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## SENATE COMMITTEE ON EDUCATION

Senator Josh Newman, Chair

2023 - 2024 Regular

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<b>Bill No:</b>	AB 1340	<b>Hearing Date:</b>	July 12, 2023
<b>Author:</b>	Garcia		
<b>Version:</b>	February 16, 2023		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
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**Subject:** School accountability: pupils with exceptional needs.

### SUMMARY

Requires the California Department of Education (CDE) to annually post on its website data on specified academic and other outcomes for students with disabilities, disaggregated by federal disability category.

### BACKGROUND

Existing law:

#### *Federal Law*

- 1) In federal law, establishes the Individuals with Disabilities Education Act (IDEA), to ensure that all children with disabilities have a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living, among other purposes. (20 United States Code ( U.S.C.) § 1400)
- 2) In federal law, IDEA, establishes the following disability categories:
  - a) Intellectual disability;
  - b) Hard of hearing;
  - c) Deafness;
  - d) Speech or language impairment;
  - e) Visual impairment;
  - f) Emotional disturbance;
  - g) Orthopedic impairment;
  - h) Other health impairment;
  - i) Deaf-blindness;

- j) Multiple disability;
- k) Autism;
- l) Traumatic brain injury; and
- m) Specific learning disability. (20 U.S.C. § 1401)

*State law*

- 3) Requires the CDE to report, on an annual basis on its website publicly, enrollment data by English language acquisition status and disability. (Education Code (EC) § 60900.1 (a)(2))
- 4) Requires the CDE, on an annual basis, to include a report on its website that allows the public to view the following assessment data by English language acquisition status:
  - a) California Assessment of Student Performance and Progress (CAASPP) test results by English language arts, mathematics, and science; and
  - b) English Language Proficiency Assessments for California (EC § 60900.1 (b))

**ANALYSIS**

Requires the CDE to annually post on its website data on specified academic and other outcomes for students with disabilities, disaggregated by federal disability category. Specifically, this bill:

- 1) Requires the CDE to, on an annual basis, report on its website that allows the public to view statewide-level data for pupils who are individuals with exceptional needs, disaggregated by the identified disability or disabilities, for each of the following:
  - a) Scores on the CAASPP in English language arts, mathematics, and science;
  - b) Scores on the English Language Proficiency Assessments for California;
  - c) Rates of chronic absenteeism;
  - d) Rates of suspension;
  - e) Four- and five-year cohort graduation rates; and
  - f) College-going rates.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, “AB 1340 would require the Department of Education to report on its website disaggregated data by pupils identified disabilities. Collecting data by individual disability will allow schools to provide the appropriate educational resources to their students.”
- 2) ***Special Education In California.*** 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.

If Local educational agencies determine that a child's needs cannot be met in a general education program when they are three or older, they may be placed in the special education system. To determine whether students qualify for special education, LEAs refer them for professional evaluation. LEAs are legally obligated to provide special education services to students with disabilities if the evaluation indicates that the disability interferes with their education. If a student qualifies for special education, an individualized education program (IEP) is developed by a team of stakeholders, including the student's family. It outlines the student's educational goals and the services that will be provided to them. In addition to IEPs, Section 504 plans may be added to or replaced by an IEP for students needing other accommodations to participate in school activities.

CDE estimates that in 2018-19 there were 795,000 children with exceptional needs, ages birth-22. Roughly 12%, or 720,000 pupils, are enrolled in grades K-12.

- 3) ***California School Dashboard and System of Support (Dashboard).*** The Dashboard is an online tool that shows how LEAs and individual schools perform on state and local indicators included in California's school accountability system.

The Dashboard was created to give parents and the public a complete picture of what is happening in our schools and districts and to identify districts and schools that need extra support. The Dashboard is a component of the local control funding formula (LCFF) law passed in 2013 that significantly changed how California funds public schools and holds LEAs accountable for student performance.

The Dashboard includes a concise set of state indicators. State indicators are based on student data annually collected across the state and apply to all districts, schools, and student groups. The state indicators are:

- a) Academic Performance Indicators (reported separately for English language arts/literacy and mathematics assessments);
- b) English Learner Progress;

- c) Chronic Absenteeism;
- d) Graduation Rate;
- e) Suspension Rate; and
- f) College/Career.

The Dashboard is updated annually. LEAs receive one of five color-coded performance levels on the state indicators. The five performance levels are Blue, Green, Yellow, Orange, and Red, from highest to lowest. For the 2022 Dashboard only, performance is based on one of five status levels ranging from Very High, High, Medium, Low, and Very Low and is calculated using 2021–22 school year data.

*This bill aligns the required data to be posted on CDE's website with the data collected on the Dashboard.*

- 4) ***How to Begin to Improve Special Education in California? Difficult to Tell with Current Data.*** Schools provide regular progress reports to parents of students with IEPs as often as report cards. For example, if schools issue report cards every nine weeks, progress reports on IDEA-entitled students' IEP goals should also be issued every nine weeks. The report should contain information about the student's progress on each annual plan in the IEP and whether the student is likely to reach the goal within the IEP time frame. This data is documented at the bottom of each IEP goal page. Parents could ask for progress reports more often if they would like or could ask for an update of the child's progress on goals at any time.

While LEAs must report on their district's indicators (as mentioned above), the population of special education students in a district may be so small that it may result in an LEA not reporting to protect those students. It is currently the practice of CDE to show one number for all students with disabilities, which obscures important information about their progress needed for evidence-based policymaking and transparency.

*This bill attempts to create a new set of data that is disaggregated among students with disabilities to begin identifying areas that need additional support.*

## 5) **Related Legislation**

AB 1868 (Luz Rivas), Chapter 907, Statutes of 2022, requires the CDE to annually report on its website specified data on English learners (ELs), including enrollment data by English language acquisition status and disability and established student performance and outcome data by English language acquisition status.

**SUPPORT**

California Federation of Teachers  
EdVoice  
Riverside County Superintendent of Schools

**OPPOSITION**

None received

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