

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON EDUCATION  
Al Muratsuchi, Chair  
AB 872 (Committee on Education) – As Amended March 20, 2023

**SUBJECT:** Elementary and secondary education: omnibus bill

**SUMMARY:** Makes technical, clarifying, conforming, and other non-controversial revisions to a number of provisions in the Education Code and Health and Safety Code. Specifically, **this bill:**

- 1) Clarifies that a county superintendent is required to have an administrative credential issued by the Commission on Teacher Credentialing (CTC).
- 2) Authorizes community care facilities, licensed foster family homes, and foster family agencies to continue to accept nonminors who are individuals with exceptional needs in residential placements.

**EXISTING LAW:**

- 1) Requires a person elected or appointed to be a county superintendent of schools to have a valid credential issued by the State Board of Education (SBE), as defined. (Education Code (EC) 1206)
- 2) Requires all county superintendents of schools in counties within classes (1) to (8) to possess a valid certification document authorizing administrative services. (EC 1208)
- 3) Authorizes community care facilities, licensed foster family homes, and foster family agencies to continue to accept nonminors who are adult foster youth. (Health and Safety Code (HSC) 1501.1)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Purpose of the elementary and secondary education omnibus bill.*** Each year, there is typically a K-12 education omnibus bill that makes various technical, conforming, clarifying, and non-controversial revisions to the Education Code. Typically, staff with the Senate and Assembly education policy, fiscal, and budget committees and their minority consultants, the Department of Finance, the California Department of Education (CDE), the Legislative Analyst’s Office, and other similarly situated state government offices, identify statutes in existing law which need updating or correcting and propose corrections. Custom and practice provide that if offices or entities object to a proposed provision in the omnibus bill, that particular provision is not included.

***Clarifying administrative credentials for county superintendents.*** Current law requires a county superintendent to possess a “valid certification document authorizing administrative services,” which is ambiguous and does not align with statutory language or that which is currently used by the CTC. This bill replaces this with “valid administrative credential,” which means a

preliminary or clear credential, as no other kind of certification would authorize administrative services. Current law also states that credentials are issued by the SBE. This bill corrects that reference to the CTC.

***Ensuring students with disabilities remain in residential placements.*** Special education students remain eligible to receive services in the K-12 system until they receive a regular high school diploma or “age out” at 22, whichever occurs first. Some special education students require residential placement through their individual education program (IEP), and may live in a group home licensed by the Department of Social Services (DSS) and attend an affiliated non-public nonsectarian school (NPS) certified by the CDE, typically next door to the group home.

Current law prohibits individuals who are no longer minors to remain in a group home, other than foster youth. If a student with an IEP must leave the group home at age 18, this disrupts the educational placement, because it is no longer feasible for the student to attend the affiliated school. This bill would allow the student to remain in the residential placement as long as they remain eligible for K-12 education services under their IEP. It does not require any DSS-licensed home to accept any student with an IEP, but rather removes the prohibition on them doing so.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

None on file

##### **Opposition**

None on file

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