

# SB 1113: Removing Barriers to Inclusion in the General Education Classroom

## Senator Rosilicie Ochoa Bogh

### IN BRIEF

SB 1113 will promote the inclusion of students with disabilities in general education classrooms by addressing and implementing inclusionary practices through an updated guidebook, a mandated review for the consideration of inclusionary practices in textbooks, funding technical assistance providers, a study to determine proper staffing numbers to achieve best practices, and mandating training in inclusive practices for new school administrators.

### THE ISSUE

All California students deserve an education worthy of their potential. For too long, this education has been out of reach for many of our students with disabilities. In 2017–18, California had one of the lowest inclusion rates for students with disabilities in the country: 56% compared to a national average of 63.4%<sup>1</sup>, and California ranked 40th out of 47 states on this measure. In 2019, 333 local education agencies (LEAs) in California were identified for differentiated assistance<sup>2</sup>; over half of these districts (187) were mandated for assistance, at least in part, because students with disabilities in the district were performing poorly, particularly in the state priority areas of Least Restrictive Environment (LRE), Pupil Achievement and Pupil Engagement.

Least Restrictive Environments are a vital component to student success because they ensure an appropriate educational setting for students with disabilities that account for their educational needs while they learn alongside peers without disabilities, which allows the child to develop relationships with their school and community.<sup>3</sup> It is critical that outcomes for students with disabilities are improved, which can be achieved by providing the support that is necessary to implement meaningful, evidence-based inclusive practices in California schools.

### EXISTING LAW

Both the Federal Individuals with Disabilities Education Act (IDEA) and state law mandate that students are educated in the LRE. In practice, the decision of what LRE is appropriate for a student with a disability is left up to the district and parent to determine. Parents are often unaware of how LRE is defined in the law and many LEAs continue to unnecessarily place students in settings that are more restrictive. There are no other aspects of law that require schools to implement inclusionary practices. AB 130, the Budget Trailer Bill for the 2020-21 state budget, tasked CDE to deliver a report to the Legislature addressing inclusion.

The report failed to identify research-based reasons for why inclusion is failing, looking to funding and governance shifts as a solution instead. AB 130 also provided \$15 million in one-time funding for two County Offices of Education for the Supporting Inclusive Practices (SIP) project.

### THE SOLUTION

SB 1113 will promote the inclusion of students with disabilities in general education classrooms. Specifically, SB 1113 will:

- Add preparation requirements to administrator credentialing in the area of evidence-based practices for inclusion and require credential candidates to work directly with successful schools implementing these practices.
- Require the CDE to develop a comprehensive guidebook to inclusive education for each LEA in the state and their partners, and will make recommendations for professional development to realize the implementation of recommended practices.
- Require the CDE and the CTC to collaborate on a study of staffing requirements to implement these practices.
- Expand the current SELPA Improvement Leads (SIL), part of the Statewide System of Support, to provide technical assistance to LEAs in the area of inclusion, and expand the reach of the SIP project to serve an increased number of LEAs wishing to improve their inclusion practices.
- Require all members of the Instructional Quality Commission to be trained in Universal Design for Learning (UDL), one of the key elements in textbook design that supports inclusion.
- Remove outdated references to special education staffing and practice requirements in Education code and Regulations that continue to hinder inclusion.

### FOR MORE INFORMATION

Staff: Alessandra Magnasco  
(916) 651-4023  
(916) 651-4923[Fax]  
[Alessandra.Magnasco@sen.ca.gov](mailto:Alessandra.Magnasco@sen.ca.gov)

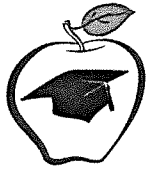
Sponsor: SELPA Administrators of California

Bill text and status can be found at:  
<http://leginfo.legislature.ca.gov/>

<sup>1</sup> [https://edpolicyinca.org/sites/default/files/2020-03/pace\\_sped\\_prp\\_webinar\\_3\\_developing\\_systems.pdf](https://edpolicyinca.org/sites/default/files/2020-03/pace_sped_prp_webinar_3_developing_systems.pdf)

<sup>2</sup> <https://www.cde.ca.gov/be/pn/im/documents/apr20memoamard01.docx>

<sup>3</sup> <https://www.parentcenterhub.org/placement-lre/>



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## Student Services Department

676 E. Walker St, Orland CA 95963 (530) 865-1267

[www.glenncoe.org](http://www.glenncoe.org) ♦ [jcampos@glenncoe.org](mailto:jcampos@glenncoe.org)

**Jacki Campos, Assistant Superintendent**

April 5, 2022

The Honorable Senator Connie Leyva

California State Senate - Education Committee

1021 O Street, Room 6740

Sacramento, CA 95814

**RE: Support for SB 1113: Inclusive education: Universal design for learning**

Dear Senator Leyva

The Glenn County Office of Education is proud to support Senate Bill 1113, which would promote the inclusion of students with disabilities in general education classrooms by addressing and implementing inclusionary practices through an updated state guidebook, mandating training for new administrators, a mandated review for the consideration of inclusionary practices in textbooks, funding technical assistance providers, and a study to determine proper staffing numbers to achieve best practices.

We know from decades of research how the inclusion of students with disabilities in general education classrooms is beneficial for those students as well as their typically developing peers. We know that inclusion of students with disabilities in general education classrooms also decreases long-term risk factors like school drop out, suspension, and loss of employment. We also know that California ranks among the lowest in state rankings of inclusionary practices. SB 1113 will address this by establishing some essential practices, including identifying and supporting those supported by research, in California law.

California's students with disabilities have also performed poorly on a host of measures. It is unacceptable that our students with disabilities have continued to lag behind, particularly in the state priority areas of Least Restrictive Environment, Pupil Achievement and Pupil Engagement.

While great gains have been made in recent years for people with disabilities, the unnecessary exclusion of students with disabilities from general education classrooms continues in many parts of the state. We stand in support of establishing codified guarantees for this most vulnerable population. For these reasons, we stand in strong support of SB 1113.

Sincerely,

Jacki Campos

Assistant Superintendent of Student Services/SELPA Director

Glenn County Office of Education 676 E. Walker St. Orland CA 95963

cc: Senator Ochoa Bogh

Senator Jim Nielsen

Assembly Member James Gallagher

AMENDED IN ASSEMBLY MARCH 7, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2121**

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**Introduced by Assembly Member Eduardo Garcia**

February 14, 2022

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An act to ~~repeal Chapter 5 (commencing with Section 420) of Part 1 of Division 1 of Title 1 of the Education Code, relating to English learners; amend Section 52073.2 of the Education Code, relating to special education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2121, as amended, Eduardo Garcia. ~~English Language Learner Acquisition and Development Pilot Program: repeal. School accountability: California Collaborative for Educational Excellence: special education resource leads.~~

*Existing law establishes the California Collaborative for Educational Excellence to advise and assist school districts, county superintendents of schools, and charter schools in achieving their local control and accountability plan goals. Existing law requires the department and the collaborative to establish a process, administered by the State Department of Education, to select, subject to approval by the executive director of the state board in consultation with the Department of Finance, special education local plan areas or consortia of special education local plan areas to serve as special education resource leads to work with the lead agencies and other county offices of education to improve pupil outcomes as part of the statewide system of support. Existing law requires at least 3 resource leads to be selected in a manner to ensure statewide representation and focus directly on building special education local plan area capacity, as specified.*

*This bill would authorize county offices of education and consortia of county offices of education to be eligible for selection to serve as special education resource leads under the above-described process. The bill would require at least 3 resource leads to instead be selected in a manner to ensure statewide representation and focus directly on building local and regional capacity. The bill would, subject to an appropriation, commencing with the grant cycle beginning July 1, 2023, require the collaborative and the department to select a partnership consisting of (1) a special education local plan area, county office of education, or consortia of special education local plan areas and county offices of education and (2) a family support organization, as defined, or coalition of family support organizations, from applications jointly submitted to the department, to serve as a special education resource lead to work with specified entities through capacity building, training, and technical assistance on specified topics relating to special education.*

~~Existing law establishes the English Language Learner Acquisition and Development Pilot Program, under the administration of the State Department of Education, as a 3-year competitive grant pilot project of 25,000 or more English language learners to be conducted during the 2007–08 to 2009–10, inclusive, school years. Under the program, grants are made to local educational agencies, as defined, to identify existing best practices regarding topics including, but not limited to, curriculum, instruction, and staff development for teaching English language learners and promoting English language acquisition and development. The program requires the Superintendent of Public Instruction to establish a 13-to-20 member advisory committee, with specified responsibilities.~~

~~This bill would repeal the statutes that establish the program.~~

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

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

- 1     SECTION 1. (a) *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (1) *California schools and families deserve a comprehensive,*
- 4     *efficient, and equitable continuum of special education dispute*
- 5     *prevention and resolution practices, which is grounded in the*
- 6     *common goal of success for all pupils and supports and maintains*
- 7     *positive relationships between families and schools.*

1     (2) *According to the Center for Appropriate Dispute Resolution*  
2 *in Special Education, a full continuum of dispute prevention and*  
3 *resolution begins with robust family support which prevents conflict*  
4 *by ensuring that families are able to participate fully in the*  
5 *education of their children. This continuum also supports families*  
6 *and schools in the use of practices like proactive communication*  
7 *and collaborative problem solving. When conflicts arise, this*  
8 *continuum also includes the availability of voluntary alternative*  
9 *dispute resolution processes when appropriate.*

10    (3) *California has begun to build this continuum of special*  
11 *education dispute prevention and resolution through investments*  
12 *in family support, alternative dispute resolution, and the design*  
13 *of a statewide individualized education program facilitation*  
14 *network.*

15    (4) *However, more investments are needed in order to build*  
16 *this continuum. California families and schools need a statewide*  
17 *resource, jointly operated by schools and family support*  
18 *organizations, to provide professional development and technical*  
19 *assistance on family support, conflict prevention, and alternative*  
20 *dispute resolution in special education.*

21    (b) *It is therefore the intent of the Legislature to establish a*  
22 *statewide resource to assist families and schools through capacity*  
23 *building within the state's system of support, training, and*  
24 *technical assistance. It is the intent of the Legislature that this*  
25 *resource provide some of this support to collaborative teams of*  
26 *families and schools seeking to improve family support, dispute*  
27 *resolution processes, and pupil outcomes.*

28    SEC. 2. *Section 52073.2 of the Education Code is amended to*  
29 *read:*

30    52073.2. (a) *The California Collaborative for Educational*  
31 *Excellence and the department shall establish a process,*  
32 *administered by the department, to select, subject to approval by*  
33 *the executive director of the state board in consultation with the*  
34 *Department of Finance, special education local plan-areas areas,*  
35 *county offices of education, or consortia of special education local*  
36 *plan areas and county offices of education to serve as special*  
37 *education resource leads to work with lead agencies selected*  
38 *pursuant to Sections 52073 and 52073.1, and other county offices*  
39 *of education, to improve pupil outcomes as part of the statewide*  
40 *system of support pursuant to this article.*

1 (b) The process to select special education resource leads  
2 *described in subdivision (a)* shall ensure that no more than 10  
3 special education resource leads are selected to provide specific  
4 expertise on special education issues within the statewide system  
5 of support. At least three resource leads shall be selected in a  
6 manner to ensure statewide representation and focus directly on  
7 ~~building special education local plan area~~ *local and regional*  
8 capacity to support local educational agencies in achieving the  
9 goals, actions, and services identified in their local control and  
10 accountability plans. Special education resource leads shall be  
11 selected for a term not to exceed five years.

12 (c) *Subject to an appropriation in the annual Budget Act or*  
13 *another statute for this purpose, by the commencement of the grant*  
14 *cycle beginning July 1, 2023, the California Collaborative for*  
15 *Educational Excellence and the department shall select a*  
16 *partnership consisting of (1) a special education local plan area,*  
17 *county office of education, or consortia of special education local*  
18 *plan areas and county offices of education and (2) a family support*  
19 *organization or coalition of family support organizations, from*  
20 *applications jointly submitted to the department, to serve as a*  
21 *special education resource lead to work with lead agencies selected*  
22 *pursuant to Sections 52073 and 52073.1, other county offices of*  
23 *education, local educational agencies, and family support*  
24 *organizations, through capacity building, training, and technical*  
25 *assistance on both of the following:*

26 (1) *Family support for families of pupils with disabilities.*  
27 (2) *Conflict prevention and alternative dispute resolution in*  
28 *special education.*

29 (d) *For purposes of this section, “family support organization”*  
30 *includes, but is not limited to, a state or federally funded*  
31 *organization that provides support to families of pupils with*  
32 *disabilities.*

33 ~~SECTION 1. Chapter 5 (commencing with Section 420) of~~  
34 ~~Part 1 of Division 1 of Title 1 of the Education Code is repealed.~~



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**Jacki Campos, Assistant Superintendent**

April 5, 2022

### **SUPPORT FOR AB 2121 (Eduardo Garcia & Patrick O'Donnell)**

The Honorable Chris Holden  
1021 O Street, Suite 8220  
Sacramento, CA 95814

Dear Chair Holden:

On behalf of the Glenn County Office of Education, I write to support AB 2121 that would establish a statewide resource to assist families of student with special needs and schools through capacity building within the state's system of support, training, and technical assistance.

Current law requires school districts to provide students in special education the services that meet their individual academic needs, but school districts and parents often disagree on what those services should be or whether a student needs any services at all.

California has begun to build a continuum of special education dispute prevention and resolution system through investments in family support, alternative dispute resolution, and the design of a statewide individualized education program facilitation network.

However, more investments are needed to build these efforts. Our families and schools need a statewide resource, jointly operated by school districts and family support organizations, to provide professional development and technical assistance on family support, conflict prevention, and alternative dispute resolution in special education.

AB 2121 would provide families and school districts with resources that ensure students with special needs have access to support systems they need to thrive.

Sincerely,

Jacki Campos  
Assistant Superintendent of Student Services/SELPA Director  
Glenn County Office of Education

cc:

Assembly Member E. Garcia  
Assembly Member James Gallagher  
Senator Jim Nielsen