

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1296

Introduced by Assembly Member Blumenfield
(Coauthor: Senator Wolk)

February 27, 2009

~~An act to amend Section 4648.4 of the Welfare and Institutions Code, relating to developmental services. An act to amend Section 56366.10 of the Education Code, relating to special education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1296, as amended, Blumenfield. ~~Developmental services: regional centers. Special education: nonpublic, nonsectarian schools.~~

Existing law requires that services provided by nonpublic, nonsectarian schools and agencies be made available to local educational agencies and parents for the purpose of providing alternative special education services to individuals with exceptional needs. Existing law requires a nonpublic, nonsectarian school that provides special education and related services to an individual with exceptional needs to certify in writing to the Superintendent of Public Instruction that the school satisfies various requirements, including, among others, that it will not accept a pupil with exceptional needs if it cannot provide or ensure the provision of the services outlined in the pupil's individualized education program (IEP).

This bill would revise that requirement regarding pupil acceptance to allow a nonpublic, nonsectarian school to accept a pupil if the local educational agency and the parent or guardian of the pupil agree that the pupil may be accepted when, on a temporary basis, the nonpublic,

nonsectarian school cannot provide one or more of the services outlined in the pupil's IEP due to a shortage of qualified professionals.

Under existing law, the State Department of Developmental Services provides funding for regional centers for the provision or purchase of services and supports to persons with developmental disabilities.

~~Existing law, with certain exceptions, prohibits a regional center from paying any provider of specified services a rate that is greater than the rate that is in effect on June 30, 2008, unless the increase is required by contract between the regional center and the vendor that is in effect on June 30, 2008.~~

~~This bill would make technical, nonsubstantive changes to the above 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 56366.10 of the Education Code is
2 amended to read:

3 56366.10. In addition to the certification requirements set forth
4 in Sections 56366 and 56366.1, a nonpublic, nonsectarian school
5 that provides special education and related services to an individual
6 with exceptional needs shall certify in writing to the Superintendent
7 that it meets all of the following requirements:

8 (a) It will not accept a pupil with exceptional needs if it cannot
9 provide or ensure the provision of the services outlined in the
10 pupil's individualized education program, *unless the local*
11 *educational agency and the parent or guardian of the pupil agree*
12 *that the pupil may be accepted when, on a temporary basis, the*
13 *nonpublic, nonsectarian school cannot provide one or more of the*
14 *services due to a shortage of qualified professionals.*

15 (b) Pupils have access to the following educational materials,
16 services, and programs that are consistent with each pupil's
17 individualized education program:

18 (1) (A) For kindergarten and grades 1 to 8, inclusive,
19 state-adopted, standards-based, core curriculum and instructional
20 materials.

21 (B) For grades 9 to 12, inclusive, standards-based, core
22 curriculum and instructional materials used by any local

1 educational agency that contracts with the nonpublic, nonsectarian
2 school.

3 (2) College preparation courses.

4 (3) Extracurricular activities, such as art, sports, music, and
5 academic clubs.

6 (4) Career preparation and vocational training, consistent with
7 transition plans pursuant to state and federal law.

8 (5) Supplemental assistance, including individual academic
9 tutoring, psychological counseling, and career and college
10 counseling.

11 (c) The teachers and staff provide academic instruction and
12 support services to pupils with the goal of integrating pupils into
13 the least restrictive environment pursuant to federal law.

14 (d) The school has and abides by a written policy for pupil
15 discipline which is consistent with state and federal law and
16 regulations.

17 ~~SECTION 1. Section 4648.4 of the Welfare and Institutions~~
18 ~~Code is amended to read:~~

19 ~~4648.4. (a) Notwithstanding any other provision of law or~~
20 ~~regulation, commencing July 1, 2006, rates for services listed in~~
21 ~~paragraphs (1), (2), with the exception of travel reimbursement,~~
22 ~~(3) to (8), inclusive, (10), and (11) of subdivision (b), shall be~~
23 ~~increased by 3 percent, subject to funds that are specifically~~
24 ~~appropriated for this increase in the Budget Act of 2006. The~~
25 ~~increase shall be applied as a percentage, and the percentage shall~~
26 ~~be the same for all providers. Any subsequent change shall be~~
27 ~~governed by subdivision (b).~~

28 ~~(b) Notwithstanding any other provision of law or regulation,~~
29 ~~except for subdivision (a), no regional center may pay any provider~~
30 ~~of the following services or supports a rate that is greater than the~~
31 ~~rate that is in effect on or after June 30, 2008, unless the increase~~
32 ~~is required by a contract between the regional center and the vendor~~
33 ~~that is in effect on June 30, 2008, or the regional center~~
34 ~~demonstrates that the approval is necessary to protect the~~
35 ~~consumer's health or safety and the department has granted prior~~
36 ~~written authorization:~~

37 ~~(1) Supported living services.~~

38 ~~(2) Transportation, including travel reimbursement.~~

39 ~~(3) Socialization training programs.~~

40 ~~(4) Behavior intervention training.~~

- 1 ~~(5) Community integration training programs.~~
- 2 ~~(6) Community activities support services.~~
- 3 ~~(7) Mobile day programs.~~
- 4 ~~(8) Creative art programs.~~
- 5 ~~(9) Supplemental day services program supports.~~
- 6 ~~(10) Adaptive skills trainers.~~
- 7 ~~(11) Independent living specialists.~~

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