

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 9, 2010

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2721

Introduced by Assembly Member Blakeslee

February 19, 2010

An act to add and repeal Section 56510 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2721, as amended, Blakeslee. Special education disputes: report.

Existing law establishes the right of individuals with exceptional needs to a free appropriate public education and ensures the right to special education and related services. Existing law requires that a pupil with exceptional needs be accommodated through the creation and implementation of an individualized education ~~plan~~ *program*. Existing law establishes procedural safeguards under state and federal law to be established and maintained by agencies that provide education and related services to children who are individuals with exceptional needs, including procedural requirements for parties to special education disputes.

This bill would require the Superintendent of Public Instruction, in consultation with specified other entities, to prepare a report identifying options for reducing administrative and legal costs borne by local educational agencies *and parents* resulting from disputes and litigation

over the adequacy and administration of individualized education ~~plans~~ *programs*. This bill would require the ~~superintendent~~ *Superintendent* to submit an interim report to the Legislature by July 1, 2011, and a final report to the Legislature by December 1, 2011. The provisions of this bill would be repealed on December 1, 2015.

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 56510 is added to the Education Code,
2 to read:

3 56510. (a) The Superintendent, in consultation with the
4 Secretary for Education, the state board, the Department of Finance,
5 each house of the California Legislature, local educational agencies
6 or their representatives, school counselors, elementary and
7 secondary education teachers, teachers of pupils with special needs,
8 representatives from special education local plan areas, parents
9 and advocates of pupils with special needs, representatives of
10 governing boards of local educational agencies, and others deemed
11 appropriate by the Superintendent, shall prepare a report identifying
12 options for reducing administrative and legal costs borne by local
13 educational agencies *and parents* resulting from disputes and
14 litigation over the adequacy and administration of individualized
15 education ~~plans~~ *programs*. The report shall include all of the
16 following:

17 (1) The protections afforded to every pupil under state and
18 federal law that establish the right of individuals with exceptional
19 needs to a free appropriate public education, and the right to a fair
20 hearing when an individualized education ~~plan~~ *program* provided
21 by the local educational agency is disputed by a pupil's
22 representative.

23 (2) Regulations, policies, and practices that may reduce the
24 frequency of litigation, and the associated administrative and legal
25 costs borne by local educational agencies *and parents*.

26 (3) The current cost and budgetary implications of special
27 education litigation borne by local educational agencies across the
28 state.

29 (4) Recommendations to improve the development, approval,
30 administration, and monitoring of individualized education ~~plans~~

1 *programs* so that funding allocated to local educational agencies
2 is spent more efficiently on pupil education, and expenditures on
3 administrative and legal costs associated with resolving
4 individualized education ~~plan~~ *program* disputes are reduced.

5 (5) Possible roles and responsibilities of other departments or
6 agencies to reduce the cost of litigation borne by local educational
7 agencies.

8 (6) Strategies for increasing the use and effectiveness of
9 alternative dispute resolution and other litigation alternatives.

10 (b) The Superintendent shall use existing state resources and
11 federal funds to prepare the interim and final reports.

12 (c) The Superintendent shall submit an interim report to the
13 Legislature on the status of the final report and any preliminary
14 recommendations no later than July 1, 2011. The Superintendent
15 shall submit a final report with recommendations to the Legislature
16 and the Governor no later than December 1, 2011.

17 (d) (1) A report to be submitted pursuant to this section shall
18 be submitted in compliance with Section 9795 of the Government
19 Code.

20 (2) Pursuant to Section 10231.5 of the Government Code, this
21 section is repealed on December 1, 2015.