

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 947 (Quirk-Silva) – As Introduced February 20, 2019

SUBJECT: Visually impaired students: expanded core curriculum

SUMMARY: Requires that every student who is blind, has low vision, or is visually impaired be entitled to instruction in specified areas, collectively known as the Expanded Core Curriculum (EEC), and imposes requirements on local educational agencies (LEAs) regarding orientation and mobility instruction for these students. Specifically, **this bill:**

- 1) Entitles every student who is blind, has low vision, or is visually impaired, to the extent appropriate to meet the student's educational needs, to instruction in all of the following areas, which are collectively known as the ECC:
 - a) compensatory skills, such as braille and concept development and other skills needed to access the core curriculum
 - b) orientation and mobility
 - c) social interaction skills
 - d) career technical education
 - e) assistive technology, including optical devices
 - f) independent living skills
 - g) recreation and leisure
 - h) self-determination
 - i) sensory efficiency
- 2) States that, when appropriate to ensure that a student will receive adequate services required by this measure, those services may be provided during before or after school hours.
- 3) Requires that an appropriately certified orientation and mobility specialist be part of the educational team in determining if an orientation and mobility evaluation is needed for a student who is blind, has low vision, or is visually impaired.
- 4) Requires that an orientation and mobility evaluation be conducted by a person who is appropriately certified as an orientation and mobility specialist.
- 5) Requires that orientation and mobility evaluations occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate.

- 6) Prohibits, except as specified, a school district or county office of education (COE) from imposing any limitations that result in the preclusion or the limitation of the ability of a student to receive instruction in orientation and mobility services in the home, school, or community setting and in varying lighting conditions, as designated in the student's individualized education program (IEP) and provided for pursuant to the federal Individuals with Disabilities Education Act (IDEA).
- 7) States that a school district or COE may require annual written parental consent to provide these services when those services are provided before or after regular school hours and when those services are provided away from the school site.
- 8) Requires, if a school district or county office of education prohibits an orientation and mobility specialist from using their vehicles for the transportation of students to and from orientation and mobility instruction, the school district or COE to provide, without cost to the orientation and mobility specialist, an equally effective transportation alternative for that purpose.
- 9) Makes findings and declarations relative to the importance of the EEC for students who are blind, have low vision, or are visually impaired.

EXISTING LAW:

- 1) Requires, through state and federal law, that children with exceptional needs between the ages of three and 22 be provided with a free and appropriate education, and establishes visual impairment, including blindness, as one of thirteen qualifying disability categories.
- 2) Establishes a services credential with a specialization in clinical or rehabilitative services, to be issued by the Commission on Teacher Credentialing (CTC), which authorizes holders to provide services either in orientation and mobility.
- 3) Requires that students who are visually impaired be taught by teachers whose professional preparation and credential authorization are specific to that impairment.
- 4) Requires that braille instruction be provided by a teacher who holds an appropriate credential, as determined by the CTC, to teach students who are functionally blind or visually impaired.
- 5) Requires LEAs to provide opportunities for braille instruction for students who, due to a prognosis of visual deterioration, may be expected to have a need for braille as a reading medium.
- 6) Requires LEAs and Special Education Local Plan Areas (SELPA) to provide students with opportunities for instruction to master the braille reading and mathematics standards.
- 7) Requires that a functional vision assessment be used as one criterion to determine the appropriate reading medium or media for a student.

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

COMMENTS:

Need for the bill. “A student’s chance at leading a full and productive life should not be diminished by a visual impairment. This bill will ensure that students with visual impairments receive an equal and appropriate public education which is safe for them and comparable to that of their peers. The accessibility of education will lead to a future in which it is easier for visually impaired students to more confidently pursue their goals, such as graduating from high school, attending an institution of higher education, and joining the workforce.”

Visually impaired students in California. Current law defines “visually impaired” students as those who are functionally blind or who have low vision. The California Department of Education (CDE) reports that as of December, 2016, there were 3,565 visually impaired students in California aged 0-22 years, representing about 0.5% of all students with disabilities in California. This represents a decline over the prior ten years. CDE reports that in the 2006-07 school year there were 4,697 visually impaired students in the same age range.

Because state assessment scores for students with disabilities are not disaggregated by disability category, there is no published state data about the performance of these students (or any other group of students with disabilities) on state assessments of English language arts, mathematics, or science.

Expanded core curriculum. This bill proposes to entitle every student who is blind, has low vision, or is visually impaired, to the extent appropriate to meet the student’s educational needs, instruction in all of the following areas, which are collectively known as the ECC:

- compensatory skills, such as braille and concept development and other skills needed to access the core curriculum
- orientation and mobility
- social interaction skills
- career technical education
- assistive technology, including optical devices
- independent living skills
- recreation and leisure
- self-determination
- sensory efficiency

According to the American Foundation for the Blind, the ECC is the body of knowledge and skills that are needed by students with visual impairments due to their unique disability-specific needs. The Foundation states that students with visual impairments need the ECC in addition to

the core academic curriculum of general education, and that the ECC should be used as a framework for assessing students, planning individual goals and providing instruction.

Orientation and mobility instruction. Federal regulations [Title 34, section 300.34(c)(7)] define orientation and mobility services as services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community.

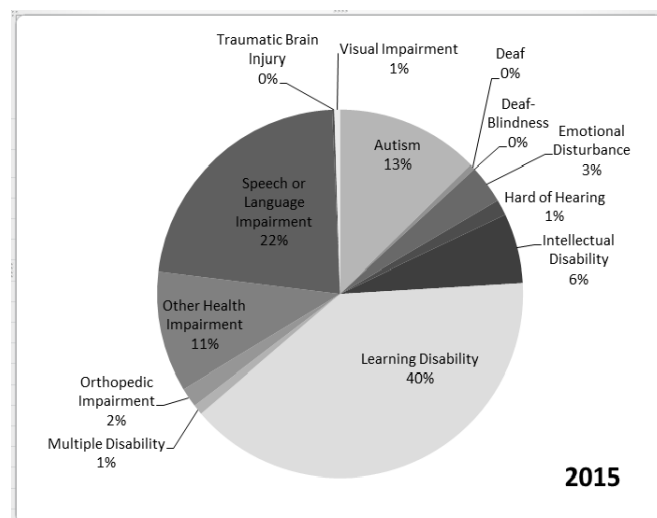
This includes instructing students in the following techniques and tools:

- Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street)
- Use of a long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;
- Understanding and using remaining vision and distance low vision aids

Limits on orientation and mobility services. The author states that school districts and county offices of education are imposing a variety of restrictions that preclude, in whole or in part, the adequate instruction in orientation and mobility skills, which is the ability to understand and navigate in one's environment. According to the author, examples of such restrictions include limiting instruction either to the campus itself or within a few blocks, limiting instruction to the school day, and failure to allow the use of a personal vehicle or provide one to transport the student to and from mobility lessons.

In a 2017 survey of orientation and mobility specialists conducted by the California Association of Orientation and Mobility Specialists, with staff from 53 school districts responding, 39% of respondents stated that they are limited in providing orientation and mobility services in community settings due to transportation restrictions, and 30% of respondents felt that their district did not have reasonable procedures for obtaining permission for orientation and mobility instruction in the community.

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 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 2016 there were 754,000 children, aged birth to 22, who were identified as having exceptional needs. 680,000 of these children were enrolled in grades K-12, representing roughly 11% of K-12 enrollment. A 2016 report from the Public Policy Institute of California states that 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.

Viewed as a whole, there is a significant achievement gap between students with disabilities and their peers. The 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 percent 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 percent 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 of English language arts, mathematics, or science.

Recommended amendments. Staff notes that state and federal law establishes a system for students with disabilities in which the services and supports a student receives is determined on an individual basis, through the development of the IEP. Accordingly, ***staff recommends that this bill be amended*** as follows:

- 1) Delete the entitlement of students to receive instruction in the ECC, and instead a) present and define the ECC as set of knowledge and skills in which instruction or services, or both, may be beneficial to students who are visually impaired, depending upon their individual needs, as determined by the IEP, and b) state that LEAs and charter schools may consider whether a student requires instruction or services, or both, in these areas when developing the student's IEP.
- 2) Delete requirements to have orientation and mobility specialists at IEP meetings.
- 3) Extend the requirements of the bill to charter schools.

REGISTERED SUPPORT / OPPOSITION:

Support

California Council of the Blind
Disability Rights California
East Bay Innovations
Society for the Blind
Numerous individuals

Opposition

None on file

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