

Date of Hearing: June 15, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 1113 (Ochoa Bogh) – As Amended June 6, 2022

SENATE VOTE: 38-0

SUBJECT: Special education: inclusive education: universal design for learning

SUMMARY: Requires the California Department of Education (CDE), in consultation with the Commission on Teacher Credentialing (CTC), to develop guidance on staffing inclusive classrooms and make recommendations for changes necessary to eliminate barriers to staffing inclusive placements, to produce a comprehensive guidebook and video modules related to inclusive practices and promotion of equity between schools, to establish and provide grants to the system improvement leads of the special education local plan areas and the Supporting Inclusive Practices project, and to train the members of the Instructional Quality Commission (IQC) on the principles and strategies of universal design for learning (UDL); and requires 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. Specifically, **this bill:**

- 1) Requires the CTC, on or before March 31, 2024, to revise its administrative services credential standards and performance expectations to include and strengthen preparation for inclusion with a focus on inclusive learning environments, UDL, multitiered system of supports strategies (MTSS), effects of mindsets and culture, and the promotion of equitable environments, that includes an overview of the Americans with Disabilities Act, Section 504 of the federal Rehabilitation Act of 1973, the Individuals with Disabilities Education Act (IDEA), individualized education programs (IEPs), child find requirements, and effective general education inclusive classroom practices.
- 2) Defines UDL to mean a coherent system of education that provides instruction, services, and supports to pupils as they are needed, as well as professional learning for educator training, and to also mean a set of principles for designing learning opportunities that provide all pupils equal opportunities to learn, including:
 - a) Multiple means of representation, using a variety of methods to present information, providing a range of means to support pupils;
 - b) Multiple means of action and expression to provide learners with alternative ways to act skillfully and demonstrate what they know; and
 - c) Multiple means of engagement to tap into learners' interests by offering choices of content and tools; motivating learners by offering adjustable levels of challenge, including varied and flexible ways to present or access information, concepts, and ideas, plan and execute learning tasks, and learning engagement.
- 3) Requires administrator preparation programs to ensure that faculty are prepared in UDL, MTSS, co-teaching, the history of disability and justice, and other evidence-based practices.

Encourages the faculty in these programs to work directly with LEAs implementing model inclusion practices to link instruction to practice within general education classrooms.

- 4) Subject to an appropriation for this purpose, requires the CDE, in consultation with the CTC, to, by January 1, 2024, develop and disseminate joint guidance clarifying the ways in which inclusive classrooms and placements may be staffed under current law. Requires that the joint guidance include all of the following:
 - a) Guidance on staffing of inclusive classrooms, including those in which co-teaching is used for instruction;
 - b) Guidance on staffing of case management of pupils with disabilities, including ways of reducing the administrative burden on special education teachers so that they may focus more on instruction of pupils and collaboration with general education teachers;
 - c) Guidance for teacher, early childhood educator, and administrator preparation programs emphasizing general and special educator competencies for collaboratively delivering instruction and assessment to all pupils, including pupils with disabilities;
 - d) Guidance on providing related services in the general education setting; and
 - e) Recommendations relating to state laws and regulations that produce obstacles to inclusion and whether those laws should be amended or repealed.
- 5) Requires, by January 1, 2024, the CDE, in consultation with the CTC, to submit a report to the appropriate fiscal and policy committees of the Legislature on recommendations for statutory or regulatory changes necessary to eliminate barriers to the staffing of inclusive placements.
- 6) Requires the CDE, subject to an appropriation for this purpose, to produce a comprehensive guidebook and video modules related to inclusive practices and promotion of equity between schools based on the research on effective practices and related areas. Requires that the guidebook and video modules include all of the following:
 - a) Guidance for teachers, paraeducators, early childhood educators, administrators, parents, and related service providers in all educational settings on UDL principles and strategies as a part of core instruction, collaboration between general education and special education teachers to plan and deliver instruction and assessment, and systemic practices such as MTSS and schoolwide positive behavioral interventions and supports. Requires that the video modules be of model instruction in evidence-based inclusive practices, such as UDL, developed to provide asynchronous training for teachers, administrators, and other staff; and
 - b) An established definition of other inclusive practices, which shall include a scientifically valid framework rooted in access and equity for guiding educational practice that reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all pupils, including pupils with disabilities, pupils with limited English proficiency, and other marginalized groups that

are part of the disability community, including groups based on race, language, income level, gender, and sexual orientation, among others.

- 7) Requires that the guidebook be completed and distributed to all LEAs no later than June 30, 2024.
- 8) Requires the CDE to establish and provide grants to the system improvement leads of the special education local plan areas (SELPA) and the Supporting Inclusive Practices project (SIP) for all of the following purposes:
 - a) Funding of the improvement leads of SELPA to provide root cause analysis to identify barriers to the implementation of inclusive practices. Requires the improvement leads to conduct root cause analyses to identify barriers to inclusion for specific LEAs. Requires the SIP project to conduct technical assistance to develop LEA capacity for implementation of inclusive practices; and
 - b) The funding of the SIP project to provide systemic training to LEAs and schools that have participated in the root cause analyses.
- 9) Requires the CDE, contingent upon an appropriation, to provide one-time grants for this purpose in an amount equal to at least \$10,000 and no more than \$50,000, with an average grant award being about \$20,000.
- 10) Requires the CDE, on or before June 30, 2023, to train the members of the IQC on the principles and strategies of UDL. Requires the IQC, following the training, to assess the extent to which instructional materials submitted for state adoption use UDL principles and strategies.
- 11) States that nothing in the act shall conflict with, for children who are deaf, hard of hearing, blind, visually impaired, and deaf-blind, that inclusion practices and strategies to improve pupil outcomes shall mean placement in settings that provide full access to language. States that placement settings that provide full access to language for deaf, hard of hearing, blind, visually impaired, and deaf-blind children are the least isolating and are the least restrictive environment (LRE) for the child. States that for purposes of this article, the LRE may include, but not necessarily be limited to, the California Schools for the Deaf, the California School for the Blind, or nonprofit organizations, including, but not limited to certified, nonpublic, nonsectarian schools (NPS) or agencies (NPAs) which specialize in serving deaf, hard of hearing, blind, visually impaired, and deaf-blind infants and children.
- 12) Requires that, in implementing this article, any discussion of deaf, hard of hearing, blind, visually impaired, and deaf-blind pupils in the LEA setting, including for generalization trainings or UDL, not be done without the input and participation of the deaf, hard of hearing, blind, visually impaired, and deaf-blind communities.
- 13) States that nothing in the act shall be construed as modifying or otherwise affecting the right of pupils with disabilities, including pupils who are deaf, hard of hearing, blind, visually impaired, and deaf-blind, to a free and appropriate public education pursuant to the IDEA, the development of an IEP or the IEP team's determination of placement pursuant to state

and federal law, or the continuum of program options that shall be made available as required by state law.

EXISTING LAW:

- 1) Requires that, in accordance with federal law, a free appropriate public education be available to individuals with exceptional needs.
- 2) Requires that every individual with exceptional needs who is eligible to receive special education instruction and related services receive that instruction and those services at no cost to his or her parents or, as appropriate, to him or her.
- 3) Requires that, in accordance with federal law, each public agency ensure the following to address the least restrictive environment for individuals with exceptional needs such that:
 - a) To the maximum extent appropriate, individuals with exceptional needs, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
 - b) Special classes, separate schooling, or other removal of individuals with exceptional needs from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- 4) Establishes the Inclusive Early Education Expansion Program for the purpose of increasing access to inclusive early care and education programs. Authorizes competitive grants to increase access to subsidized inclusive early care and education programs for children up to five years of age, including those defined as “children with exceptional needs” in low-income and high-need communities.
- 5) Establishes the IQC, consisting of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 13 public members appointed by the State Board of Education (SBE).
- 6) Requires that the SBE make its appointments to the IQC to ensure that, at any one time, at least seven of the public members are current classroom teachers, or mentor teachers, and requires that at least seven of the 13 public members appointed by the SBE to the IQC are persons who have become recognized authorities or experienced practitioners in those fields.
- 7) Requires the IQC, when establishing evaluation criteria for selection of instructional materials for state adoption, to include directions to publishers to incorporate instructional strategies to address the needs of pupils with disabilities in both lessons and teacher’s editions, as appropriate, at every grade level and subject.

FISCAL EFFECT: According to the Senate Appropriations Committee:

- While the bill's provisions would be subject to an appropriation, this bill could result in one-time General Fund cost pressures in the high tens of millions of dollars to fund them. This estimate includes the cost to provide grants to the system improvement leads of SELPAs and SIP projects and the cost of about \$2.5 million for CDE to develop guidance and produce the comprehensive guidebook.
- The CTC indicates that any costs resulting from the bill's requirement to revise its Administrative Services Credential standards and performance expectations would be minor and absorbable as this work is already under way.

COMMENTS:

Need for the bill. The author states, "All California students deserve an education worthy of their potential. For far too long, this education has been out of reach for many of our students with disabilities. Least Restrictive Environments are a vital component to student success because they ensure an appropriate educational setting for students with disabilities that account for their educational needs while they learn alongside peers without disabilities. This allows the child to develop relationships with their school and community. SB 1113 will promote the inclusion of students with disabilities in general education classrooms by addressing and implementing inclusionary practices. It is critical that outcomes for students with disabilities are improved, which can be achieved by providing the support that is necessary to implement meaningful, evidence-based inclusive practices in California schools."

What is inclusion? There are multiple definitions of "inclusion," but most include the following elements:

- Students with disabilities are educated in general education settings with appropriate supports;
- Students with disabilities participate in other school programs as full members of the school community;
- Staff support universal access to education; and
- Staff are provided the knowledge, resources, and support to effectively teach all pupils.

Inclusion and "mainstreaming" are sometimes used interchangeably, but these terms have distinct meanings. Mainstreaming generally refers to the practice of placing students with disabilities, who otherwise are educated in separate settings, in the general education setting for specified periods of time or for specific activities. Inclusion, in contrast, refers to the practice of placing students with disabilities in the general education setting with appropriate supports.

Research on the effect of inclusion on students with and without disabilities. Research over the last thirty years has found numerous benefits for students with disabilities and students without disabilities (National Council on Disability, 2018). When students are included, they have more access to the general curriculum and effective instruction, and as a result they achieve:

- Higher rates of academic performance in language arts and mathematics
- Fewer absences from school
- Fewer referrals for disruptive behavior
- Higher likelihood of attending college

- Better employment and independent living outcomes after high school
- Improved communication
- Improved expressive language and literacy skills
- More satisfying and diverse friendships
- Higher levels of social engagement with peers without disabilities
- Less disruptive behavior
- More social competence

Although students with extensive support needs (i.e., students with intellectual disabilities, multiple disabilities, autism) have higher rates of segregated schooling, research shows that these students actually accrue more academic benefits when included in general education instruction, particularly increases in literacy skills.

Research has found that the inclusion of students with disabilities has either a positive effect or no negative effect on the academic, social, and personal development of students without disabilities when they are educated with peers who had intellectual, learning, or other disabilities. Research has found that inclusion benefits students without disabilities, through:

- Positive effect, or no negative effect, on academic, social, and personal development
- Reduced fear of human differences
- Increased comfort and awareness of differences
- Growth in social cognition
- Improvements in self concept
- Growth of ethical principles

History of efforts to include students with disabilities in general education. Efforts to include students with disabilities in the general education system has a long history:

Exclusion from public education, institutionalization. According to the National Center on Disability (NCD), as late as the 1960's it was standard for students with disabilities to be completely excluded from the public education system. In the 1974-75 school year, the U.S. Bureau for the Education of the Handicapped reported that of the 8 million students with disabilities, 2.5 million were receiving an inappropriate education, and 1.75 million were receiving no education at all. According to the NCD, "many states had laws excluding certain students, including those who were blind, deaf, or labeled "emotionally disturbed" or "mentally retarded."

According to the United States Department of Education (USDOE), "inaccurate tests led to inappropriately labeling and ineffectively educating most children with disabilities. Further, most families were not afforded the opportunity to be involved in planning or placement decisions regarding their child, and resources were not available to enable children with significant disabilities to live at home and receive an education at neighborhood schools in their community."

According to the NCD, "almost 200,000 school-age children with mental retardation or emotional disabilities were institutionalized. The likelihood of exclusion was greater for children with disabilities living in low-income, ethnic and racial minority, or rural communities." Many institutional settings provided only minimal food, clothing, and shelter, and children could be subjected to abuse, experimentation, and severe neglect.

Brown vs. Board of Education. In 1954, the U. S. Supreme Court issued the landmark civil rights decision *Brown v. Board of Education of Topeka, Kansas*, in which it found that segregation on the basis of race in public education was a violation of the equal protection clause of the U.S. Constitution. The Court wrote, “The opportunity of an education...where the state has undertaken to provide it, is a right that must be made available to all on equal terms.” The decision in *Brown*, as well as the Civil Rights Act of 1964, provided the legal foundation for efforts to end the exclusion and segregation of students with disabilities in public education as discriminatory under the Constitution.

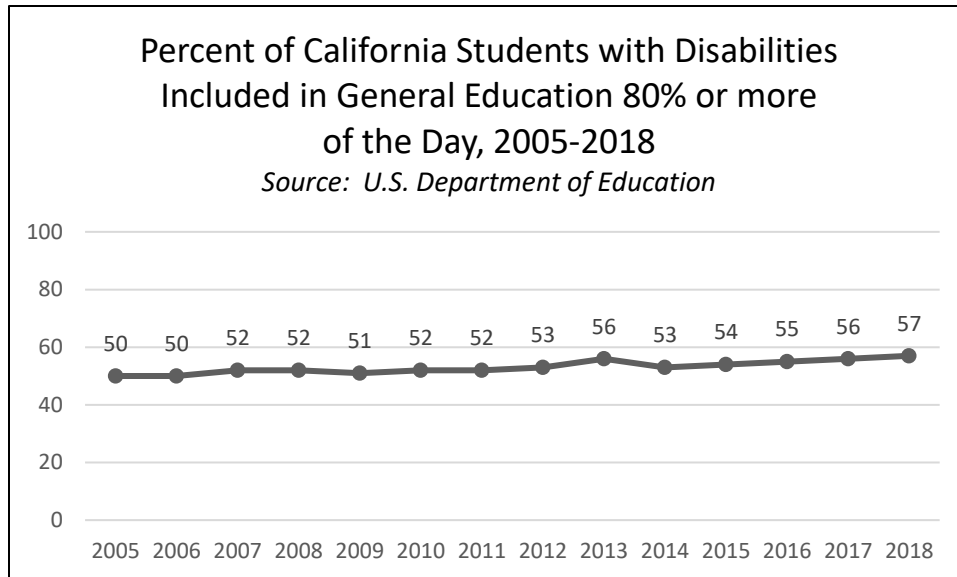
PARC and Mills court decisions. Two 1971 court decisions established the rights of students to be educated in public schools. In the *Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania* ruling, and the *Mills v. Board of Education of the District of Columbia* cases, the courts found that the exclusion from public education of students with disabilities was a violation of the equal protection clause of the Constitution.

Education for All Handicapped Children Act. Following years of activism, litigation, a Congressional investigation, and media attention on deplorable conditions in a state children’s institution, in 1975, the Education for All Handicapped Children Act (EHA) was enacted. This law entitled every student with a disability to a free, appropriate public education (FAPE) in the least restrictive environment (LRE), designed to meet their unique needs. The law sought to ensure that the rights of children were protected, and also authorized some funding to states. The law was amended in 1976 to expand requirements to serve children from birth to 3 years of age, and in 1990 to require an individualized plan for the transition to post-secondary life.

Individuals with Disabilities Education Act (IDEA). In 1997, congress reauthorized the EHA as the IDEA and made further changes in 2004. **The 1997** amendments emphasized providing all students with access to the same curriculum, and the 2004 amendments emphasized for early intervention for students, greater accountability and improved educational outcomes, and raised the standards for instructors who teach special education classes. It also required states to demand that local school districts shift up to 15% of their special education funds toward general education if it were determined that a disproportionate number of students from minority groups were placed in special education for reasons other than disability.

Case law sets standards for LRE. In numerous decisions since the enactment of the EHA, federal courts have attempted to set standards for compliance with the requirement to provide instruction to students with disabilities in the LRE. In one case, *Sacramento City Unified School District vs. Rachel H.*, (1994), the court set a three part standard for LRE decisions, ruling that 1) in determining the appropriate placement the educational benefits of the general education classroom with supplemental aids and services must be compared to the educational benefits of the special classroom, 2) the nonacademic benefits of interaction with nondisabled students also must be considered, and 3) the effect of the student’s presence on the teacher and on other students must be evaluated.

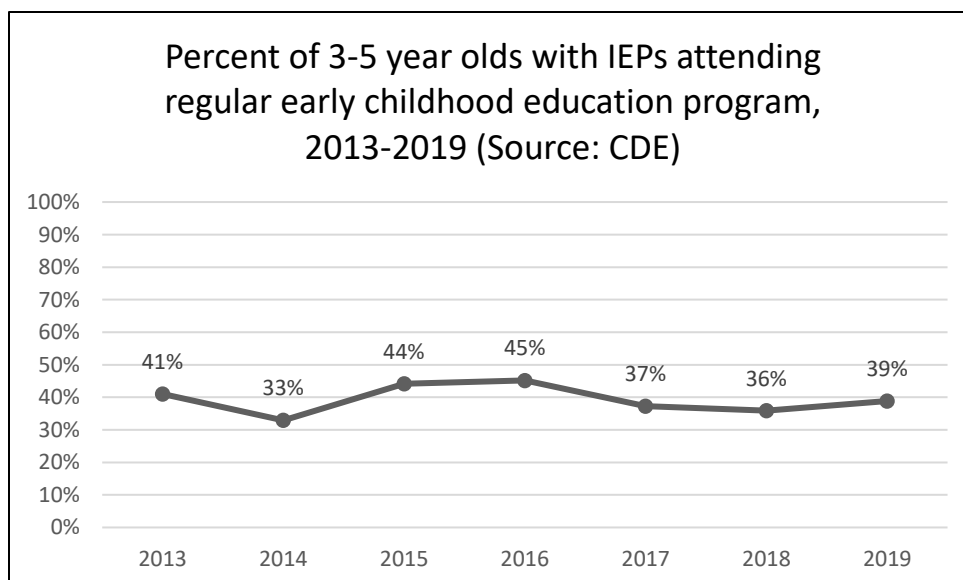
How inclusive are California schools? The IDEA requires each state to develop a State Performance Plan (SPP) and an Annual Performance Report (APR) that evaluates the state’s efforts to comply with federal law, and how the state will



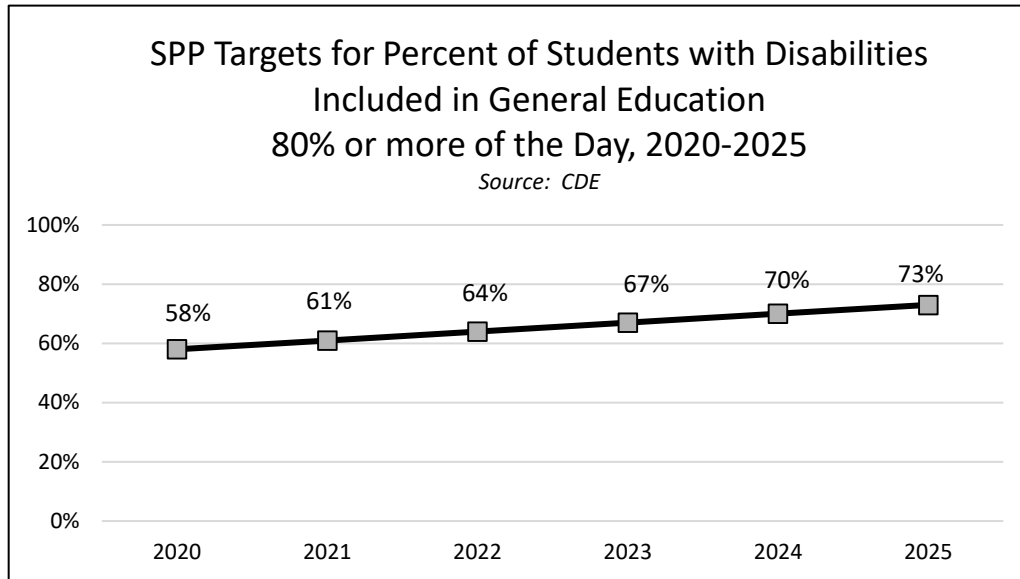
improve its implementation. The APR consists of 17 indicators. One of the indicators (5a) is LRE, defined as the percent of students with disabilities, ages six to twenty-two, served inside the regular class 80% or more of the day.

As shown in the above chart, California’s rate of inclusion of students with disabilities 80% or more of the day remained relatively constant in recent years, rising from 50% in 2005 to 57% in 2018. Historically, California has had low rates of inclusion compared to other states. According to the National Center for Education Statistics, nationally, the percentage who spent 80% or more of their time in general classes in regular schools increased from 59% in 2009 to 65% in fall 2019.

Additionally, as shown in the chart on the following page, the rate of inclusion varies significantly by disability, with students with speech or language impairments included at a rate of 82%, and students with multiple disabilities included at the rate of 4%.



SPP indicator (6a) relates to preschool inclusion, requiring states to report on the percentage of children with IEPs ages 3 to 5 year olds attending a regular early childhood program and receiving the majority of special education and related services in the regular early childhood program.



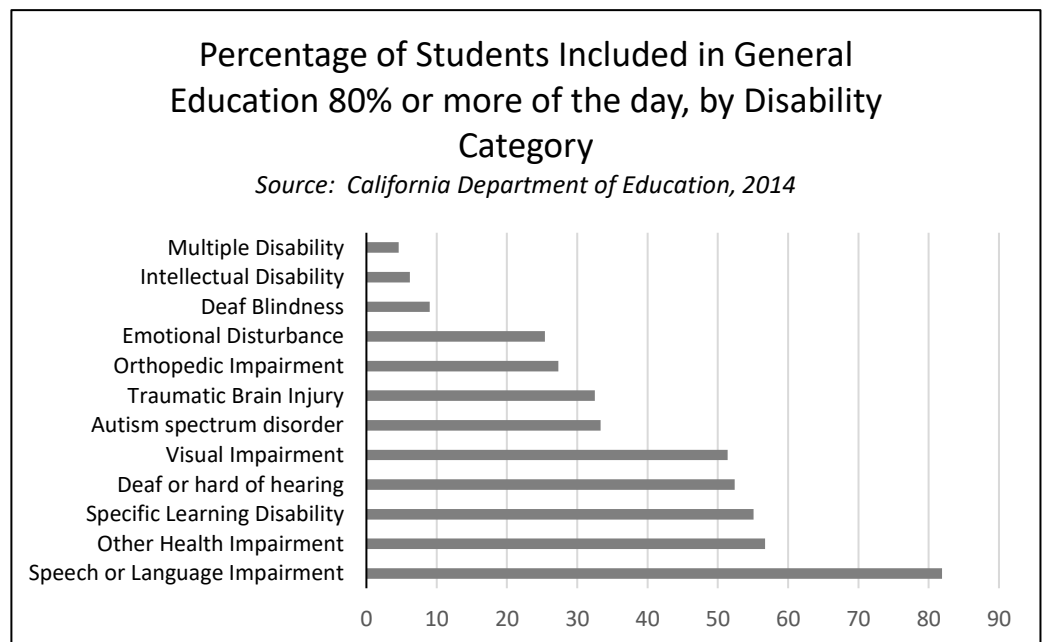
As shown on the chart on the previous page, less than half of California preschool-aged children with disabilities attend regular early childhood education programs and receive the majority of their services in that

program. However, performance on this indicator has increased in recent years, rising from 20.2% in 2011 to 45.2% in 2016. New targets adopted for the current six year cycle set the goal for this indicator at 49% by 2025.

The State Board of Education (SBE) adopted revised SPP targets in January, 2022. With regard to the state target for LRE, adopted targets increase from 53% in 2019 to 70% in 2025, as shown in the adjacent chart. ***The Committee may wish to consider that,*** considering the slow progress the state has made in this area to date, and the increase in inclusion required by 2025, significant support will be needed to achieve the state’s new targets.

Most 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 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 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), ELA and math performance (63% of districts), and chronic absenteeism (54% of districts).

Barriers to inclusion. The 2015 report by the Statewide Special Education Task Force on Special Education, jointly published by the SBE, the CTC, and the CDE, titled *One System: Reforming Education to Serve All Students*, noted that “a structural, institutional, philosophical, and habitual divide currently exists in California between general and special education, even though special education has always been defined as part of general education. This divide obstructs the state’s ability to create [an] effective, coordinated, coherent system of education.”

The NCD’s 2018 report, *The Segregation of Students with Disabilities*, identifies several barriers to inclusion of students with disabilities:

- **Organizational Traditions:** “Once school districts have made financial and personnel investments in creating or maintaining segregated settings and allocating teachers and other staff in small teacher-student ratios, there is an organizational tendency to maintain the status quo.”
- **Organizational and Workforce Capacity:** “When schools have a clear vision for including all students with disabilities, they work to develop schoolwide structures that support educators and empower them to succeed in instructing students with disabilities through collaboration.”
- **Attitudes and Beliefs:** “The driving force behind a student’s educational experience might be an understanding of roles and the attitudes that educators have about adult responsibilities and expectations for student outcomes.”
- **“Readiness” for inclusion:** “Decisions to move students to less restrictive placements are often based on the perceived readiness of the student to learn grade level material.”
- **The “LRE Continuum:”** “The LRE continuum places a burden of fitting in or being able to access the classroom on the student who is seen as having deficits, rather than encouraging schools to create systems designed to benefit all students in the community and make access by those with disabilities more seamless.”

Other barriers commonly identified by participants in the SIP project include misconceptions about staffing of inclusive classrooms, lack of appropriate instructional materials for use in inclusive classrooms, and licensing and fiscal barriers in early education settings.

Districts “beating the odds” have inclusion, teacher collaboration, and support in common. The 2015 Statewide Task Force on Special Education report highlighted research showing that school districts “beating the odds” regarding the performance of students with disabilities had several elements in common. The report stated:

In 2010, researchers from the American Institutes for Research analyzed the academic performance of California students with disabilities and discovered that some districts were far more successful than others. They identified eight California school districts in which the academic performance of students with disabilities was unusually strong over a period of four years and looked in depth at four of them to identify policies and practices that contributed to their relative success. Here is what they found:

- All four districts were committed to including students with disabilities in general education classrooms and ensuring access to the content in the core curriculum.
- All four stressed collaboration between general education and special education teachers.
- Three districts practiced continuous assessment and the use of Response to Intervention (RtI) strategies to address students' needs and monitor their progress.
- Three districts provided targeted professional learning opportunities for their teachers and administrators.
- Two districts utilized explicit direct instruction teaching methods.

Supporting Inclusive Practices (SIP). This bill requires the CDE to establish and provide grants to the SIP to provide systemic training to LEAs and schools that have participated in root cause analyses related to inclusive practices.

The SIP project 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 preschool through 12th grade students with disabilities in general education settings.

The CDE began the SIP project in 2015 through a contract with the Santa Clara COE, and in 2018 expanded it through a contract with the Riverside County Office of Education and El Dorado COE and SELPAs. The project currently works with LEAs, including charter schools, on a three-year cycle. Participants range from LAUSD with 100 school sites, to rural sites with 1 or 2 schools. The project provides participants a minimum grant of \$20,000 and supports demonstration sites so that those schools can share their exemplary practices with other participants. Participants are selected in part based on performance on IDEA indicators for LRE, and on outcomes for students with disabilities, as indicated by the California School Dashboard. Participation is voluntary and the project currently has a waiting list to participate.

Early data from the SIP project indicates that participants 1) increase their use of inclusive practices and that 2) academic performance of pupils with disabilities improves:

- On the IDEA measure of LRE (80% or more time spent in general education classrooms) for students aged 6 to 22, the state target for LEAs is an increase of 3% over five years. SIP participants increased on this measure by 3.37% in one year. One LEA participating in the project increased LRE by over 22% in one year.
- On the measure of LRE in early education settings, while there was a 7% decrease statewide over two years, there was a 3.22% increase among SIP participants during that period.
- While data regarding academic performance is limited because the project is relatively new, there are some signs that outcomes for students with disabilities in LEAs

participating in SIP improve. One LEA, Arcadia Unified School District, increased their rate of inclusion and had marked increases in graduation rates for SIP participants (86% vs. the statewide average of 68%), 64% college attendance, 89% competitive employment, and 97% employment or postsecondary education. Math and English language arts test scores of students with disabilities more than doubled in multiple schools over one year.

Other states invest in targeted support, other systems to improve outcomes for students with disabilities. A 2020 brief published by PACE, *Promising Policies to Address the Needs of Students with Disabilities: Lessons from Other States*, highlights successful efforts by three states to improve inclusion rates and academic performance of students with disabilities:

- Massachusetts established a data system called Resource Allocation and District Action Reports (RADAR), which allows districts to compare their overall performance and resource allocation, and identify 5-year trends for enrollment of students with disabilities; staffing; identification rates for services; in- and out-of-district placements; and placement trajectories.
- New Jersey, prompted by litigation, engaged in a targeted approach to improve the inclusion rates in 76 of its 673 districts. The New Jersey Department of Education provided those 76 districts with needs assessment, technical assistance, and regular monitoring, as well as annual reports to locally convened stakeholder groups. The result of this targeted effort is notable improvements in inclusion rates in the targeted districts.
- Florida passed legislation in 2013 that codified the definition of inclusion and required each school and district to conduct self-assessments of best practices for inclusive education (BPIE). The BPIE process is supported by a statewide infrastructure of inclusion facilitators. Florida has dramatically increased its inclusion rate along with its National Assessment of Educational Progress scores. Florida's achievement gap between SWDs and general education students is also narrower than the achievement gap in California.

Florida, Massachusetts, and New Jersey all had among the highest rates of proficiency on NAEP assessments in 4th and 8th grade reading and mathematics in 2017.

Based on the experience of these states, the PACE report recommends that California 1) invest in a RADAR-like data system; 2) provide targeted support for schools and districts most in need of improving the education of SWDs; 3) implement a BPIE-like system at the school and district levels; and 4) draw on the experience and expertise of officials and advocates from other states.

Workforce capacity for inclusion. This bill requires the CDE and the CTC develop joint guidance clarifying the ways in which inclusive classrooms and placements may be staffed under current law, including guidance on staffing of inclusive classrooms, including those in which co-teaching is used for instruction, and guidance on staffing of case management of students with disabilities, including ways of reducing the administrative burden on special education teachers so that they may focus more on instruction of pupils and collaboration with general education teachers.

As noted above, support of educators is critical to the establishment of inclusive classrooms. A 2020 brief published by PACE, *California's Special Education Teacher Shortage*, highlights

significant challenges for special education teachers and notes the role they play in the high rate of attrition among these teachers. The brief reports that high caseloads, extensive paperwork and coordination responsibilities, lack of resources and professional support, and insufficient knowledge of special education among administrators, are key challenges facing special education teachers. Among other strategies, the report recommends that the state and districts consider how to revise caseload expectations and provide additional administrative supports to help alleviate overwhelming workloads for special education teachers so that they have time to comply with mandates and work effectively with their students.

Universal Design for Learning (UDL) in state-adopted instructional materials. This bill requires the CDE, by June 30, 2023, to train the members of the IQC on the principles and strategies of UDL, and requires the IQC, following the training, to assess the extent to which instructional materials submitted for state adoption use UDL principles and strategies.

Inspired from universal design in architecture, UDL is a set of principles for designing learning opportunities that provide all students equal opportunities to learn. UDL is different from traditional curriculum design in that educators design learning opportunities with the expectation that it will be used by a diverse group of students.

According to the U.S. Department of Education, the UDL framework is grounded in three principles:

- Multiple means of representation – using a variety of methods to present information
- Multiple means of action and expression – providing learners with alternative ways to act skillfully and demonstrate what they know
- Multiple means of engagement – tapping into learners’ interests by offering choices of content and tools; motivating learners by offering adjustable levels of challenge

UDL principles call for varied and flexible ways to:

- Present or access information, concepts, and ideas (the "what" of learning);
- Plan and execute learning tasks (the "how" of learning); and
- Get engaged—and stay engaged—in learning (the "why" of learning).

The Statewide Task Force on Special Education report noted that, “the application of Universal Design for Learning in all of its inclusive implications sets the foundation for a coherent system of education that provides instruction, services, and supports to students as they are needed,” and recommended that California ensure that “Universal Design for Learning is understood, is established as a key area of professional learning for educator training, and is implemented in all schools.

When the IQC reviewed instructional materials for its mathematics adoption in 2013, its evaluation criteria included a requirement that “materials incorporate instructional strategies to address the needs of students with disabilities in both lessons and teacher’s editions, as appropriate, at every grade level and course level,” as required by current law. The evaluation criteria included a section on “universal access” but did not specifically reference UDL.

Arguments in support. CalTASH writes, “There is an abundance of current research that supports educating students receiving special education services within inclusive classroom

environments along with their general education peers. Students with whom are provided learning opportunities within inclusive settings have greater outcomes to lead more productive and independent lives than their sheltered peers who are primarily educated in segregate settings such as Special Day Classrooms or special education centers/sites. SB 1113 provides the ability to dedicate funding and support for increasing inclusionary practices in our schools to enrich the learning opportunities for individuals receiving special education supports and services in California.”

REGISTERED SUPPORT / OPPOSITION:

Support

Alta Public Schools
Antelope Valley SELPA
Association of California School Administrators
Association of Regional Center Agencies
Beverly Hills Unified School District
Big Sur Charter School
Butte County SELPA
California Alliance of Child and Family Services
CalTASH
Carpinteria Unified School District
Chico Unified School District
Coalition for Adequate Funding for Special Education
Colton Joint Unified School District
Culver City Unified School District
Disability Rights California
Dublin Unified School District
East Valley SELPA
Fillmore Unified School District
Folsom Cordova Unified School District
Glenn County Office of Education
Gonzales Unified School District
Hermosa Beach City School District
Monterey Bay Charter School
Monterey County SELPA
North Santa Cruz County SELPA
Ocean View School District
Office of The Riverside County Superintendent of Schools
Ojai Unified School District, Special Education
Oroville Union High School District
Placentia-Yorba Linda Unified School District
Red Bluff Union Elementary School District
Redlands Unified School District
Rialto Unified School District
Rim of The World Unified School District
Sage Oak Charter Schools
San Luis Obispo County SELPA District
San Mateo County SELPA

Santa Barbara County Special Education Local Plan Area
Santa Clara County Special Education Local Plan Areas I, II, III, IV, & VII
Santa Clarita Valley SELPA
Santa Cruz City Schools
Santa Monica Malibu Unified School District
SELPA Administrators of Ca
Simi Valley Unified School District
Solano County Office of Education
Solano County SELPA
Sonoma County Office of Education
Sonoma County SELPA
Soquel Union Elementary School District
Tri-valley SELPA
Ventura County Office of Education
Ventura County SELPA
West Contra Costa Unified School District SELPA
Whittier Area Cooperative SELPA
Wright Elementary School District
Several individuals

Opposition

None on file

Analysis Prepared by: Tanya Lieberman / ED. / (916) 319-2087