

SENATE THIRD READING  
SB 291 (Stern)  
As Amended August 18, 2022  
Majority vote

## SUMMARY

Increases the number of members on the Advisory Commission on Special Education (ACSE), from 17 to 19 members.

### Major Provisions

- 1) Increases the number of members on the ACSE, from 17 to 19 members.
- 2) Requires the two additional members be pupils between the ages of 16 and 22, inclusive, with exceptional needs.
- 3) Requires the pupils to be appointed for one year, with the option to serve a second term of one year.

## COMMENTS

Committees and Commissions of the California State Board of Education (SBE). The SBE was established first by statute in 1852, then by amendment to the California Constitution in 1884. Both the Constitution and statutes set forth the SBE's duties. Constitutional duties of the SBE include the appointment of one deputy and three associate superintendents upon nomination of the SPI and the adoption of textbooks for use in grades one through eight. By statute, the SBE is the governing and policy-making body of the State. The Constitution and statute also assign the SBE a variety of other responsibilities: regulations, standards, waivers, assessment, district reorganization, charter schools, the ESSA, funding allocations, and study and planning.

In addition to the regular work of the SBE, the board maintains five committees and commissions. All five committees and commissions advise the SBE, and fulfill a specific statutory role or task.

- 1) Advisory Commission on Charter Schools (ACCS);
- 2) ACSE;
- 3) California Practitioners Advisory Group (CPAG);
- 4) California Workforce Pathways Joint Advisory Committee (CWPJAC); and
- 5) Instructional Quality Commission (IQC).

All were created in order to satisfy a federal requirement for state advisory committees or commissions, with the exception of the ACCS, and the IQC, which were created solely in the state statute.

The ACSE is an advisory body required by the Individuals with Disabilities Education Act (IDEA). Each state is required to establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with

disabilities. California's ACSE provides recommendations and advice to the SBE, the SPI, the Legislature, and the Governor in new or continuing areas of research, program development and evaluation in California special education. The ACSE consists of appointed members from the Speaker of the Assembly, Senate Committee on Rules, Governor, and the SBE. The membership consists of parents, persons with disabilities, persons knowledgeable about the administration of special education, teachers, and legislative representatives from the Assembly and Senate.

*Special education in California.* According to the California Department of Education (CDE), there were 745,000 children, aged birth to 22, who were identified as students with disabilities in the 2021-22 school year. IDEA authorizes federal funding for the needs of school-age children with a range of disabilities, such as specific learning disabilities, speech and language impairments, or intellectual disabilities, who need special education services. In the 2021-22 school year students with disabilities composed 12.7% of California's public prekindergarten through 12th grade school enrollment.

The most common disabilities among students are specific learning disabilities, and speech and language impairments, which together constituted about 58% of all students with exceptional needs in 2021-22. While the prevalence of students with autism spectrum disorder (ASD) was at one time relatively rare, the number of students diagnosed with ASD has increased notably over the last decade, from 2% of all disabilities in 2002 to 17% in 2021.

*Academic and other outcomes for students with disabilities in California.* Viewed as a whole, there is a significant achievement gap between students with disabilities and their peers. According to data from the CDE, California's students with disabilities have among the lowest academic and behavioral outcomes of all student groups. Information related to student outcomes by subject is available in the Committee analysis.

### **According to the Author**

"Representation Matters – The ACSE provides recommendations and advice to the state on new or continuing areas of research, program development, and evaluation in California special education. However, the people most directly impacted by these policies, students with exceptional needs, have no direct input or representation on the ACSE. This is especially concerning given that approximately one in eight California public school students receive special education, yet those same students have no seat at the decision making table.

SB 291 will improve California special education by ensuring direct representation and an impactful decision-making role on the California ACSE for current students with exceptional needs. It is also an exciting step that makes California the first state with student voting rights on the ACSE."

### **Arguments in Support**

According to the Coalition for Adequate Funding for Special Education, "We strongly believe in providing students a seat at the table to engage in critical conversations that look to improve special education and support the success of SWD. SB 291 would offer that seat by providing SWD representation on the commission that makes critical decisions affecting their education."

### **Arguments in Opposition**

None on file

**FISCAL COMMENTS**

According to the Assembly Appropriations Committee, "Minor and absorbable General Fund costs to the CDE for the addition of two pupil members. Costs include travel and other operational expenses."

**VOTES****SENATE FLOOR: 36-0-4**

**YES:** Allen, Archuleta, Atkins, Becker, Borgeas, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

**ABS, ABST OR NV:** Bates, Bradford, Dahle, Min

**ASM EDUCATION: 6-0-1**

**YES:** O'Donnell, Megan Dahle, Bennett, Chen, Lee, Quirk-Silva

**ABS, ABST OR NV:** McCarty

**ASM APPROPRIATIONS: 14-0-2**

**YES:** Holden, Bigelow, Calderon, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Jones-Sawyer, Akilah Weber

**ABS, ABST OR NV:** Bryan, Wilson

**UPDATED**

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