

## 2020-21 GOVERNOR'S BUDGET

### SPECIAL EDUCATION REFORMS

#### **Extension for Special Education Assurances Plan Implementation (Amends Education Code Section 56122)**

**SEC 1.** 56122. (a) The Superintendent shall establish guidelines for the development of local plans, including a standard format for local plans, and provide assistance in the development of local plans. The purposes of the guidelines and assistance shall be to help districts and county offices benefit from the experience of other local agencies that implement programs under this part, including, but not limited to, reducing paperwork, increasing parental involvement, improving transparency, and providing effective staff development activities. To the extent possible, all forms, reports, and evaluations shall be designed to satisfy simultaneously state and federal requirements.

(b) On or before July 1, 2019, the department shall develop templates that shall be used by special education local plan areas, districts, and county superintendents of schools to meet the requirements of Sections 56195.1 and 56205.

(c) Commencing July 1, ~~2024~~ 2023, each local plan shall include an annual assurances support plan. The purpose of the annual assurances support plan is to demonstrate how the special education local plan area and its participating agencies are coordinating for purposes of assuring effective outcomes for pupils with disabilities. The department shall develop a template for the annual assurances support plan by July 1, ~~2020~~ 2022. The annual assurances support plan shall include all of the following elements:

(1) A description of how the governing board of the special education local plan area has determined that the special education local plan area will support participating agencies in achieving the goals, actions, and services identified in their local control and accountability plans.

(2) A description of how the governing board of the special education local plan area has determined that the special education local plan area will connect its participating agencies in need of technical assistance to the statewide system of support.

(3) A brief description of the services, technical assistance, and support the governing board of the special education local plan area has determined that it will provide in meeting the requirements under paragraphs (1) to (21), inclusive, of subdivision (a) of Section 56205.

#### **Moratorium on Special Education Local Plan Area (SELPA) Changes and the Creation of Single-District SELPAs (Amends Education Code Section 56195.1)**

**SEC 2.** 56195.1. The governing board of a district shall elect to do one of the following:

(a) (1) If of sufficient size and scope, under standards adopted by the board, submit to the superintendent a local plan for the education of all individuals with exceptional needs residing in the district in accordance with Chapter 3 (commencing with Section 56205).

(2) Commencing with the 2020-21 fiscal year, the governing board of a district shall not submit a local plan for the education of all individuals with exceptional needs residing in the district under the provisions of paragraph (1). This paragraph shall become inoperative on July 1, 2024, or upon the enactment of legislation that repeals or amends this section.

(b) In conjunction with one or more districts, submit to the superintendent a local plan for the education of individuals with exceptional needs residing in those districts in accordance with

Chapter 3 (commencing with Section 56205). The plan shall include, through joint powers agreements or other contractual agreements, all the following:

(1) Provision of a governance structure and any necessary administrative support to implement the plan.

(2) Establishment of a system for determining the responsibility of participating agencies for the education of each individual with exceptional needs residing in the special education local plan area.

(3) Designation of a responsible local agency or alternative administrative entity to perform functions such as the receipt and distribution of funds, provision of administrative support, and coordination of the implementation of the plan. Any participating agency may perform any of these services required by the plan.

(c) Join with the county office, to submit to the superintendent a local plan in accordance with Chapter 3 (commencing with Section 56205) to assure access to special education and services for all individuals with exceptional needs residing in the geographic area served by the plan. The county office shall coordinate the implementation of the plan, unless otherwise specified in the plan. The plan shall include, through contractual agreements, all of the following:

(1) Establishment of a system for determining the responsibility of participating agencies for the education of each individual with exceptional needs residing in the geographical area served by the plan.

(2) Designation of the county office, of a responsible local agency, or of any other administrative entity to perform functions such as the receipt and distribution of funds, provision of administrative support, and coordination of the implementation of the plan. Any participating agency may perform any of these services required by the plan.

(d) The service area covered by the local plan developed under subdivision (a), (b), or (c) shall be known as the special education local plan area.

(e) This section does not limit the authority of a county office and a school district or group of school districts to enter into contractual agreements for services relating to the education of individuals with exceptional needs. Except for instructional personnel service units serving infants, until a special education local plan area adopts a revised local plan approved pursuant to Section 56836.03, the county office of education or school district that reports a unit for funding shall be the agency that employs the personnel who staff the unit, unless the combined unit rate and support service ratio of the nonemploying agency is equal to or lower than that of the employing agency and both agencies agree that the nonemploying agency will report the unit for funding.

(f) A charter school that is deemed a local educational agency for the purposes of special education pursuant to Article 4 (commencing with Section 47640) of Chapter 6 of Part 26.8 shall participate in an approved local plan pursuant to subdivision (a), (b), or (c). A charter school may submit written policies and procedures to the department for approval by the State Board of Education, which establish compliance with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), and implementing regulations, either individually, pursuant to subdivision (a) or with other charter schools pursuant to subdivision (b). The State Board of Education shall review these policies and procedures, based on the criteria established pursuant to Section 56100. Upon approval by the State Board of Education, these written policies and procedures shall become the local plan.

(g) The requirements of this section shall not be waived by the state board pursuant to Section 56101 or any other law.

**Freeze Special Education Funding for Necessary Small SELPAs with Declining Enrollment (Amends Education Code Section 56213 and Adds Education Code Section 56213.5)**

**SEC 3.** 56213. (a) A necessary small special education local plan area, as described in Section 56212, shall receive an additional funding amount pursuant to subdivision (b) if, between the fiscal year in which the computation is made and the prior fiscal year, it declines in both of the following:

(1) Funding calculated pursuant to subdivision (b) of Section 56836.08.

(2) The applicable funded units of average daily attendance, as calculated pursuant to paragraph (3) of subdivision (b) of Section 56836.08.

(b) The additional funding amount shall be calculated as 40 percent of the decline in funded units of average daily attendance multiplied by the applicable amount of funding per unit of average daily attendance calculated pursuant to paragraph (3) of subdivision (b) of Section 56836.08.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.

56213.5 (a) For the 2020-21 fiscal year and each fiscal year thereafter unless a later enacted statute amends or repeals this section, a necessary small special education local plan area, as described in Section 56212, shall receive an additional funding amount equal to the amount received in fiscal year 2019-20 pursuant to subdivision (b) of Section 56213 plus a proportional share of any addition funding provided for this purpose in the Budget Act to the funding received by the necessary small special education local plan area in the 2019-20 fiscal year.

**Extend Reporting Deadlines for the SB 75 Interagency Collaborative (Amends Education Code Section 56477)**

**SEC 4.** 56477.(a) Commencing with the 2019–20 fiscal year, the department shall jointly convene with the State Department of Developmental Services and the State Department of Health Care Services one or more workgroups that include representatives from local educational agencies, appropriate county agencies, regional centers, and legislative staff. The workgroups shall convene for the following purposes:

(1) Improving transition of three-year-old children with disabilities from regional centers to local educational agencies, to help ensure continuity of services for young children and families.

(2) Improving coordination and expansion of access to available federal funds through the Medi-Cal Billing Option Program, the School-based Medi-Cal Administrative Activities Program, and medically necessary federal Early and Periodic Screening, Diagnostic, and Treatment benefits.

(b) On or before October 1, 2020, the workgroups shall provide the chairs of the relevant policy committees and budget subcommittees of the Legislature and the Department of Finance with a progress report which includes all of the following:

(1) A detailed timeline for the implementation of the workgroups, including information on the structure of the workgroups, frequency of meetings, and other relevant information.

(2) Work conducted by each workgroup to date and initial findings, including information gathered, if any, on potential barriers to access the Medi-Cal Billing Option Program, the School-based Medi-Cal Administrative Activities Program, and medically necessary federal Early and Periodic Screening, Diagnostic, and Treatment benefits; and information on potential barriers to ensure smooth transitions for three-year-olds from regional centers to local educational agencies

~~(b)~~ (c) On or before October 1, 2020 2021, the workgroups shall provide the chairs of the relevant policy committees and budget subcommittees of the Legislature and the Department of Finance with a final report which includes recommendations for all of the following:

(1) Strategies to improve the state's performance in meeting federal deadlines for transitioning three-year-old children from individualized family service plans administered by a regional center to individualized education programs administered by a local educational agency.

(2) Best practices for regional centers and local educational agencies to ensure every three-year-old child receives an uninterrupted continuum of support services.

(3) Program requirements and support services needed for the Medi-Cal Billing Option Program, the School-based Medi-Cal Administrative Activities Program, and medically necessary federal Early and Periodic Screening, Diagnostic, and Treatment benefits to ensure ease of use and access for local educational agencies and parity of eligible services throughout the state and country.

~~(e)~~ (d) Recommendations provided pursuant to this section shall include any specific changes needed to state regulations or statute, need for approval of amendments to the state Medicaid plan or federal waivers, changes to implementation of federal regulations, changes to state agency support and oversight, and associated staffing or funding needed to implement recommendations.

#### **Expand the Use of the Educationally-Related Mental Health Services Funding and Freeze Funding at 2019-20 Allocations (Amends Education Code Section 56836.07)**

**SEC 5.** 56836.07 (a) For the 2004–05 fiscal year ~~and each~~ to the 2019-20 fiscal year thereafter, to the extent there is an appropriation in the annual Budget Act for purposes of educationally related mental health services, the Superintendent shall allocate funds per unit of average daily attendance, as defined in Section 56836.06, reported for the special education local plan area. For the 2004–05 fiscal year and each fiscal year thereafter for which there is an appropriation in the annual Budget Act for this purpose, the Superintendent shall determine a proportionate share, consistent with existing law, to the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area based on the ratio of the amount per unit of average daily attendance determined pursuant to Section 56836.10 to the amount of the statewide target per unit of average daily attendance determined pursuant to Section 56836.11.

(b) For the 2020-21 fiscal year and each fiscal year thereafter, to the extent there is a federal fund appropriation in the annual Budget Act for purposes of educationally related mental health services, the Superintendent shall allocate funds per unit of average daily attendance, as defined in Section 56836.06, reported for the special education local plan area for the 2019-20 fiscal year. For the 2020-21 fiscal year and each fiscal year thereafter for which there is an appropriation in the annual Budget Act for this purpose, the Superintendent shall determine a proportionate share, consistent with existing law, to the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area based on the ratio of the amount per unit of average daily attendance for the 2019-20 fiscal year determined pursuant to Section 56836.10 to the amount of the statewide target per unit of average daily attendance for the 2019-20 fiscal year determined pursuant to Section 56836.11.

(c) For the 2020-21 fiscal year and each fiscal year thereafter, to the extent there is an General Fund appropriation in the annual Budget Act for purposes of mental health related services, the Superintendent shall allocate funds per unit of average daily attendance, as defined in Section 56836.06, reported for the special education local plan area for the 2019-20 fiscal year. For the 2020-21 fiscal year and each fiscal year, thereafter for which there is an appropriation in the annual Budget Act for this purpose, the Superintendent shall determine a proportionate share, consistent with existing law, to the Los Angeles County Juvenile Court and Community

School/Division of Alternative Education Special Education Local Plan Area based on the ratio of the amount per unit of average daily attendance for the 2019-20 fiscal year determined pursuant to Section 56836.10 to the amount of the statewide target per unit of average daily attendance for the 2019-20 fiscal year determined pursuant to Section 56836.11.

(d) For the 2020-21 fiscal year and each fiscal year thereafter or until legislation enacted amends this section, the General Fund appropriations made pursuant to subdivision (c) shall be available for all mental health related services, including but not limited to: out-of-home residential services for emotionally disturbed pupils; counseling and guidance services, including counseling, career counseling, personal counseling, and parent counseling and training; psychological services; social work services; behavioral interventions; and other mental health related services not necessarily required by the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

### **Extension for Special Education Out-of-Home Care Funding (Amends Education Code Section 56836.165)**

**SEC 6.** 56836.165. (a) For the 2004–05 fiscal year and each fiscal year thereafter, the Superintendent shall calculate for each special education local plan area an amount based on (1) the number of children and youth residing in foster family homes, small family homes, and foster family agencies, (2) the licensed capacity of group homes licensed by the State Department of Social Services, and (3) the number of children and youth ages 3 to 21 years, inclusive, referred by the State Department of Developmental Services who are residing in skilled nursing facilities or intermediate care facilities licensed by the State Department of Health Care Services and the number of children and youth, ages 3 to 21 years, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services.

(b) The department shall assign each facility described in paragraphs (1), (2), and (3) of subdivision (a) a severity rating. The severity ratings shall be on a scale from 1 to 14. Foster family homes and small family homes shall be assigned a severity rating of 1. Foster family agencies shall be assigned a severity rating of 2. Facilities described in paragraph (2) of subdivision (a) shall be assigned the same severity rating as its State Department of Social Services rate classification level. For facilities described in paragraph (3) of subdivision (a), skilled nursing facilities shall be assigned a severity rating of 14, intermediate care facilities shall be assigned a severity rating of 11, and community care facilities shall be assigned a severity rating of 8.

(c) (1) The department shall establish a “bed allowance” for each severity level. For the 2004–05 fiscal year, the bed allowance shall be calculated as described in paragraph (2). For the 2005–06 fiscal year and each fiscal year thereafter, the department shall increase the bed allowance by the inflation adjustment computed pursuant to Section 42238.1. The department shall not establish a bed allowance for any facility defined in paragraphs (2) and (3) of subdivision (a) if it is not licensed by the State Department of Social Services or the State Department of Health Care Services.

(2) (A) The bed allowance for severity level 1 shall be five hundred two dollars (\$502).

(B) The bed allowance for severity level 2 shall be six hundred ten dollars (\$610).

(C) The bed allowance for severity level 3 shall be one thousand four hundred thirty-four dollars (\$1,434).

(D) The bed allowance for severity level 4 shall be one thousand six hundred forty-nine dollars (\$1,649).

(E) The bed allowance for severity level 5 shall be one thousand eight hundred sixty-five dollars (\$1,865).

(F) The bed allowance for severity level 6 shall be two thousand eighty dollars (\$2,080).

(G) The bed allowance for severity level 7 shall be two thousand two hundred ninety-five dollars (\$2,295).

(H) The bed allowance for severity level 8 shall be two thousand five hundred ten dollars (\$2,510).

(I) The bed allowance for severity level 9 shall be five thousand four hundred fifty-one dollars (\$5,451).

(J) The bed allowance for severity level 10 shall be five thousand eight hundred eighty-one dollars (\$5,881).

(K) The bed allowance for severity level 11 shall be nine thousand four hundred sixty-seven dollars (\$9,467).

(L) The bed allowance for severity level 12 shall be thirteen thousand four hundred eighty-three dollars (\$13,483).

(M) The bed allowance for severity level 13 shall be fourteen thousand three hundred forty-three dollars (\$14,343).

(N) The bed allowance for severity level 14 shall be twenty thousand eighty-one dollars (\$20,081).

(d) (1) For each fiscal year, the department shall calculate an out-of-home care funding amount for each special education local plan area as the sum of amounts computed pursuant to paragraphs (2), (3), and (4). The State Department of Social Services and the State Department of Developmental Services shall provide the State Department of Education with the residential counts identified in paragraphs (2), (3), and (4).

(2) The number of children and youth residing on April 1 in foster family homes, small family homes, and foster family agencies located in each special education local plan area times the appropriate bed allowance.

(3) The capacity on April 1 of each group home licensed by the State Department of Social Services located in each special education local plan area times the appropriate bed allowance.

(4) The number on April 1 of children and youth (A) ages 3 through 21 referred by the State Department of Developmental Services who are residing in skilled nursing facilities and intermediate care facilities licensed by the State Department of Health Care Services located in each special education local plan area times the appropriate bed allowance, and (B) ages 3 to 21 years, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services located in each special education local plan area times the appropriate bed allowance.

(5) Notwithstanding subdivision (b) and paragraphs (2) and (3), for purposes of the out-of-home care funding amount for group homes, foster family homes, small family homes, and foster family agencies for the ~~2017–18, 2018–19, and 2019–20~~ to the 2021-22 fiscal years, the Superintendent shall use the data received from the State Department of Social Services that was used for the funding for the 2016–17 fiscal year.

(e) In determining the amount of the first principal apportionment for a fiscal year pursuant to Section 41332, the Superintendent shall continue to apportion funds from Section A of the State School Fund to each special education local plan area equal to the amount apportioned at the advance apportionment pursuant to Section 41330 for that fiscal year.

(f) Notwithstanding subdivision (b) and paragraph (3) of subdivision (d), for purposes of the 2016–17 fiscal year funding for group homes, the Superintendent shall use the rate classification levels as they exist on December 31, 2016, and the capacity of each group home licensed by the State Department of Social Services located in each special education local plan area on December 31, 2016.

**Freeze the Special Education Extraordinary Cost Pool Funding (Amends Education Code Section 56836.21)**

**SEC 7. 56836.21.** (a) The department shall administer an extraordinary cost pool to protect special education local plan areas from the extraordinary costs associated with single placements as described in subdivision (d). Funds shall be appropriated for this purpose in the annual Budget Act. Special education local plan areas shall be eligible for reimbursement from this pool in accordance with this section.

(b) The threshold amount for claims under this section shall be the lesser of the following: (1) Through the 2019-20 fiscal year, One one percent of the allocation calculated pursuant to Section 56836.08 for the special education local plan area for the current fiscal year for any special education local plan area that meets the criteria in Section 56212. For the 2020-21 fiscal year and each fiscal year thereafter unless legislation is enacted to repeal or amend this section, one percent of the allocation calculated pursuant to Section 56836.08 for the special education local plan area for the 2019-20 fiscal year for any special education local plan area that meets the criteria in Section 56212 for the 2019-20 fiscal year.

(2) The department shall calculate the average cost of a nonpublic, nonsectarian school placement in the 1997–98 fiscal year. This amount shall be multiplied by 2.5, then by one plus the inflation factor computed pursuant to Section 42238.1, as that section read on January 1, 2013, to obtain the alternative threshold amount for claims in the 1998–99 fiscal year. In subsequent fiscal years, the alternative threshold amount shall be the alternative threshold amount for the prior fiscal year multiplied by one plus the inflation factor computed pursuant to Section 42238.1, as that section read on January 1, 2013, through the 2012–13 fiscal year and, commencing with the 2013–14 fiscal year, paragraph (2) of subdivision (d) of Section 42238.02.

(c) Special education local plan areas are eligible to submit claims for costs exceeding the threshold amount on forms developed by the department. All claims ~~for a~~ through the 2018–19 fiscal year shall be submitted by November 30 following the close of the fiscal year. For the 2019-20 fiscal year and each fiscal year thereafter, all claims for a fiscal year shall be submitted by October 30 following the close of the fiscal year. If the total amount claimed by special education local plan areas exceeds the amount appropriated, the claims shall be prorated.

(d) Special education local plan areas are eligible to submit claims for the costs of nonpublic, nonsectarian school placements in excess of those in existence in the 1997–98 fiscal year and of special education and related services for pupils who reside in licensed children's institutions.

**Freeze Special Education Funding for Low Incidence Pupils (Amends Education Code Section 56836.22)**

**SEC 8. 56836.22.** (a) ~~Commencing with~~ For the 1985–86 fiscal year to the 2019-20, and for each fiscal year thereafter, funds to support special education and related services as required under the individualized education program for each pupil with low-incidence disabilities, as defined in Section 56026.5, shall be determined by dividing the total number of pupils with low-incidence disabilities in the state, as reported on December 1 of the prior fiscal year, into the annual appropriation provided for this purpose in the Budget Act.

~~(b)~~ (1) The per-pupil entitlement determined pursuant to subdivision (a) shall be multiplied by the number of pupils with low-incidence disabilities in each special education local plan area to determine the total funds available for each local plan.

(b) For the 2020–21 fiscal year and each fiscal year thereafter, unless legislation is enacted to repeal or amend this section, funds to support special education and related services as required under the individualized education program for each pupil with low-incidence disabilities, as defined in Section 56026.5, shall be determined by dividing the total number of

pupils with low-incidence disabilities in the state, as reported on December 1 of the 2019-20 fiscal year, into the annual appropriation provided for this purpose in the Budget Act.

(1) The per-pupil entitlement determined pursuant to subdivision (a) shall be multiplied by the number of pupils with low-incidence disabilities in each special education local plan area in the 2019-20 fiscal year to determine the total funds available for each local plan.

(c) The Superintendent shall apportion the amount determined pursuant to paragraph (1) of subdivision (a) for the 2019-20 fiscal year or paragraph (1) of subdivision (b) for every fiscal year thereafter to the special education local plan area for purposes of providing special education and related services as required under the individualized education program for each pupil with low-incidence disabilities.

**Freeze Special Education Funding for PS/RS & Necessary Small SELPA PS/RS (Amends Education Code Sections 56836.24 and 56836.31)**

**SEC 9.** 56836.24. (a) Commencing with the 2018–19 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations to determine the amount of funding for the purposes specified in Section 56836.23 for apportionment to each special education local plan area for the fiscal year in which the computation is made:

(1) For the 2018–19 fiscal year, the Superintendent shall make the following computations:

(A) Compute the statewide average for program specialists and regionalized services, exclusive of the amount computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, for the 2012–13 fiscal year.

(B) Multiply the computed amount in subparagraph (A) by one plus the inflation factor for the 2013–14 to 2017–18 fiscal years, inclusive, computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(C) Multiply the amount computed in subparagraph (B) by one plus the inflation factor for the 2018–19 fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(D) Multiply the amount computed in subparagraph (C) by the number of units of average daily attendance upon which funding is based pursuant to subdivision (d) of Section 56836.10 for the special education local plan area.

(2) For the 2019–20 fiscal year ~~and each fiscal year thereafter~~, the Superintendent shall make the following computations:

(A) Multiply the prior fiscal year statewide average amount by one plus the inflation factor for the current fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 56836.08 for the special education local plan area.

(3) For the 2020-21 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations:

(A) Multiply the 2019-20 fiscal year statewide average amount by one plus the inflation factor for the current fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 56836.08 for the special education local plan area for the 2019-20 fiscal year.

(b) For the purposes of this section, a special education local plan area that only includes charter schools shall be apportioned by the Superintendent for each unit of average daily attendance reported pursuant to subdivision (a) of Section 56836.06.



56836.31. (a) To accomplish the activities set forth in Section 56836.23, supplemental funds shall be apportioned to special education local plan areas that are designated as necessary small special education local plan areas in accordance with Section 56212 and that report fewer than 15,000 units of average daily attendance.

(b) For the 2013–14 to 2017–18 fiscal years, inclusive, the Superintendent shall allocate the supplemental amount described in subdivision (a) based on the following computations:

(1) Calculate the difference between the number of units of average daily attendance reported for the necessary small special education local plan area for the current fiscal year and 15,000 units of average daily attendance.

(2) Multiply the amount calculated in paragraph (1) by the rate calculated in subdivision (c).

(c) For the 2013–14 fiscal year, the supplemental rate per unit of average daily attendance shall be fifteen dollars (\$15). For the 2014–15 fiscal year and each fiscal year thereafter, the supplemental rate per unit of average daily attendance shall be fifteen dollars (\$15) multiplied by one plus the inflation factor computed pursuant to subdivision (b) of Section 42238.1 for the current fiscal year.

(d) For the 2018–19 and 2019–20 fiscal year ~~and each fiscal year thereafter~~, the Superintendent shall allocate the supplemental amount described in subdivision (a) based on the following computations:

(1) Calculate the difference between the number of units of average daily attendance determined pursuant to Section 56836.24 for the necessary small special education local plan area and 15,000 units of average daily attendance.

(2) For the 2018–19 fiscal year, the supplemental rate per unit of average daily attendance shall be the rate computed pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 56836.24. For the 2019–20 fiscal year ~~and each fiscal year thereafter~~, the supplemental rate per unit of average daily attendance shall be the rate computed pursuant to subparagraph (A) of paragraph (2) of subdivision (a) of Section 56836.24.

(3) Multiply the amount calculated in paragraph (1) by the rate calculated in paragraph (2).

(e) For the 2020–21 fiscal year and each fiscal year thereafter, the Superintendent shall allocate the supplemental amount described in subdivision (a) based on the following computations:

(1) Take the difference calculated pursuant to paragraph (1) of subdivision (d) for the 2019–20 fiscal year and multiply it by the supplemental rate per unit of average daily attendance computed pursuant to subparagraph (A) of paragraph (3) of subdivision (a) of Section 56836.24.

### **Special Education Early Intervention Preschool Grant (Amends Education Code Section 56836.40 and Adds Education Code Section 56836.41)**

**SEC 10.** 56836.40. (a) ~~For any fiscal year in which moneys are appropriated for purposes of this section~~ the 2019–20 fiscal year, the Superintendent shall make the following computations to determine the amount of funding for each school district for the special education early intervention preschool grant:

(1) For each school district, determine the total number of preschool children with exceptional needs residing in that school district using prior December special education data.

(2) The sum of the totals determined pursuant to paragraph (1) is the total statewide number of preschool children with exceptional needs for the applicable year.

(3) Calculate a per pupil special education early intervention preschool grant by dividing the amount appropriated in the annual Budget Act for purposes of this section by the total number of preschool children with exceptional needs calculated in paragraph (2).

(4) Calculate the special education early intervention preschool grant for each school district by multiplying the per pupil grant calculated in paragraph (3) by the total amount of preschool children with exceptional needs in paragraph (1).

(5) The Superintendent shall allocate the amount of funds calculated for each school district in paragraph (4) to the applicable school district.

(b) It is the intent of the Legislature that funds allocated pursuant to this section are unrestricted in nature.

(c) For purposes of this section, the following definitions shall apply:

(1) "Preschool child with exceptional needs" means a child between the ages of three and five years, inclusive, that has been identified as an individual with exceptional needs, as defined in Section 56026, and is receiving individualized education program services, except those enrolled in kindergarten or a transitional kindergarten program.

(2) "Transitional kindergarten" means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

56836.41. (a) For the 2020-21 fiscal year, the Superintendent shall make the following computations to determine the amount of funding for each school district for the special education early intervention preschool grant:

(1) For each school district, determine the total number of preschool children with exceptional needs residing in that school district using prior December special education data.

(2) The sum of the totals determined pursuant to paragraph (1) is the total statewide number of preschool children with exceptional needs for the applicable year.

(3) Calculate a per pupil special education early intervention preschool grant by dividing the amount appropriated in the annual Budget Act for purposes of this section by the total number of preschool children with exceptional needs calculated in paragraph (2).

(4) Calculate the special education early intervention preschool grant for each school district by multiplying the per pupil grant calculated in paragraph (3) by the total amount of preschool children with exceptional needs in paragraph (1).

(5) The Superintendent shall allocate the amount of funds calculated for each school district in paragraph (4) to the applicable school district.

(b) It is the intent of the Legislature that funds allocated pursuant to this section supplement existing special education resources currently required to be provided pursuant to federal and state law. This funding may be used to provide services and supports determined to improve school readiness and long-term outcomes for students including, but not limited to, all of the following:

(1) Early intervention services, including preschool and supportive services for young children who are not meeting age-appropriate developmental milestones, or other supports or services not identified in an individualized education program or individualized family support plan, but are determined to benefit the future educational outcomes of the child.

(2) One-time programs or resources for individuals with exceptional needs that are not medically or educationally necessary as to be required in an individualized education program or in an individualized family support plan, but which a local educational agency believes will have a positive impact on a young child.

(3) Strategies to improve student outcomes identified through the state system of support and other activities to build upon or expand local multi-tiered systems of support, including inclusive educational programming that ensures a student's right to placement in the least restrictive educational environment.

(4) Wraparound services for preschool children with exceptional needs not required by federal or state law, but which a local educational agency believes will have a positive impact on a young child.

(5) New or expanded services for preschool children with exceptional needs as determine by a new or expanded IEP pursuant to federal IDEA law.

(c) For purposes of this section, the following definitions shall apply:

(1) “Preschool child with exceptional needs” means a child between the ages of three and five years, inclusive, that has been identified as an individual with exceptional needs, as defined in Section 56026, and is receiving individualized education program services, except those enrolled in kindergarten or a transitional kindergarten program.

(2) “Transitional kindergarten” means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

### **Special Education Governance and Accountability Study (Adds Uncodified Section)**

**SEC 11.** (a) For the 2020–21 fiscal year, the sum of five hundred thousand dollars (\$500,000) is hereby appropriated to the Superintendent for allocation to a county office of education to contract for a study with a California postsecondary educational institution or a non-governmental research institution that will examine special education governance and accountability in the manner, and for the purposes, set forth in this section.

(b) The county office of education shall be selected by the executive director of the State Board of Education no later than September 1, 2020. The selection shall be based on the county office of education’s ability to commission a fair, unbiased study, work collaboratively with a California postsecondary educational institution or a non-governmental research institution, and meet the specified deadlines.

(c) The study shall include, but not be limited to, an examination of the state’s current governance and accountability structure for students with exceptional needs and recommendations regarding improvements in the following areas:

(1) Delivering special education services and supports.

(2) Improving student outcomes.

(3) Ensuring an equitable distribution of special education supports and services to local educational agencies.

(4) Identifying strategies and challenges for funding and supports in the current model and recommended models.

(e) On or before October 1, 2021, the selected county office of education shall provide the chairs of the relevant policy committees and budget subcommittees of the Legislature, the executive director of the State Board of Education or their designee, the Superintendent of Public Instruction, and the Director of Finance with a report prepared by the research entity regarding the results of the study in the areas specified in subdivision (c).

### **Special Education Alternative Pathways to a Diploma Workgroup (Adds Uncodified Section)**

**SEC 12.** (a) For the 2020-21 fiscal year, the sum of two hundred and fifty thousand dollars (\$250,000) is hereby appropriated from the General Fund to the Superintendent of Public Instructions to be allocated to a local education agency selected pursuant to subdivision (b) for the convening of a workgroup that will examine and propose alternate pathways to a high school diploma for students with disabilities.

(b) On or before September 1, 2020, the Superintendent in consultation with the executive director of the State Board of Education shall select a local educational agency based on their ability to work collaboratively with the Department of Education and to contract with a non-governmental organization to facilitate and manage the workgroup for the manner, and for the purposes, set forth in this section.

(c) The workgroup shall include, but not be limited to, representatives of the Department of Rehabilitation, the Department of Developmental Services, local educational agencies, special education local plan areas, legislative staff, and relevant state and national policy experts and shall examine and develop recommendations regarding the following matters:

- (1) Studying existing and developing new alternate pathways for students with disabilities to access the core curriculum in order to satisfy the requirements for a high school diploma.
- (2) Developing an alternate diploma aligned to the state's alternate achievement standards for students with significant cognitive disabilities, consistent with federal law.
- (3) Other related matters as necessary to meet the purpose set forth in this section.
- (d) On or before October 1, 2021, the local educational agency shall provide the chairs of the relevant policy committees and budget subcommittees of the Legislature, the executive director of the State Board of Education or their designee, the Superintendent of Public Instruction, and the Director of Finance with a report prepared with the non-governmental organization with recommendations in the areas identified in subdivision (c).

### **Special Education IEP Template Workgroup (Adds Uncodified Section)**

**SEC 13.** (a) For the 2020-21 fiscal year, the sum of three hundred and fifty thousand dollars (\$350,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to a local educational agency selected pursuant to subdivision (b) for the convening of a workgroup that will design a state standardized individualized education program (IEP) template.

(b) On or before September 1, 2020, the Superintendent in consultation with the executive director of the State Board of Education shall select a local educational agency based on their ability to work collaboratively with the Department of Education and to contract with a non-governmental organization to facilitate and manage the workgroup for the manner, and for the purposes, set forth in this section.

(c) The workgroup shall include, but not be limited to, representatives of the Department of Rehabilitation, the Department of Developmental Services, local educational agencies, special education local plan areas, legislative staff, and relevant state and national policy experts and shall examine and make recommendations regarding the following matters:

(1) Ensuring the individualized education program development and periodic review processes are designed to improve student outcomes by capturing student strengths and needs, and informing learning strategies that support instruction aligned to state standards.

(2) Designing a state standardized individualized education program template that provides information about student strengths, needs, and learning strategies.

(3) Supporting transition planning with early learning and postsecondary options.

(iv) Assessing the feasibility of a web-based statewide individualized education program system to house a statewide template.

(d) To the extent practicable, the workgroup will leverage findings from the Interagency Cooperation workgroup to strengthen Part C to Part B transitions, established pursuant to Section 56477.

(e) On or before October 1, 2021, the fiscal agent shall provide the chairs of the relevant policy committees and budget subcommittees of the Legislature, the executive director of the State Board of Education or their designee, the Superintendent of Public Instruction, and the Director of Finance with a report prepared with the non-government organization with recommendations of the areas identified in subdivision (c).

### **Dyslexia Research, Training, and Statewide Conference (Adds Uncodified Section)**

**SEC 14.** The Legislature finds and declares both of the following:

(a) (1) Students with dyslexia and other forms of specific learning disabilities often goes undiagnosed until the student is failing in school, many are never diagnosed and never receive services. Early identification and intervention with student showing signs of dyslexia are critical for improving outcomes.

The most effective treatment for students who struggle with reading and related language problems is early diagnosis and skilled teaching. For that reason, it is critical that educators receive evidenced-based practices and strategies informed by research to reduce the impact on long-term educational outcomes.

The California Dyslexia Guidelines, developed by the Department of Education as required by Chapter 647, Statutes of 2015 (AB 1369) provides guidelines for educators, parents, and other stakeholders in identifying, assessing, and supporting students with dyslexia. While these guidelines created a road map for supporting students with dyslexia, it was developed prior to the establishment of the statewide system of support and is not integrated into the supports. To ensure existing research and available resources leads into improved outcomes for these students, the state must invest in a statewide effort to build upon the Dyslexia Guidelines and to disseminate the knowledge and information of best practices throughout the state system of support.

(2) The statewide system of support established pursuant to Section 52059.5 of the Education Code should include expertise and resources to help school districts improve their ability to identify signs of dyslexia and specific learning disabilities as early as possible and to provide evidenced-based supports and services to students once identified.

(b) The California Dyslexia Initiative is hereby established for the purpose of all of the following:

(1) Build capacity in the state system of support for local school districts, county offices of education, and charter schools to provide early intervention services and supports for students with specific learning disabilities, such as dyslexia, with a focus on improving outcomes for students in all education settings.

(2) Identify effective models for diagnosis and treatment of specific learning disabilities.

(3) Develop effective professional development for educators on evidenced-based instruction and strategies informed by research to reduce the impact on long-term educational outcomes.

(4) Develop effective partnerships between school districts, county offices of education, and charter schools in utilizing the state system of support structure administered by the California Collaborative for Educational Excellence and the resources of the Department of Education, to disseminate lessons learned from the XXX identified in paragraph (1) and the models identified in paragraph (2).

(5) Conduct a statewide conference to disseminate the resources, information and models identified in paragraphs (1) through (4).

(c) By September 1, 2020, the State Department of Education and the California Collaborative for Educational Excellence, with approval from the executive director of the State Board of Education, shall designate a county office of education to administer the California Dyslexia Initiative in direct consultation with the Department of Education, the California Collaborative for Educational Excellence, and the postsecondary educational institution selected pursuant to subdivision (d). The designated county office of education for this work shall demonstrate a willingness and capacity to do all of the following:

(1) Work collaboratively with the California Collaborative for Educational Excellence, the Department of Education, and the selected postsecondary education institution selected pursuant to subdivision (d) to further the purposes of the California Dyslexia Initiative identified in subdivision (b).

(2) Communicate regularly with the State Department of Education, and the California Collaborative for Educational Excellence.

(3) Document the outcomes of the activities authorized by this section through the duration of the California Dyslexia Initiative and in partnership with the California Collaborative for Educational Excellence, to ensure the resources, research, and professional development models developed are available through the state system of support and align with other statewide initiatives.

(4) Play a leadership role in the California Dyslexia Initiative.

(d) The designated county office of education shall contract with a California postsecondary educational institution, selected in consultation with the executive director of the State Board of Education, to expand the state's dyslexia and specific learning disabilities early identification and evidenced-based best practices for supports and services in furtherance of the California Dyslexia Initiative. The postsecondary educational institution shall be selected no later than December 1, 2020.

(e) The designated county offices of education and the selected postsecondary educational institution shall identify existing evidence-based resources, professional development activities, and other efforts currently available at the state, federal, and local levels as well as develop new evidence-based resources and activities designed to help local educational agencies across the state identify and provide services and supports to students with dyslexia or a specified learning disability as defined in Section XXX of the Education Code to do, among other things, all of the following:

(1) Develop professional development through train-the-trainer models, or online training modules.

(2) Provide technical assistance to local educational agencies.

(3) Develop a network of educators who can provide coaching and training to other local educational agencies.

(4) Provide stipends for school personnel to attend a statewide conference.

(5) Develop evaluation tools to measure the effectiveness of evidence-based strategies identified.

(g) By January 1, 2021, and using funds identified in the expenditure plan in subdivision (h) for this purpose, the designated county office of education, the selected postsecondary educational institution, and the California Collaborative for Educational Excellence shall convene a statewide conference pursuant to paragraph (5) of subdivision (b).

(h) The sum of four million dollars (\$4,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to the designated county office of education for the California Dyslexia Initiative create pursuant to this section. The designated county offices of education may use up to five hundred thousand dollars (\$500,000) in total to administer the program. The designated county office shall submit an expenditure plan including the estimate allocation to the postsecondary educational institution and the statewide conference pursuant to subdivision (g) to the Department of Finance for approval before January, 20, 2021. The approved expenditure plan shall become operative no sooner than 30 days after notification in writing is provided to the Joint Legislative Budget Committee. The designated county offices of education shall encumber or expend the funds allocated pursuant to this subdivision by June 30, 2022.

(i) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2019-20 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2019-20 fiscal year.

### **Appropriations Related to the Budget Bill (Adds Uncodified Section)**

**SEC 15.** This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.