

**SPECIAL EDUCATION LEGISLATION
2002 LEGISLATIVE SESSION**

AB 2326

Principal Code Sections Affected: Education Code section 56351.7 is added.

Effective January 1, 2003, the State Superintendent of Public Instruction is required to form an advisory task force to develop standards for the mastery of the braille code by pupils and to report to the Governor and the Legislature by June 30, 2004.

AB 1895

Principal Code Sections Affected: Education Code section 56046.

Starting January 1, 2003, an employee of a school district, county office of education or a SELPA, directly or indirectly, cannot use or attempt to use the official authority or influence of the employee for the purpose of intimidating, threatening, or coercing a person, or attempting any of those actions against a person, for the purpose of interfering with the right of that person to assist a parent or guardian of a pupil with exceptional needs to obtain services or accommodations for that pupil.

AB 939

Principal Code Sections Affected: Education code section 56836.21 is amended.

Existing law requires the State Department of Education to administer an extraordinary cost pool to protect SELPAs from the extraordinary costs associated with single placements in nonpublic, nonsectarian schools.

This legislation requires the State Department of Education to administer the extraordinary cost pool to also protect a SELPA from the extraordinary costs associated with placements, services and the cumulative total of placements and services in nonpublic agencies.

Existing law authorizes a SELPA to submit claims for costs of any new nonpublic, nonsectarian school placements as specified.

This bill also authorizes a SELPA to submit claims for costs of any nonpublic, agency placements, services or the cumulative total of a placement and services.

AB 164

Principal Code Sections Affected: Education Code section 56509.

This bill requires the State Department of Education to establish and administer a statewide program of grant funding, with specified components, to support special education local plan areas in conducting alternative dispute resolution programs for resolving special education disputes. This bill would make \$300,000 available for purposes of the program, on an annual basis, would prescribe the allocation of funds under the program and would require grant recipients to perform specified services related to alternative dispute resolution.

SB 2012

Principal Code Sections Affected: Education Code section 56475 is amended, Education Code sections 56476 and 56480 are added and Government Code section 7579 is amended.

This bill requires that if ANY public agency other than an educational agency places a disabled child or a child suspected of being disabled in a facility out of state WITHOUT the involvement of the school district, special education local plan area, or county office of education in which the parent or guardian resides, that placing public agency shall assume all financial responsibility for the child's residential placement, special education program and related services in the other state unless the other state or its local agencies assume responsibility.

SB 1405

Principal Code Sections Affected: Education Code section 45330 is added. Education Code sections 45344.5 and 45361.5 are amended.

Education Code section 45330 defines a paraprofessional. A paraprofessional, pursuant to the No Child Left Behind Act, must complete at least one of the following:

1. Complete at least two years of study at an institution of higher education;
2. Possess an associate's degree or higher;
3. Or through a local or state assessment, that is appropriate to the responsibilities to be assigned to the paraprofessional, have knowledge of, and the ability to assist in, instructing reading, writing, and mathematics.

HIGH SCHOOL EXIT EXAMINATIONS

AB 1794

Principal Code Sections Affected: Education Code sections 52522 and 52523 are amended and Section 60851.5 is added.

Existing law requires, commencing with the 2003-2004 school year, that each pupil completing grade 12 successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

This bill provides that a school district can offer a program, course or class of supplemental instruction in preparation for the high school exit exam exclusively to persons who complete grade 11 and have failed the high school exit examination. This bill makes a pupil who successfully passes the high school exit examination after completing the grade 12 curriculum eligible to receive a regular diploma of high school graduation.

SB 1476

Principal Code Sections Affected: Education Code sections 60850 and 60851 only if Assembly bill 1794 is effective prior to 1/1/2003 and if SB 1476 is chaptered last.

This bill requires a school principal, at the request of a parent or guardian, to submit a request for a waiver of the requirement to successfully pass the high school exit examination to the governing board of the school district for a pupil with a disability who has taken the HSEE with modifications that alter what the test measures and who has received the equivalent of a passing score on one of subject matter parts of the HSEE. The bill also authorizes the governing board of the school district to waive the requirement to successfully pass one or both subject matter parts of the HSEE for a pupil with a disability if the student has all of the following:

1. An IEP adopted pursuant to the IDEA or Section 504 is in place that requires that accommodations or modifications to be provided to the pupil when taking the HSEE;
2. Sufficient high school level course work either satisfactorily completed or in progress in a high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the HSEE; and
3. An individual score report for the pupil showing that the pupil has received the equivalent of a passing score on the HSEE while using modifications that fundamentally alter what the HSEE measures as determined by the State Board of Education.

GENERAL EDUCATION LEGISLATION

AB 2668

Principal Code Sections Affected: Education Code section 51940 is added.

The California Healthy Kids Resource Center, in consultation with the State Department of Education, is required to review, acquire, and circulate brain and spinal cord injury prevention curricula for use on a voluntary basis by school districts maintaining kindergarten and any of grades 1 to 12.

SB 1632

Principal Code Sections Affected: Education Code section 35183.5 is amended.

This bill requires every school site to allow pupils to use sun screen during the school days without a physician's note or prescription and authorizes school sites to set a policy related to the use of sun screen.

SB 1253

Principal Code Sections Affected: Education Code section 48901.5 is amended.

This bill authorizes school district governing boards to regulate the use of electronic signaling devices (pagers) and would preclude prohibiting a pupil from using an electronic signaling device if it is determined to be essential for the health of the pupil.

SB 1868

Principal Code Sections Affected: Education Code sections 33126, 33350, 5124, 52057 and 60800 are amended.

This bill requires the State Department of Education to encourage school districts offering instruction in kindergarten and any of grades 1 through 12, to the extent that resources are available, to provide quality physical education that develops the knowledge, attitudes, skills, behavior, and motivation needed to be physically active for life.

Also required is a physical performance test. High school students can only get an exemption from physical education classes for two years during grades 10 to 12 if they have passed the physical performance test.

SB 1945

Principal Code Sections Affected: Government Code sections 12950 and 12960 are amended.

Under existing provisions of the California Fair Employment and Housing Act, a person filing a complaint for an unlawful discrimination with the Department of Fair Employment and Housing is required to file the complaint within one year, except that the period for filing may be extended as prescribed, under specified circumstances.

This bill would extend the time for filing a complaint with the California Fair Employment and Housing Department for an alleged violation of this prohibition for a period of time, not to exceed one year from the date the person aggrieved by the alleged violation becomes aware of a liable person, but in no case for a period of time that exceeds three years from the date

of the alleged violation, if during that period the person allegedly aggrieved by an alleged violation is unaware of the identity of any person liable for the alleged violation.

AB 886

Principal Code Sections Affected: Probate Code Section 2662 is added; Welfare and Institutions Code sections 351 and 726 are amended.

Probate Code section 2662 allows that when a court grants a petition removing the guardian or conservator of a minor ward or conservatee, if the court does not immediately appoint a successor guardian or conservator, the court shall appoint a responsible adult to made educational decisions for the minor until a successor guardian or conservator is appointed.

Welfare and Institutions Code section 361 allows that a court may limit the right of the child's parent or guardian to make educational decisions for the child when the child is a dependent. If the court does so, it must appoint a responsible adult to make educational decisions for the child until one of the following occurs: the child turns 18; another responsible adult is appointed to made educational decisions; the right of the parent or guardian to make educational decisions for the minor is fully restored; a successor guardian or conservator is appointed; or the child is placed into long-term foster care, at which time the foster parent shall have the right to represent the child in educational matters.

Welfare and Institutions Code section 726 allows that when a minor is a ward of the court, the court may limit the control exercised over the ward by the parent or guardian. Whenever the court specifically limits the right of the parent or guardian from making educational decisions for the minor, the court shall at the same time appoint a responsible adult to make educational decisions for the child until one of the following occurs: the child turns 18; another responsible adult is appointed to make educational decisions; the right of the parent or guardian to make educational decisions for the minor is fully restored; a successor guardian or conservator is appointed; or the child is placed into long-term foster care, at which time the foster parent shall have the right to represent the child in educational matters.

SB 1677

Principal Code Sections Affected: Education Code section 56028 is amended; Government Code section 7579.5 is amended; Welfare and Institutions Code sections 358, 366, 366.1, 366.3, 706.5 and 727.2 are amended.

This bill requires the local educational agency to appoint a new surrogate parent if a dependent child or ward is moved from the home of the surrogate parent only if necessary to ensure adequate representation of the child. The bill requires that the LEA terminate the appointment of a surrogate parent if they are not properly performing the duties of a surrogate parent or if the person has a conflict of interest. The bill also requires the State Department

of Education to develop a model surrogate parent training module and a manual to be made available to local educational agencies.

SB 1595

Principal Code Sections Affected: Education Code section 51101 is amended; Education Code sections 51101.1 and 51101.2 are added.

This bill adds disciplinary rules and procedures and retention and promotion policies to the list of things which parents have a right to be informed of. Parents have a right to be notified, as early in the school year as practicable, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for the decision to promote or retain their child and to appeal a decision to retain or promote their child.

AB 1859

This bill revises and recasts all of the pupil suspension and expulsion provisions related to the education of a pupil with exceptional needs to conform with the provisions of the Individuals with Disabilities Education Act. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. However, this bill would provide that no reimbursement is required by this act for certain specified reasons.

AB 1901

Principal Code Sections Affected: Education Code sections 48900 and 48900.4 are amended.

This bill includes electronic files and databases within the meaning of "school property" and authorizes a pupil to be suspended or expelled for harassing, threatening or intimidating school district personnel.