

**ASSEMBLY BILL**

**No. 1120**

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**Introduced by Assembly Member Bates**

February 23, 2001

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An act to amend Section 56841 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1120, as introduced, Bates. Special Education.

Existing law requires that federal funds available through Part B of the Individuals with Disabilities Education Act and appropriated through the annual Budget Act are to be used to supplement state, local, and other federal funds and not supplant those funds, except as specified.

This bill would make technical, nonsubstantive, changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 56841 of the Education Code is  
2 amended to read:  
3 56841. (a) Federal funds available through Part B of the  
4 *federal* Individuals with Disabilities Education Act (20 U.S.C.  
5 Sec. 1400 et seq.) and appropriated through the annual Budget Act  
6 shall only be used as follows:  
7 (1) For the excess costs of special education.

1 (2) To supplement state, local, and other federal funds and not  
2 to supplant those funds.

3 (b) Except as provided in subdivisions (c) and (d), the funds  
4 shall not be used to reduce the level of expenditures for the  
5 education of individuals with exceptional needs made by districts,  
6 special education local plan areas, and county offices from local  
7 funds below the level of those expenditures in the preceding fiscal  
8 year.

9 (c) Notwithstanding subdivision (b), a district, special  
10 education local plan area, or county office may reduce the level of  
11 expenditures from local funds where the reduction is attributable  
12 to the following:

13 (1) The voluntary departure, by retirement or otherwise, or  
14 departure for just cause, of special education personnel.

15 (2) A decrease in the enrollment of individuals with  
16 exceptional needs.

17 (3) The termination of the obligation of the district, special  
18 education local plan area, and county office, consistent with this  
19 part, to provide a program of special education to an individual or  
20 individuals with exceptional needs.

21 (4) The termination of costly expenditures for long-term  
22 purchases, such as the acquisition of equipment or the construction  
23 of facilities.

24 (d) Notwithstanding the provisions of subdivisions (a) and (b),  
25 for any fiscal year in which the amounts appropriated by Congress  
26 for the purposes of Section 1411 of Title 20 of the United States  
27 Code exceed four billion one hundred million dollars  
28 (\$4,100,000,000), a district, special education local plan area, or  
29 county office, may reduce expenditures from local funds for the  
30 education of individuals with exceptional needs by an amount that  
31 shall not exceed 20 percent of the amount of federal funds  
32 available under Part B of the *federal* Individuals with Disabilities  
33 Education Act (20 U.S.C. Sec. 1400 et seq.) and allocated to the  
34 district, special education local plan area, and county office which  
35 exceeds the amount of these funds received by the district, special  
36 education local plan area, or county office in the preceding fiscal  
37 year.

38 (e) A district, special education local plan area, or county office  
39 may reduce expenditures from local funds for the education of  
40 individuals with exceptional needs pursuant to subdivision (d)



1 only if the superintendent determines that the district, special  
2 education local plan area, or county office is meeting the  
3 requirements of this part and the requirements of the *federal*  
4 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400  
5 et seq.) regarding the education of individuals with exceptional  
6 needs.

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