
THIRD READING

Bill No: AB 1340
Author: Garcia (D), et al.
Introduced: 9/8/23 in Senate
Vote: 21

SENATE EDUCATION COMMITTEE: 7-0, 7/12/23

AYES: Newman, Ochoa Bogh, Cortese, Glazer, McGuire, Smallwood-Cuevas, Wilk

SENATE APPROPRIATIONS COMMITTEE: 7-0, 9/1/23

AYES: Portantino, Jones, Ashby, Bradford, Seyarto, Wahab, Wiener

ASSEMBLY FLOOR: 76-0, 5/25/23 - See last page for vote

SUBJECT: School accountability: pupils with exceptional needs

SOURCE: Author

DIGEST: This bill requires, contingent upon an appropriation, the California Department of Education (CDE) to, on or before January 1, 2025, include a report on its website regarding statewide data about pupils with exceptional needs four- and five-year cohort graduation rates.

Senate Floor Amendments of 9/8/23 narrow the requirement for CDE to annually post statewide data related to pupils with exceptional needs California Assessment of Student Performance and Progress (CAASPP) scores, chronic absenteeism, suspension, four- and five-year cohort graduation rates, and college-going rates on its website, to instead require CDE posting pupils with exceptional needs four- and five-year cohort graduation rates on or before January 1, 2025 upon appropriation.

ANALYSIS:

Existing law:

- 1) Establishes, in federal law, 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 prepares them for further education, employment, and independent living, among other purposes. (20 United States Code (U.S.C.) § 1400)
- 2) Establishes, in federal law, IDEA 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)
- 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))

This bill requires, contingent upon an appropriation, the California Department of Education (CDE) to, on or before January 1, 2025, include a report on its website regarding statewide data about pupils with exceptional needs four- and five-year cohort graduation rates.

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 (LEA) 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.

- 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.

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

According to the Senate Appropriations Committee, "The CDE estimates General Fund costs of about \$330,000 each year for one Education Research and Evaluation Consultant and one Education Programs Consultant to comply with this bill's requirements. The CDE would be required to provide a 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."

SUPPORT: (Verified 9/11/23)

Best S.T.E.P. Forward
California Federation of Teachers
Desert Healthcare District and Foundation
Disability Rights California
EdVoice
Family Soup
Riverside County Superintendent of Schools
Westside Family Resource and Empowerment Center

OPPOSITION: (Verified 9/11/23)

None received

ARGUMENTS IN SUPPORT: According to the California Federation of Teachers, "Current reporting on students with disabilities does not disaggregate the data under the Individuals with Disabilities Education Act (IDEA). Federal and state law establishes 13 disability categories which qualify a student for support which are collectively reported to the public under the IDEA. These disabilities range from intellectual to physical disabilities and are not addressed by educators or resources in the same way. 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."

ASSEMBLY FLOOR: 76-0, 5/25/23

AYES: Addis, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

NO VOTE RECORDED: Aguiar-Curry, Dixon, Mathis, Papan

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