
UNFINISHED BUSINESS

Bill No: SB 291
Author: Stern (D), et al.
Amended: 8/18/22
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 3/10/21
AYES: Leyva, Ochoa Bogh, Cortese, Dahle, Glazer, McGuire, Pan

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/20/21
AYES: Portantino, Bates, Bradford, Jones, Kamlager, Laird, Wiecewski

SENATE FLOOR: 36-0, 1/24/22
AYES: 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, Wiecewski,
Wiener, Wilk
NO VOTE RECORDED: Bates, Bradford, Dahle, Min

ASSEMBLY FLOOR: 77-0, 8/22/22 - See last page for vote

SUBJECT: Advisory Commission on Special Education

SOURCE: Author

DIGEST: This bill increases the number of members on the Advisory Commission on Special Education (ACSE), from 17 to 19 members.

Assembly Amendments replace the proposed advisory council of pupils with exceptional needs with two additional members on the ACSE whom must be between the ages of 16 and 22, inclusive, with exceptional needs.

ANALYSIS:

Existing law:

- 1) Establishes the ACSE as an entity in state government that studies and provides assistance and advice to the State Board of Education (SBE), the Superintendent of Public Instruction (SPI), the Legislature, and the Governor in research, program development, and evaluation in special education.
- 2) Specifies that the ACSE consist of 17 members as follows:
 - a) A Member of the Assembly appointed by the Speaker of the Assembly.
 - b) A Member of the Senate appointed by the Senate Committee on Rules.
 - c) Three public members appointed by the Speaker of the Assembly, two of whom shall be individuals with a disability or parents of pupils in either a public or private school who have received or are currently receiving special education services due to a disabling condition.
 - d) Three public members appointed by the Senate Committee on Rules, two of whom shall be individuals with a disability or parents of pupils in either a public or private school who have received or are currently receiving special education services due to a disabling condition.
 - e) Four public members appointed by the Governor, two of whom shall be parents of pupils in either a public or private school who have received or are currently receiving special education services due to a disabling condition.
 - f) Five public members appointed by the State Board of Education, upon the recommendation of the Superintendent or the members of the State Board of Education, three of whom shall be parents of pupils in either a public or private school who have received or are currently receiving special education services due to a disabling condition, and one of whom shall be a representative of the charter school community.
- 3) Requires ACSE members to be selected to ensure the body is representative of the state population, composed of individuals involved in, or concerned with, the education of children with exceptional needs, and include a majority of

members with exceptional needs or parents of children with exceptional needs who are age's birth to 26 years, inclusive.

- 4) Requires the ACSE to comment publicly on any rules or regulations proposed by the state regarding the education of individuals with exceptional needs and advise the SPI in developing: (a) evaluations and reporting on data to the Secretary of Education in the United States Department of Education, (b) corrective action plans to address findings identified in federal monitoring reports under the Individuals with Disabilities Education Act, and (c) policies relating to the coordination of services for individuals with exceptional needs.
- 5) Requires the ACSE to report to the SBE, the SPI, the Legislature, and the Governor at least once per year on the following:
 - a) Activities enumerated in state law that are necessary to be undertaken regarding special education for individuals with exceptional needs.
 - b) The priorities and procedures utilized in the distribution of federal and state funds.
 - c) The unmet educational needs of individuals with exceptional needs within the state.
 - d) Recommendations relating to providing better education services to individuals with exceptional needs.

This bill:

- 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

- 1) *Need for the bill.* According to the author, "Representation matters. The California Advisory Commission on Special Education (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 a 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.”

- 2) *Federal law requires the state to maintain a special education advisory panel.* The federal Individuals with Disabilities Education Act (IDEA) makes a free appropriate public education available to eligible children throughout the nation and ensures special education and related services to those who need them. Any state receiving funds authorized through IDEA must establish and maintain an advisory panel to provide policy guidance related to special education and related services for children with disabilities.

California’s ACSE is composed of 17 members who are responsible for providing 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 author of this bill notes that while members of the ACSE consist of important stakeholders such as parents of students with exceptional needs, there is no direct role for students themselves this process.

- 3) *Recent report from the Advisory Commission on Special Education.* In the late summer or early fall of each calendar year, the ACSE releases an Annual Report of the Commission's work over the previous fiscal year. This report provides information on the year's emphasized themes and highlights the items chosen for the agendas of each of the Commission's five yearly meetings.

The Commission’s most recent 2019-20 report highlights, among other things, the unforeseen levels of disruption caused by the novel coronavirus pandemic. In its overview, the report notes the following, which makes a strong case for including more student voice in improving the state’s special education system:

“While creating untold challenges of its own, the pandemic has also served to highlight long-existing inequities and weaknesses in the social, educational, and political systems, both statewide and nationally. The commissioners hope that a renewed and acute awareness of these challenges will serve to strengthen the resolve of policymakers and educators everywhere—redoubling prevention and early intervention efforts and fortifying a continued commitment to creating a coherent and aligned educational system that addresses inequitable practices and improves outcomes for students both with and without disabilities.”

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee, minor and absorbable General Fund costs to the California Department of Education (CDE) for the addition of two pupil members. Costs include travel and other operational expenses.

SUPPORT: (Verified 8/22/22)

California Association of Student Councils
 Coalition for Adequate Funding for Special Education
 Decoding Dyslexia CA
 Disability Voices United
 Diverse Learners Coalition
 Eye to Eye
 Learning Rights Law Center
 SELPA Administrators of California
 State Council on Developmental Disabilities
 State Independent Living Council
 The Arc and United Cerebral Palsy California Collaboration

OPPOSITION: (Verified 8/22/22)

None received

ASSEMBLY FLOOR: 77-0, 8/22/22

AYES: Aguiar-Curry, Alvarez, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Flora, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley,

Lackey, Lee, Low, Maienschein, Mathis, Mayes, McCarty, McKinnor, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon
NO VOTE RECORDED: Bigelow, Davies, Levine

Prepared by: Ian Johnson / ED. / (916) 651-4105
8/22/22 19:58:58

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