

**ASSEMBLY BILL**

**No. 2659**

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**Introduced by Committee on Education (Assembly Members  
O'Donnell (Chair), Olsen (Vice Chair), Kim, McCarty, Santiago,  
Thurmond, and Weber)**

February 19, 2016

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An act to amend Sections 56030.5, 56337.5, 56339, 56426.6, and 56441.11 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2659, as introduced, Committee on Education. Special education.

Existing law requires a free appropriate public education to be made available to individuals with exceptional needs in accordance with specified federal regulations adopted pursuant to the federal Individuals with Disabilities Education Act.

This bill would make changes to conform state statutes to federal regulations and would update cross-references to state regulations adopted pursuant to federal regulations.

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 56030.5 of the Education Code is  
2 amended to read:  
3 56030.5. "Severely disabled" means individuals with  
4 exceptional needs who require intensive instruction and training  
5 in programs serving pupils with the following profound disabilities:  
6 autism, blindness, deafness, severe orthopedic impairments, ~~serious~~

1 emotional disturbances, severe intellectual disability, and those  
2 individuals who would have been eligible for enrollment in a  
3 development center for handicapped pupils under Chapter 6  
4 (commencing with Section 56800), as it read on January 1, 1980.

5 SEC. 2. Section 56337.5 of the Education Code is amended to  
6 read:

7 56337.5. (a) A pupil who is assessed as being dyslexic and  
8 meets eligibility criteria specified in Section 56337 and *paragraph*  
9 *(10) of subdivision—(j) (b) of Section 3030 of Title 5 of the*  
10 *California Code of Regulations for the federal Individuals with*  
11 *Disabilities Education Act (20 U.S.C. Sec. 1400—and following)*  
12 *et seq.)* category of specific learning disabilities is entitled to  
13 special education and related services.

14 (b) If a pupil who exhibits the characteristics of dyslexia or  
15 another related reading dysfunction is not found to be eligible for  
16 special education and related services pursuant to subdivision (a),  
17 the pupil's instructional program shall be provided in the regular  
18 education program.

19 (c) It is the intent of the Legislature that the program guidelines  
20 developed pursuant to Section 2 of Chapter 1501 of the Statutes  
21 of 1990, for specific learning disabilities, including dyslexia and  
22 other related disorders, be available for use by teachers and parents  
23 in order for them to have knowledge of the strategies that can be  
24 utilized with pupils for the remediation of the various types of  
25 specific learning disabilities.

26 SEC. 3. Section 56339 of the Education Code is amended to  
27 read:

28 56339. (a) A pupil whose educational performance is adversely  
29 affected by a suspected or diagnosed attention deficit disorder or  
30 attention deficit hyperactivity disorder and demonstrates a need  
31 for special education and related services by meeting eligibility  
32 criteria specified in *paragraph (4) or (9) of subdivision—(f) or (i)*  
33 *(b) of Section 3030 of Title 5 of the California Code of Regulations*  
34 *or Section 56337 and paragraph (10) of subdivision—(j) (b) of*  
35 *Section 3030 of Title 5 of the California Code of Regulations for*  
36 *the federal Individuals with Disabilities Education Act (20 U.S.C.*  
37 *Sec. 1400—and following) et seq.)* categories of ~~“other health~~  
38 ~~impairments,” “serious emotional~~ *“emotional disturbance,” “other*  
39 *health impairments,”* or *“specific learning disabilities,”* is entitled  
40 to special education and related services.

1 (b) If a pupil with an attention deficit disorder or attention deficit  
2 hyperactivity disorder is not found to be eligible for special  
3 education and related services pursuant to subdivision (a), the  
4 pupil's instructional program shall be provided in the regular  
5 education program.

6 (c) It is the intent of the Legislature that local educational  
7 agencies promote coordination between special education and  
8 regular education programs to ensure that all pupils, including  
9 those with attention deficit disorders or attention deficit  
10 hyperactivity disorders, receive appropriate instructional  
11 interventions.

12 (d) It is further the intent of the Legislature that regular  
13 education teachers and other personnel be trained to develop an  
14 awareness about attention deficit disorders and attention deficit  
15 hyperactivity disorders and the manifestations of those disorders,  
16 and the adaptations that can be implemented in regular education  
17 programs to address the instructional needs of pupils having these  
18 disorders.

19 SEC. 4. Section 56426.6 of the Education Code is amended to  
20 read:

21 56426.6. (a) Early education services shall be provided by a  
22 local educational agency through a transdisciplinary team  
23 consisting of a group of professionals from various disciplines,  
24 agencies, and parents who shall share their expertise and services  
25 to provide appropriate services for infants and their families. Each  
26 team member shall be responsible for providing and coordinating  
27 early education services for one or more infants and their families,  
28 and shall serve as a consultant to other team members and as a  
29 provider of appropriate related services to other infants in the  
30 program.

31 (b) Credentialed personnel with expertise in vision or hearing  
32 impairments shall be made available by the local educational  
33 agency to early education programs serving infants identified in  
34 accordance with *paragraph (2), (5), or (13) of subdivision (a), (b),*  
35 ~~or (d)~~ *(b)* of Section 3030 of Title 5 of the California Code of  
36 Regulations, and shall be the primary providers of services under  
37 those programs whenever possible.

38 (c) Transdisciplinary teams may include, but need not be limited  
39 to, qualified persons from the following disciplines:

- 40 (1) Early childhood special education.

- 1 (2) Speech and language therapy.
- 2 (3) Nursing, with a skill level not less than that of a registered
- 3 nurse.
- 4 (4) Social work, psychology, or mental health.
- 5 (5) Occupational therapy.
- 6 (6) Physical therapy.
- 7 (7) Audiology.
- 8 (8) Parent-to-parent support.

9 (d) A person who is authorized by the local educational agency  
10 to provide early education or related services to infants shall have  
11 appropriate experience in normal and atypical infant development  
12 and an understanding of the unique needs of families of infants  
13 with exceptional needs, or, absent that experience and  
14 understanding, shall undergo a comprehensive training plan for  
15 that purpose, which plan shall be developed and implemented as  
16 part of the staff development component of the local plan for early  
17 education services.

18 SEC. 5. Section 56441.11 of the Education Code is amended  
19 to read:

20 56441.11. (a) Notwithstanding any other law or regulation,  
21 the special education eligibility criteria in subdivision (b) shall  
22 apply to preschool children, between the ages of three and five  
23 years.

24 (b) A preschool child, between the ages of three and five years,  
25 qualifies as a child who needs early childhood special education  
26 services if the child meets the following criteria:

27 (1) Is identified as having one of the following disabling  
28 conditions, as defined in Section 300.8 of Title 34 of the Code of  
29 Federal Regulations, or an established medical disability, as defined  
30 in subdivision (d):

- 31 (A) Autism.
- 32 (B) Deaf-blindness.
- 33 (C) Deafness.
- 34 (D) Hearing impairment.
- 35 (E) Intellectual disability.
- 36 (F) Multiple disabilities.
- 37 (G) Orthopedic impairment.
- 38 (H) Other health impairment.
- 39 (I) ~~Serious emotional~~ *Emotional* disturbance.
- 40 (J) Specific learning disability.

- 1 (K) Speech or language impairment in one or more of voice,  
2 fluency, language and articulation.
- 3 (L) Traumatic brain injury.
- 4 (M) Visual impairment.
- 5 (N) Established medical disability.
- 6 (2) Needs specially designed instruction or services as defined  
7 in Sections 56441.2 and 56441.3.
- 8 (3) Has needs that cannot be met with modification of a regular  
9 environment in the home or school, or both, without ongoing  
10 monitoring or support as determined by an individualized education  
11 program team.
- 12 (4) Meets eligibility criteria specified in Section 3030 of Title  
13 5 of the California Code of Regulations.
- 14 (c) A child is not eligible for special education and services if  
15 the child does not otherwise meet the eligibility criteria and his or  
16 her educational needs are due primarily to:
- 17 (1) Unfamiliarity with the English language.
- 18 (2) Temporary physical disabilities.
- 19 (3) Social maladjustment.
- 20 (4) Environmental, cultural, or economic factors.
- 21 (d) For purposes of this section, “established medical disability”  
22 means a disabling medical condition or congenital syndrome that  
23 the individualized education program team determines has a high  
24 predictability of requiring special education and services.
- 25 (e) When standardized tests are considered invalid for children  
26 between the ages of three and five years, alternative means,  
27 including scales, instruments, observations, and interviews, shall  
28 be used as specified in the assessment plan.
- 29 (f) In order to implement the eligibility criteria in subdivision  
30 (b), the Superintendent shall do all of the following:
- 31 (1) Provide for training in developmentally appropriate practices,  
32 alternative assessment, and placement options.
- 33 (2) Provide a research-based review for developmentally  
34 appropriate application criteria for young children.
- 35 (3) Provide program monitoring for appropriate use of the  
36 eligibility criteria.
- 37 (g) If legislation is enacted mandating early intervention services  
38 to infants and toddlers with disabilities pursuant to the federal  
39 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400  
40 et seq.), the Superintendent shall reconsider the eligibility criteria

1 for preschool children, between the ages of three and five years,  
2 and recommend appropriate changes to the Legislature.

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5 **CORRECTIONS:**

6 **Heading—Line 1.**

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