for SWDs as part of technical assistance teams. We stand with codifying the technical assistance SELPAs provide LEAs, and with prompt implementation of the Annual Assurances Support Plan.”

Related legislation. SB 692 (Cortese), Chapter 909, Statutes of 2022, requires the CDE to publish LEA data related to federal measures of LRE for students with disabilities on its website, and include it as a resource on the California School Dashboard.

AB 2121 (Eduardo Garcia) of the 2021-22 Session would have established, subject to an appropriation, a special education resource lead project to provide training and technical assistance on family support and alternative dispute resolution (ADR) in special education. This bill was held on the Assembly Floor.

SB 354 (Ochoa Bogh) of the 2023-24 Session is substantially similar to SB 1113 (Ochoa Bogh) of the 2021-22 Session.

SB 1113 (Ochoa Bogh) of the 2021-22 Session would have required the CDE, in consultation with the CTC, to develop guidance on staffing inclusive classrooms and make recommendations for changes necessary to eliminate barriers to staffing inclusive placements, and to train the members of the Instructional Quality Commission (IQC) on the principles and strategies of universal design for learning (UDL); and would have required the CTC to form a workgroup to propose more inclusive education standards for the administrative services teaching credential and to require administrator preparation programs to include inclusive education instruction, as specified. This bill was vetoed by the Governor, who stated:

I commend the author's dedication to supporting inclusion for all students. Serving students with disabilities in inclusive settings is an essential strategy for improving the academic achievement of these and all students, and one that my administration is committed to advancing. In fact, working with legislative partners we have provided \$32 million over the past few years to directly support educators in implementing inclusive practices through a number of systemic investments, including recent investments to expand the Supporting Inclusive Practices Project.

Portions of this bill are either subject to an appropriation or are duplicative of other efforts, and therefore add unnecessary cost pressures to future budgets. However, the concept related to the administrative services credential has merit. I encourage the author to work with the Commission on Teacher Credentialing to consider incorporating Universal Design for Learning during its next comprehensive update of the administrative services credential.

REGISTERED SUPPORT / OPPOSITION:

Support

Antelope Valley SELPA
Association of California School Administrators
Benicia Unified School District
Beverly Hills Unified School District
Culver City Unified School District
Dixon Unified School District
East San Gabriel Valley SELPA
East San Gabriel Valley SELPA Community Advisory Committee
Fairfield-Suisun Unified School District
Greater Anaheim SELPA
Monterey County SELPA
North Region Special Education Plan Area
San Luis Obispo County SELPA
Santa Barbara County Special Education Local Plan Area
SELPA Administrators of Ca
Solano County Office of Education
Solano County Special Education Local Plan Area
South East Consortium SELPA
Travis Unified School District
Tri-city SELPA
Vacaville Unified School District
West Contra Costa Unified School District
Whittier Area Cooperative SELPA
Yolo County SELPA

Opposition

None on file

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