

AMENDED IN SENATE AUGUST 22, 2008
AMENDED IN SENATE AUGUST 4, 2008
AMENDED IN SENATE JULY 1, 2008
AMENDED IN SENATE JUNE 11, 2008
AMENDED IN ASSEMBLY MARCH 24, 2008
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2783

**Introduced by Assembly Members Plescia and Portantino
(Coauthors: Assembly Members Hancock and Lieu)**

February 22, 2008

An act to add Section 56344.1 to the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2783, as amended, Plescia. Special education: foster children: assessment and individualized education program.

Existing law establishes a 60-day timeframe, commencing with receipt by a local educational agency of parental consent for a special education assessment, within which the agency is required to determine whether a child is an individual with exceptional needs, to determine the educational needs of the child, to conduct an individualized education program team meeting, and to develop an individualized education program (IEP) that is required as a result of the assessment. Existing law provides that certain specified days are not counted toward the 60-day timeframe for purposes of developing the IEP.

This bill, notwithstanding those provisions, would require a local educational agency to determine whether a pupil who is placed in a rate classification level 12, 13, or 14 group home or a community treatment facility is eligible for special education services and to complete an IEP for the pupil within 20 administrative working days, *not counting days between the pupil's regular school sessions, terms, or days of school vacation, in excess of 5 schooldays* from the date of receipt of the special education assessment plan prepared for the pupil and signed by the person holding the right to make educational decisions for the pupil.

By requiring local educational agencies to provide a higher level of service by performing duties in a shorter timeframe than is required by existing law, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Chapter 862 of the Statutes of 2003 (Assembly Bill 490)
- 4 and Chapter 914 of the Statutes of 2004 (Assembly Bill 1858)
- 5 established important provisions ensuring the education rights of
- 6 pupils placed in the foster care system. It is the intent of this act
- 7 to support all of the provisions set forth in those statutes and to
- 8 expand upon the provisions for pupils who have been placed in
- 9 the most restrictive levels of care, specifically rate classification
- 10 level 12, 13, or 14 group homes and community treatment facilities.
- 11 (b) Pupils who experience a sudden, pervasive, or prolonged
- 12 trauma that results in placement in a rate classification level 12,
- 13 13, or 14 group home or community treatment facility often also
- 14 experience significant disruption in their living and school
- 15 placements during a school year.

1 (c) It is not uncommon for a pupil to experience a change in
2 residential placement during the referral and assessment process
3 for special education services.

4 (d) It is critical that these pupils be assessed as comprehensively
5 and expeditiously as possible in order to allow them to be educated
6 appropriately in the least restrictive environment.

7 (e) It is therefore the intent of the Legislature in enacting this
8 act to ensure that the process to develop an individualized education
9 program for a pupil described in this section is accomplished as
10 quickly as possible once a formal consent for a special education
11 assessment has been submitted and the recommended *special*
12 *education* assessment plan has been signed by the person holding
13 the right to make educational decisions for the pupil.

14 SEC. 2. Section 56344.1 is added to the Education Code, to
15 read:

16 56344.1. (a) Notwithstanding any other provision of law, a
17 local educational agency shall do both of the following within 20
18 ~~administrative working days~~ *working days, not counting days*
19 *between the pupil's regular school session, terms, or days of school*
20 *vacation, in excess of five schooldays* from the date of receipt of
21 a special education assessment plan that is prepared for a pupil
22 placed in a rate classification level 12, 13, or 14 group home or a
23 community treatment facility and signed by the person holding
24 the right to make educational decisions for the pupil:

25 (a)

26 (1) Determine whether the pupil is eligible for special education
27 services.

28 (b)

29 (2) Complete the individualized education program for the pupil.

30 (b) *The 20-day time period shall not apply to a local educational*
31 *agency if all of the following apply:*

32 (1) *In the opinion of the local educational agency, additional*
33 *time is needed in order to conduct a thorough assessment.*

34 (2) *The parent or the person holding the right to make*
35 *educational decisions for the pupil agrees to the additional time*
36 *in writing.*

37 (3) *The local educational agency has complied with all of the*
38 *provisions of paragraph (4) of subdivision (d) of Section 48853.5.*

39 SEC. 3. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

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