

AMENDED IN SENATE JULY 10, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 485**

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**Introduced by Assembly Member Solorio**

February 20, 2007

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An act to amend Section 56366.4 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 485, as amended, Solorio. Special education: nonpublic, nonsectarian schools and agencies: certification revocation.

Existing law sets forth a method for providing special education and related services to pupils with exceptional needs. ~~Existing law also permits, under~~ *Under* certain circumstances, contracts *are permitted* to be entered for the provision of those services by nonpublic, nonsectarian schools or agencies, as defined. Existing law authorizes a master contract for special education and related services provided by a nonpublic, nonsectarian school or agency only if the school or agency has been certified by the Superintendent of Public Instruction as meeting specified standards. ~~Existing law authorizes the~~ *The Superintendent is authorized* to revoke or suspend the certification of a nonpublic, nonsectarian school or agency for any of specified reasons.

This bill would prohibit a nonpublic, nonsectarian school or agency whose certification has been revoked, and certain other administrators and entities involved with the school or agency, from being eligible to apply for recertification for 2 years from the revocation date.

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

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

1 SECTION 1. Section 56366.4 of the Education Code is  
2 amended to read:  
3 56366.4. (a) The Superintendent may revoke or suspend the  
4 certification of a nonpublic, nonsectarian school or agency for any  
5 of the following reasons:  
6 (1) Violation of an applicable state or federal rule or regulation,  
7 or aiding, abetting, or permitting the violation of an applicable  
8 state or federal rule or regulation.  
9 (2) Falsification or intentional misrepresentation of an element  
10 of the application, pupil records, or program presented for  
11 certification purposes.  
12 (3) Conduct in the operation or maintenance of the nonpublic,  
13 nonsectarian school or agency that is harmful to the health, welfare,  
14 or safety of an individual with exceptional needs.  
15 (4) Failure to comply with a provision in the contract with the  
16 local educational entity.  
17 (5) Failure to notify the department in writing of any of the  
18 following within 45 days of the occurrence:  
19 (A) Changes in credentialed, licensed, or registered staff who  
20 render special education and related services, ownership,  
21 management, or control of the nonpublic, nonsectarian school or  
22 agency.  
23 (B) Major modification or relocation of facilities.  
24 (C) Significant modification of the nonpublic, nonsectarian  
25 school or agency program.  
26 (6) Failure to implement recommendations and compliance  
27 requirements following an onsite review of the school or agency.  
28 (7) Failure to provide appropriate services, supplies, equipment,  
29 or facilities for a pupil as required in his or her individualized  
30 education program.  
31 (8) Failure to notify the Superintendent in writing within 10  
32 days of the revocation or suspension of a license or permit  
33 including, but not limited to, a residential care license, business  
34 license, or other required license or permit.

1 (9) Failure to implement a pupil's individualized education  
2 program.

3 (10) Failure to notify the Superintendent in writing within 10  
4 days of the death of a pupil or any other individual of unnatural  
5 causes within the school or agency, including the circumstances  
6 surrounding the death and appropriate preventative measures being  
7 taken or recommended.

8 (b) The Superintendent shall notify contracting local educational  
9 agencies and the special education local plan area in which the  
10 nonpublic, nonsectarian school or agency is located of the  
11 determination to suspend or revoke state certification.

12 (c) If the Superintendent determines that a nonpublic,  
13 nonsectarian school or agency has violated the certification  
14 requirements pursuant to this section and revokes the certification,  
15 the nonpublic, nonsectarian school or agency; the site administrator,  
16 business, organization, or entity involved in the administration of  
17 the nonpublic, nonsectarian school or agency whose certification  
18 was revoked; and the site administrator, business, organization, or  
19 entity whose nonpublic, nonsectarian school or agency certification  
20 was revoked at any time previously, shall not be eligible to apply  
21 for recertification of the school or agency for two full years from  
22 the date of revocation. ~~A revoked certification of a nonpublic,  
23 nonsectarian school or agency shall not be waived pursuant to  
24 Section 56101.~~