

The Landscape of
Special Education
in California: A Primer for Board Members



From the CEO & Executive Director

California's public education system must provide all students with access to the skills and knowledge required for success in college, career, and civic life. At the California School Boards Association (CSBA), this deeply held belief is the foundation of our advocacy efforts. Nowhere is this work more essential than in the area of special education.

Providing proper support to students with disabilities is both a moral and legal obligation, as well as a practical necessity. During the past 10 years (from the 2007–08 to the 2017–18 school year), the number of students identified for special education services has increased from 677,875 to 774,665, representing an additional 96,790 identified students. To meet the mission of our public school system, it is important for board members and other education leaders to understand the gifts that each child brings to school and work to ensure that our schools can meet their particular needs.

This report is part of CSBA's efforts to bring attention to this important student population. It provides a foundation for a better understanding of special education as we advocate for the increased resources needed to better serve students with disabilities and all California public school students.

With the flexibility provided by the Local Control Funding Formula (LCFF) and its emphasis on local decision-making, board members have a heightened responsibility to improve educational outcomes for all students. To effectively meet these responsibilities, governance teams must understand student needs as well as the evolving landscape of special education, including its laws, structures, and best practices.

It is my hope that this report will help board members gain that understanding and inform your work to create a more equitable education system for all students.

Sincerely,

Vernon M. Billy
CEO & Executive Director, CSBA





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Report Overview

California's current school district and county office of education board members serve their communities at an exciting—and challenging—time. With the implementation of the Local Control Funding Formula (LCFF), local educational agencies (LEAs) have greater financial and programmatic control than they experienced in the preceding decades. Yet, even with greater flexibility, the combination of rising costs, inadequate funding, and an increased emphasis on closing achievement gaps means that governance teams must be well-informed in order to make strategic decisions that will truly serve their students.

Among those students are children and youth with disabilities—from birth through age 21. More than one in 10 California students receive special education services, and they are enrolled at a time in which our educational system is attempting to better address their learning and social-emotional development. While the primary focus used to be on including students with disabilities in school and giving them access to curriculum and instruction, LEAs are now also held responsible for providing these students with rigorous academic instruction and improving their educational progress. Of the 374 districts that the California Department of Education (CDE) identified for differentiated assistance due to performance on the 2018 California School Dashboard, 65 percent (243 districts) were identified, at least in part, based on their results for students receiving special education services. Given that California continues to struggle to meet the needs of many students with disabilities, this topic should be front and center for every LEA.

Understanding the complex array of laws, regulations, funding sources, and practices can be daunting

to new and veteran board members alike. With accurate information in hand, however, governance teams can make decisions to ensure equity, transparency, and accountability in the education provided to all students. The purpose of the briefs compiled in this report is to unravel some of those complexities, make clear the requirements and processes involved, and offer information and best practices for educating students with disabilities. Ultimately, a foundational understanding of the issues explored in these briefs can help board members engage with their superintendents and staff in discussions about improving the educational experiences and outcomes of students with disabilities in their LEAs.

This report includes the following governance briefs:

- **California’s Children and Youth with Disabilities** provides facts about California’s students with disabilities and an overview of key issues related to disabilities, from developmental delays to disabilities in older children. Also included are discussions of the challenges related to identification for certain categories of disabilities and issues of disproportionality in special education.
- **Special Education and the Law** provides a broad overview of the laws that govern the provision of education-related services to children and youth with disabilities and the mandates and requirements included in those laws—in particular, the federal Individuals with Disabilities Education Act (IDEA).
- **SELPA’s and Special Education Funding in California** outlines the administrative structures and oversight of special education in California, including Special Education Local Plan Areas (SELPA’s). It also offers an overview of state, federal, and local funding for special education in

California, including funding inequities between SELPA’s and the increasing reliance on local funding.

- **California’s Teachers of Students with Disabilities** addresses preparation and credentialing for teachers who work with students with disabilities, from education specialists to general education teachers. This section also discusses special education teacher shortages and professional development for teachers.
- **Best Practices in Special Education** provides a brief overview of best practices, from the role of special education in the context of general education to research-based practices that benefit students with disabilities.

At the conclusion of each brief, board members will find a set of questions to consider themselves or ask of their LEA’s staff. These questions can guide rich and ongoing discussions about the educational programs and services students can access, as well as ensure board members are informed about practices that directly impact many of the students served by their schools. In addition to the five sections, the end of this report lists an extensive set of resources for board members interested in learning more about a particular topic.

While this report is not intended to be comprehensive or constitute legal advice for an LEA, it is a primer for school and county board members. Special education is complex, and California is taking ambitious steps to raise the expectations, supports, and accountability for LEA’s and schools in their efforts to educate students with disabilities.

Board members play an important role in ensuring that their county offices of education, districts, and schools meet their obligations to provide ALL students with an education that prepares them for college, career, and civic life. This report can help in their efforts to bring this vision closer to reality for their children and youth with disabilities.





California's Children and Youth with Disabilities

IN THIS BRIEF

- » An overview of California's students with disabilities
- » Information about the importance of early identification and services for infants and toddlers
- » An overview of the disabilities in school-age children (ages 3 through 21)
- » Challenges in identifying specific learning disabilities
- » Issues of disproportionality in special education
- » Questions for board members to consider

Introduction

California's current funding system for public schools, the Local Control Funding Formula (LCFF), provides board members with more flexibility in decision-making at the local level. Recognizing that local communities know their students best, the formula allows local educational agencies (LEAs)—school districts, county offices of education, and charter schools—to spend funds in ways that they believe best meet the needs of their students.

NEARLY 775,000 STUDENTS
WITH IDENTIFIED DISABILITIES FROM
BIRTH THROUGH AGE 21 ARE ENROLLED
IN CALIFORNIA PUBLIC SCHOOLS.

The school board's role is to ensure local policies serve all students, including those with disabilities from birth through age 21. During the 2017-18 school year, more than 770,000 students with identified disabilities in this age range were enrolled in California public schools.¹ LEAs are responsible for providing all students, including students with disabilities, with rigorous academic instruction and with improving their educational progress. To meet these responsibilities, special education funding and some services are administered through consortia known as Special Education Local Plan Areas (SELPA). In some instances, an individual district may be a SELPA.

This brief provides information about California's children with disabilities including infants, toddlers, school-aged children, and young adults; their various disabling conditions; the sometimes complicated challenge of accurately assessing these conditions; and the implications of identifying a child as having a disability. It is part of a series of briefs focused on the requirements and processes related to educating students with disabilities. With accurate information, board members can make the best decisions to ensure equity, transparency, and accountability in the education provided to all students.

Who Are Students with Disabilities?

Students with disabilities have learning or physical differences that may range from minor to severe. Schools provide a vital service by ensuring that all students have the opportunity to

meet challenging objectives. In fact, the federal Individuals with Disabilities Education Act (IDEA) requires LEAs to identify all students in their jurisdiction who have a disability, and ensure the provision of "resources, adapted instruction, and specialized assistance to mitigate the effects of [their] disability."² The application of IDEA varies from infants and toddlers (birth to age 3) to school-age children and young adults (ages 3 through 21).

Early Intervention

Some children are born with a risk condition or developmental concern that is evident from birth, while others are assessed after a family member, physician, or other professional (such as a child care provider) expresses a concern about the child's development. The term *developmental delay* describes the difference between a child's development compared to peers of the same age or to a typical developmental trajectory. It encompasses a broad range of conditions and behaviors that suggest below-average progress in one or more of the areas in which children develop.

Children develop more rapidly and learn more quickly during their first three years of life than at any time afterward. During this period, a developmental delay (such as undetected hearing loss) can profoundly delay the child's ability to communicate. Early and appropriate intervention, treatment, and support have been proven to significantly lessen the long-term effects of a developmental delay, and sometimes can even resolve the initial concerns.³ The goal of early intervention is to ensure that infants and toddlers with a developmental delay have the best possible chance to live full and meaningful lives; the earlier the intervention is started, the greater the likelihood of its positive impact on the child's development.⁴

Identification and Services for Infants and Toddlers

When a developmental delay is suspected in a child younger than 3, the LEA or Regional Center is contacted for an assessment, and a service coordinator is assigned to assist the parents through the assessment process.

If a developmental delay is confirmed, the infant or toddler and his or her family are eligible for early intervention services. The service coordinator, parents, and other appropriate professionals then work as a team to design an Individualized Family Services Plan (IFSP), which outlines the services and supports that the child and family will receive.⁵ An IFSP typically includes early intervention specialists, service providers and service coordinators, and the child's parents.

IFSPs remain in effect until the child turns 3 years old, the developmental concern is resolved, or the child transitions to Part B preschool services. The agency responsible for serving the child (either the Regional Center or the local school district) arranges for the provision of services such as speech therapy, occupational or physical therapy, or special instruction. According to the California Department of Developmental Services, “Local educational agencies are primarily responsible for services for infants with vision, hearing, and severe orthopedic impairments, including any combination of these solely low-incidence disabilities. Regional Centers are responsible for services for all other children eligible for Early Start.”⁶

Part C of IDEA, known as Early Start in California, requires an assessment of any child from birth until age 3 for whom there is a reasonable suspicion of developmental delay. To access Early Start services, parents can request an interdisciplinary assessment of their child when they have reasonable concerns. For any concern about developmental delay in an infant or toddler, parents should contact their Local Regional

SELPA and Regional Centers

SELPAs coordinate services for students with disabilities. In many cases, they also provide special education services. While SELPAs are often organized in regions, they are not the same thing as Regional Centers (see below). Typically, SELPAs work with school districts and county offices of education to ensure that all children and youth with disabilities within their local areas receive whatever special education-related services and supports they need from birth through age 21. SELPAs also coordinate the state and federal funds earmarked to provide those services and supports.

Regional Centers are private, nonprofit organizations that provide or coordinate services and supports for individuals with developmental disabilities across their lifespans. The state’s 21 centers provide some case management and contract out for other limited services, in addition to contracting with the California Department of Developmental Services. Their services are generally therapeutic and less education-focused compared to SELPAs. Regional Centers and a network of about 40 Early Start Family Resource Centers—which connect families of young children with other parents, specialists, referral services, information, and support—are spread throughout the state to help individuals and their family members find and access services. For more information, see <https://www.dds.ca.gov/RC/index.cfm>.

Center, LEA, or family resource center. The purpose of the assessment is to confirm or dismiss the suspicion of a developmental delay in one or more of the developmental domains (gross or fine motor, speech, language development, social or emotional, or self-help skills).⁷

California has a robust network of about 40 Early Start Family Resource Centers. The centers connect parents of children with developmental delays and provide them support, information, and referral services.⁸ Part C of IDEA requires each state to make Early Start services available free to every eligible family, regardless of income. A family receives services to help parents and other family members learn how to best support their child and his or her development considering the delay. The services are designed with family routines in mind rather than clinical therapies. For example, a family might receive instructions on how to manage a piece of equipment to better position a child that lacks adequate physical muscle tone or guidance on how to play with a child with a neurological disability. These early intervention services are guided by a commitment to family-centered⁹ approaches within the child’s natural environment—either the child’s home or childcare setting.¹⁰

Disabilities in School-Age Children

Part B of IDEA includes more specific requirements and definitions than those in Part C. Part B requires schools to provide special education and related services to students ages 3 through 21 who have one or more identified disabilities. To be eligible and receive special education and related services, the disability must adversely affect a child’s educational performance.

California identifies the following disability categories, which mirror those identified under IDEA.¹¹

- » Specific learning disability (e.g., dyslexia)
- » Speech or language impairment
- » Autism
- » Intellectual disability
- » Emotional disturbance
- » Orthopedic impairment
- » Hearing impairment
- » Visual impairment, including blindness
- » Traumatic brain injury

- » Other health impairment
- » Deafness
- » Deaf-blindness
- » Multiple disabilities

The category “multiple disabilities” encompasses a combination of impairments affecting the child’s developmental and educational challenges that “cannot be accommodated in special education programs solely for one of the impairments.”¹²

During the 2017-18 school year, the disabilities of 86 percent of all California public school students identified for special education services fell into four categories: specific learning disability (38 percent), speech or language impairment (21 percent), autism (14 percent), and other health impairment (13 percent).¹³

Over the past 10 years (from 2007-08 to 2017-18), the number of students identified for special education services has increased by 96,761 students. During this same period, both the number and percentage of students identified with autism and other health impairments have

more than doubled, while the identification of students with a specific learning disability and speech or language impairment has dropped. There is not consensus among researchers about the explanations for shifts in identification over time, but some of these changes could be explained—at least in part—by reclassification of students as physicians, families, and educators become more knowledgeable about specific disabilities. For example, a student who in the past might have been classified as having a severe intellectual disability or emotional disturbance might now be classified as having autism.¹⁵

The Vast Majority of Students with Disabilities Attend Traditional Public School

In 2017-18, 85 percent of students with disabilities attended public day school, while about 7 percent attended charter schools. An additional 7 percent attended other school types, such as private schools, correctional programs, independent study, residential programs, transition programs, and higher education institutions.¹⁶

Services Provided to Students with Disabilities

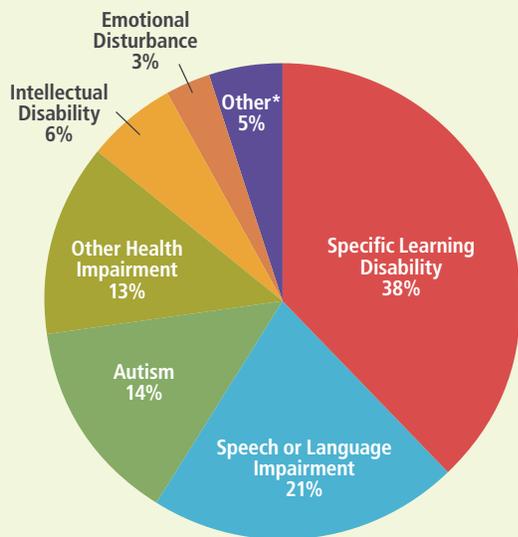
Given the diverse needs identified as part of students’ Individualized Education Programs (IEPs), California’s students receive a wide range of services. In 2017-18, students with disabilities in the state received more than 1.8 million services, with many students accessing multiple services. Table 1 provides a breakdown of these services by type.

Challenges with Assessing Specific Learning Disabilities

Proper identification of students with a specific learning disability is critical for them to access the appropriate services to have the opportunity to meet challenging objectives. A specific learning disability is “an umbrella term that points to weaknesses in such areas as reading, writing, spelling, math, and other kinds of skills,” because the brain processes information in a different way.¹⁸ Researchers also note that the concept “focuses on the notion of a discrepancy between a child’s academic achievement and his or her apparent capacity to learn.”¹⁹

Some of the categories of disability represent indisputable conditions, and the path to providing services and supports is obvious. A child who is blind or who has a profound stutter has a confirmed disability. The child who is blind may, for example, receive instruction in Braille and be provided books in Braille.

Graph I: 2017-18 California Special Education Students, by Type of Disability¹⁴



* Includes low-incidence disabilities such as hard of hearing, orthopedic impairment, multiple disabilities, visual impairment, deaf, traumatic brain injury, or deaf-blindness

Table 1: Services Provided to California Students with Disabilities (2017-18)

Services	Number of Students	Percentage
Specialized Academic Instruction	635,219	34%
Language and Speech	380,265	20%
Vocational/Career	186,919	10%
Mental Health Services	150,852	8%
All Other Services	511,620	27%
Total	1,864,875	100%

Source: California Department of Education¹⁷

The child with a stutter may receive speech therapy and possible counseling for maintaining their self-esteem.

Other categories are not so clear. For example, IDEA defines “other health impairment” as “...having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that—

(i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and

(ii) Adversely affects a child’s educational performance.”²⁰

Many of the conditions included in this definition are certainly indisputable (diabetes, epilepsy, leukemia, etc.). But it can be challenging to accurately identify attention deficit hyperactivity disorder (ADHD). The second-grade boy who simply can’t sit still might be, in one teacher’s mind, a clear case of ADHD, while another teacher might interpret the behavior as perfectly typical for his age and gender. Some studies have shown that “more boys have problems with attention and focus than girls.”²¹ The Centers for Disease Control and Prevention note that “there is no single test to identify ADHD, and many other problems, like sleep disorders, anxiety, depression, and certain types of learning disabilities, can have similar symptoms.”²² This can further complicate efforts to identify the disability accurately. In fact, other researchers have argued that ADHD is equally prevalent in males and fe-

males, but gender stereotypes and misconceptions about the symptoms of ADHD have led to under-identification in girls.²³

Categories of disability also sometimes overlap. According to Harvard Medical School researcher Dr. Nancy Rappaport, half of students with attention problems also have other learning disabilities. She notes that for these students to be successful, their IEPs should address both attention issues and any other learning disabilities.²⁴

English Learners

One significant challenge that professionals face when determining the presence of a specific learning disability involves children whose first language is not English. This includes students who are not proficient in English, or English learners (ELs). While knowing more than one language has many cognitive benefits,²⁵ ELs can take more time to begin speaking or reading English in comparison to their English-fluent peers. Disentangling a delay related to their EL status from a possible specific learning disability is complicated, and evidence suggests that information resulting from the complex process for determining a specific learning disability may not always be accurate for ELs. Research suggests that in some cases ELs are over-identified for special education, while other studies have found that they are under-identified for special education.^{26,27} Clearly, educators must proceed with caution when considering these cases. Any educator whose professional judgment indicates that an EL may have a disability must ensure that the student is appropriately and carefully assessed.

Instructional Quality and Classroom Climate

The strength of the instruction and the classroom climate are key components to ensuring that children are not mis-identified. Research identifies favorable attributes that contribute to learning, such as “a positive social climate; strong instructional leadership; increased time for reading instruction; high expectations and strong accountability; continuous monitoring of student achievement; ongoing professional development based on effective reading strategies; and integral parental involvement.”²⁸ In situations where these qualities are weak or absent, a child’s inability to read may be due to the quality of instruction rather than to a learning disability.

Emotional Disturbance

Recent legislation and current statewide initiatives have placed a spotlight on the IDEA category of disability called



“emotional disturbance.” This attention has been prompted by increased identification of behavioral and emotional disturbances in children and youth.²⁹

Early childhood trauma is emerging as one likely reason for these challenges. Abuse of any kind (physical, sexual, or emotional), physical or emotional neglect, divorce, mental illness in a parent, family violence, substance abuse, or the incarceration of a family member can all create toxic stress in a child’s life. Research shows a strong connection between these kinds of experiences, the number of experiences that occur, and a child’s ability to learn, regulate behavior, and get along with others. Studies indicate that six out of every 10 children in California have experienced at least one of these adverse childhood experiences (ACEs).³⁰ When experienced before the age of 18 and without the support of a mental health professional, ACEs can change the way a child’s brain develops and disrupt learning, behavior, and lifetime health.³¹

Disproportionality and Students with Disabilities

Inequity remains a challenge for students with disabilities and their families. California is attempting to address patterns of inequity, in part through a focus on what is termed

disproportionality—an imbalance in any one of the three following areas:

1. The patterns of disciplining students from any student group at markedly higher rates or in different ways than their peers (especially in instances of suspension and expulsion);³²
2. The rates that students from any racial or ethnic group are identified as having a disability; and
3. The patterns of school or classroom placements for these students.

Discipline Disparities

Disproportionate discipline refers to disciplinary patterns that are not applied equally. In the case of racial and ethnic disparities, research has shown that “African-American students are referred to the [school] office for infractions that are more subjective in interpretation” than referrals for other students.³³ And African-American males are three times more likely to be suspended or expelled than white students.³⁴ Students with disabilities are also disciplined at higher rates than their non-disabled peers, and, among students with disabilities, the problem is compounded by racial and ethnic discipline gaps.³⁵ In response, the U.S.

Department of Education issued a *Dear Colleague* letter with guidance to schools on providing the appropriate behavioral supports to ensure students have access to the “meaningful educational benefit” they are guaranteed under the law.³⁶

Personal and school contexts also influence how a child behaves, as well as how that behavior is perceived. Inappropriate behavior can be the result of students’ experience with a range of trauma and other stressors, from hunger or abuse to bullying or the illness of a family member. The official identification of emotional disturbance should not result from a few isolated incidents but requires that specifically identified behaviors are exhibited “over a long period of time and to a marked degree that adversely affects a child’s educational performance.”³⁷

Disparities in Identification

Identifying students for special education services can be a controversial issue. Researchers continue to debate whether certain racial and ethnic groups are over- or under-identified for special education services. On one hand, most scholars have found that “children of color . . . are identified as students with disabilities at substantially higher rates than their peers.”³⁸ Other studies using different methodological approaches report that, “among children who were otherwise similar in their academic achievement, poverty exposure, gender, and English language learner status, racial or ethnic minority children were consistently less likely than white children to be identified as having disabilities.”^{39,40,41}

Although researchers continue to study disproportionality and identification for special education, LEAs should attend carefully to their local data. IDEA requires states and LEAs to consistently gather data to track instances of these kinds of imbalances. LEAs found to be consistently and significantly disproportionate (as defined by the state) in any one of the three identified areas for up to three prior consecutive years⁴² must find the source of the imbalance and must also spend 15 percent of their IDEA money to address the problem. For example, the LEA might use funds to provide professional development to staff, improve basic instruction, or introduce a schoolwide program of positive behavioral supports.⁴³

Conclusion

Children and youth with disabilities represent a highly diverse group of individuals with an equally diverse set

of needs, abilities, and educational requirements. While determining the appropriate services for these students is not always easy, it is essential for educators and school leaders to make the best effort possible to provide a challenging academic program with the necessary supports and services to ensure access, participation, and academic achievement.

Understanding the various disabilities of students in California public schools along with the challenges of identification are critical to ensure that all students get the supports they need to achieve their potential. By identifying and reaching out to students with disabilities, school professionals can have a profound impact on school climate, culture, language, and other areas. Board members can support this mission by ensuring that their LEA has a coherent system to identify and support students, families, and staff with the skills to assess, engage, and educate students with disabilities.

Questions for School Board Members

Board members can help their schools better serve students identified for special education services by answering the following questions:

1. How many students are identified as having a disability in our schools? What are the types of disabilities for which they are identified?
2. How are students with disabilities distributed throughout our schools or programs? Do some schools in our LEA have higher concentrations of students with disabilities? If so, is this due to a strategic coordination of resources or are there other issues at play, such as differences in how the staff approach the student study team or IEP process?
3. What are the procedures for identifying students with disabilities in our schools? Are the professionals trained at identifying and understanding the various disabilities?
4. In the assessment process, how are our staff considering the possible impact of other factors, such as school environment, English learner status, etc.?
5. Are certain ethnic groups in our schools being disproportionately represented in special education rosters, or in restrictive classrooms, such as resource specialist classes and special day classes?

Special Education and the Law

IN THIS BRIEF

- » Information about the Individual with Disabilities Education Act (IDEA), including its background and evolution
- » Details and definitions under Parts A, B, C, and D of IDEA
- » A summary of the legal requirements that IDEA places on local educational agencies, including those under Part B and C
- » Information about additional federal legislation affecting students with disabilities, including Section 504 of the Rehabilitation Act, The Americans with Disabilities Act, The Carl D. Perkins Act, and the Workforce Investment Act
- » Information about how California law is aligned with and supports IDEA and other federal education requirements
- » Questions for board members to consider







Introduction

School board members are responsible for helping ensure that their districts and county offices of education (collectively known as local educational agencies or LEAs) provide students with disabilities the free and appropriate public education to which they are entitled.

To help with that process, this CSBA brief provides board members with a short history of special education in the United States and then explains the laws that govern the provision of special education and related services for children and youth with disabilities. This includes legal mandates and requirements—in particular, the Individuals with Disabilities Education Act (IDEA).

Familiarity with these laws and requirements is critically important to the work of trustees, as nearly 775,000 California students from birth through age 21 receive special education and related services.¹ LEAs and their boards ensure that these students receive a rigorous education and develop socially, emotionally, and intellectually to their fullest capacity.

Given the complexity of the legal issues surrounding special education, the information included in this brief is not exhaustive and does not constitute legal advice. Board members should consult with legal counsel for specific guidance.

Background

At first, the American education system had no federal mandates or guidelines for how to educate children with disabilities. But there were parents, teachers, and other professionals (such as physicians) who recognized that regardless of any disabilities, these children were capable of learning.

In the second half of the 1900s, parents of children with disabilities organized locally and advocated nationally for consistent and equal treatment for their children. At the same time, a growing interest in the rights of women and in racial equality provided a context, language, and momentum for these parents—and their advocacy efforts on behalf of children with disabilities were incorporated into the civil rights movement.²

IN 1972, TWO LANDMARK DISTRICT COURT RULINGS GUARANTEED THE RIGHTS OF CHILDREN WITH DISABILITIES TO AN EDUCATION.

The Individuals with Disabilities Education Act

Two landmark district court rulings in 1972 guaranteed the rights of children with disabilities to an education: *Pennsylvania Association for Retarded Citizens (PARC) v. Commonwealth of Pennsylvania* and *Mills v. Board of Education of District of Columbia*. These cases secured important legal precedents for protecting the educational rights of children with disabilities.

Three years later, in 1975, President Gerald Ford signed into law the Education for All Handicapped Children Act, also known as Public Law 94-142. The law's original intent was (a) to ensure the rights of students with disabilities to a public education and (b) to provide resources to help states deliver on this right. The law's authors understood that it would cost more to educate children who are blind, for example, because they would need accommodations such as books in Braille, special instruction in learning to read Braille, and mobility support.

While there have been substantial shifts in its specifics, the law fundamentally remains unchanged: public schools must provide children with disabilities the proper supports, services, and accommodations to ensure these students receive a free and appropriate public education and have the same access to education as their non-disabled peers.

Schools are also required to provide this education in the least restrictive environment (LRE), which means that a student who has a disability should have the opportunity to be educated with peers without disabilities to the maximum extent appropriate.

The Evolution of IDEA: From Access to Meaningful Benefit

Public Law 94-142 was amended in 1986 (Public Law 99-457), expanding the rights of children with disabilities by requiring states to provide programs and services to children from birth to age 3. It was amended and renamed as the

Individuals with Disabilities Education Act in 1990, amended in 1997, and then again as the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA, though the law is still referred to by most as IDEA).

These reauthorizations changed the focus of the law from a basic assurance of “access” to a more challenging focus on “meaningful benefit” for students with disabilities, partly in response to persistently poor post-school outcomes. Teachers and school administrators now needed to “look to the general education curriculum as the standard for all; focus on improved outcomes for students with disabilities and not just on process; [and] support students with disabilities to obtain results in elementary and secondary school as well as access to postsecondary education and employment.”³

Four Principal Parts of IDEA

The 1997 and 2004 reauthorizations of IDEA maintained the law's original intent: that students with disabilities were guaranteed an individually designed educational program that would allow them to learn in the least restrictive environment possible.

The fundamental principles and parts of that law still stand:

- » **Part A** establishes the purpose of IDEA: “To ensure that all children with disabilities have available to them a free and appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.”⁴ Part A also includes definitions of important terms.
- » **Part B** mandates certain activities in exchange for federal IDEA money. Any entity responsible for educating children and youth (e.g., school districts, county offices of education, direct-funded charter schools, and Special Education Local Plan Areas [SELPA]) must educate students with disabilities from ages 3 through 21 (or until they graduate from high school with a regular diploma, if that happens first). Part B also spells out the guidelines for that education (see page 3 for more information on Part B). Parents are granted legal due process for the rights outlined in Part B of IDEA.
- » **Part C** establishes guidelines for providing services to children from birth to 3 years of age and their families. These services—known as *Early Start* in California—include an evaluation for the presence of a disability and support for the child and the child's family through a variety of



developmentally appropriate early intervention services in response to the disability or to a developmental delay. Parents are granted legal due process for the rights outlined in Part C of IDEA. Part C also charts steps to support children and families in transitioning into Part B services when the children who are receiving services turn 3 years old.

» **Part D** describes grants, programs, and activities to improve educational outcomes for students with disabilities and their families. These include parent centers that offer training and resources that make it possible for parents and family members to better support the

educational needs of their children in collaboration with educators. Other activities involve professional development grants and projects to support the ongoing education of administrators, teachers, and other school staff. Additional programs under Part D are designed to support students with disabilities to successfully transition to adult life and independent living.

IDEA Requirements in Context

Children and youth identified as having a disability enter the special education system through a systematic process of evaluation. A child who enters school with a confirmed disability will most likely have been receiving services from Early Start (Part C) providers. In such cases, parents or guardians and educators will have developed a plan to transition the child from Early Start services to Part B (LEA) services at age 3. If the child did not receive Early Start services, parents will sign an assessment plan and begin the process of evaluation.

For a child who is struggling and not making educational progress, the following process is used to determine what, if any, special education and related services are appropriate:

1. A teacher, parent, or legal guardian can request that the child be referred to the school's Child Study Team or Student Support Team⁵ to gather information and develop a plan of strategies for helping the child be more successful.
2. If the strategies do not result in the child's reasonable progress, the team may recommend a referral for an evaluation to determine if a disability is the cause. At any point, a parent can formally request this evaluation. IDEA gives the school district the responsibility to recommend an evaluation if there is a suspected disability.
3. When the parent consents to (or requests) this evaluation, the school staff develops an assessment plan, and an Individualized Education Program (IEP) meeting is scheduled. The timeline must adhere to legal guidelines.
4. If the evaluation confirms the presence of a disability *and* the child's need for specialized services or supports, an IEP plan is developed and the process of providing the child with special education begins. Once the IEP plan is developed and provided to parents, they have 30 days to respond.
5. Once approved, the IEP plan is implemented and revisited at least yearly to evaluate the child's progress toward his or her annual goals; adjust goals based on that progress

and on any new or unresolved needs; and determine that the supports, modifications, accommodations, and services in the IEP are reasonably designed for the child to “advance appropriately toward attaining the annual goals,” and when possible, “be involved in and make progress in the general education curriculum.”⁶

6. Schools must report on the progress the child is making toward his or her goals at each of the reporting periods in the general education calendar. The language of IDEA reads: “concurrent with the issuance of report cards.”⁷

The Major IDEA Requirements: Part B

Six major requirements in Part B of IDEA shape the “what” and “how” of special education in public schools:

1. **Free, Appropriate Public Education.** The requirement of a free, appropriate public education (FAPE) means that a child or youth with a disability will receive an education designed to meet his or her individual needs. These supports are written into a plan that is executed through the child’s IEP. They can include such things as adaptive hearing equipment, speech and language services, or carefully scaffolded learning plans⁸ if a child has a learning disability. FAPE may also include free transportation to and from school, which could require an LEA to provide a specially equipped bus that can load a wheelchair, for example (a more detailed discussion of special education funding is addressed in a separate CSBA brief: *SELPA’s and Special Education Funding in California*).

IDEA defines special education as “specifically designed instruction...to meet the unique needs of a child with a disability,” while related services provide the support “required to assist a child...to benefit from” that instruction.⁹ The state must provide a child with disabilities an education in conformity with the child’s IEP. Determining what is “appropriate,” however, has been the subject of many court cases. In its 2017 decision, *Andrew F. v. Douglas County School District*, the Supreme Court interpreted FAPE as providing more than *de minimis* benefit. Instead, the Court found:

*To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.*¹⁰

2. **Assessment.** A school must assess a child if a teacher or school staff member has a reason to believe that a child has an undiagnosed disability and the child’s parents give their permission. When a parent requests a special education assessment (or evaluation), a school must assess if there is a reason to suspect a disability.

This initial assessment also gathers information about the child’s strengths and any specific educational needs the child may have. When a disability is identified, this and other relevant information can be used to design an IEP and guide the child’s placement (see next section). Only after this initial evaluation and development of an IEP—and only with parental consent—can any special education and related service be provided to the child.

As with all effective assessments, assessment for special education services is not a “one-and-done” event. Reassessments should occur when an LEA determines that the child’s need for special education or related services, including academic achievement and functional performance, need revisiting or when a parent or teacher requests it. However, reassessments should not occur more than once a year, and at least once every three years, unless the parents and LEA agree otherwise. These assessments should answer two central questions: Have the child’s needs, abilities, or learning difficulties changed since the initial assessment? In what areas is the child progressing (or not progressing)?

3. **Individualized Education Program (IEP).** An IEP starts by describing the child’s “present level of achievement, including explaining ‘how the child’s disability affects the child’s involvement and progress in the general education curriculum.’”¹¹ It also includes a formal plan that establishes reasonable learning goals for a child with a disability and specifies the services the school district will provide to help the child achieve these goals.

In *Andrew F. v. Douglas County School District*, the Court declined to establish a particular test of appropriateness of an IEP, because it recognized that “reasonably calculated” requires the informed judgment of school officials and the input of the child’s parents or guardians. For those students with disabilities who are fully integrated into the general education program, the Court wrote that the IEP should typically be designed to enable a student to achieve passing grades and advance from grade to grade.

Key people in a child’s school life make up the IEP team

that creates this plan. These people include, at a minimum, the child’s parents; regular education teacher (if applicable); a special education teacher or service provider; an appropriately qualified representative of the LEA; an individual who can interpret the instructional implications of evaluation results; other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate (at the discretion of the parent or the agency); and, whenever possible, the child with the disability.

After a formal plan is created, the team must meet annually and revise the IEP plan according to the progress the student is making toward the specified goals. Ideally, the student who is the subject of the plan will attend and participate in the IEP meeting. This participation helps to ensure that the IEP is student-centered,¹² which is particularly important as the team begins planning for the student’s transition to adult living. Transition planning is a legal requirement, and formal transition plans must be in place by the time the student turns 16 years old.

4. **Least Restrictive Environment.** The requirement of educating a child in the “least restrictive environment” (LRE) means that students with disabilities should, to the maximum extent appropriate, be educated with children who are not disabled, and only removed from the general education environment when the nature or severity of the child’s disability is such that education in the general education classes cannot be achieved satisfactorily with the use of additional services. This allows students with disabilities to be educated in the classroom or learning setting where they are most likely to thrive academically, emotionally, and socially. Determining LRE requires careful judgment, insight, and understanding on the part of the IEP team members. It is important for LEAs to make available a continuum of placements and services so that parents and educators can fully respond to the growth and progress of each student, and the IEP can serve as a living vehicle for delivering a truly individualized education.
5. **Parental Involvement.** The legislators who crafted the IDEA understood that parents and family members know their children best and can give schools important information about their children’s strengths, weaknesses, and developmental background, along with insight into family factors that may affect a child’s learning. As a result, the law mandates the meaningful involvement of parents or guardians and their full participation in all decisions that affect their child’s education. The school

must have the consent of students’ parents or guardians to assess their eligibility for special education services, as well as to provide these services.

6. **Due Process.** IDEA mandates that states safeguard—and schools follow—certain procedures when:
 - » Assessing students with disabilities;
 - » Determining their eligibility for special education services;
 - » Ensuring appropriate educational placements, supports, and services for special education;
 - » Providing a free and appropriate public education; and
 - » Handling potential disputes.

These legal protections are provided for parents and children and youth with disabilities who believe that a student’s special education rights have been violated; this is called their “due process”—essentially, the processes that the law has put in place to address possible violations of a student’s rights to a free and appropriate public education and to special services and supports.

Due process includes complaint-resolution strategies, including complaint procedures, dispute resolution, mediation, and a formal hearing process. IDEA established these mechanisms to help parents and school personnel find agreement when people—parents, teachers, school administrators, services providers, or other members of a student’s IEP team—disagree over the contents or implementation of the IEP.

Part C: Early Start and Child Find

Research has confirmed the value of early intervention to address the effects of disabilities. The Early Start intervention and Child Find mandates in Part C of IDEA reflect a commitment to this benefit.

The law’s Child Find requirement involves maintaining “a system of notices, outreach efforts, staff training, and referral processes designed to ascertain when there are reasonable grounds to suspect disability and the potential need for special education services.”¹³ This obligation exists even if an LEA is not providing the special services for the child.¹⁴ The LEA is always responsible for ensuring that each child with a disability within its jurisdiction is



accurately identified and ultimately receives appropriate services and education.

Infants and toddlers change and develop rapidly. Thus, the evaluation, identification, and service-delivery mechanisms for very young children with a developmental delay or disability are different from those provided for older children. Early Start provides services that are primarily family focused, while Part B's services are more child—and education—focused and begin when the child turns 3 years old. Additionally, eligibility criteria are different for Part C and Part B. Before children who receive services turn 3 years old, they are reassessed to determine their continued eligibility for special education using the Part B criteria.

Because of these differences, IDEA encourages all people and organizations involved on either side of a child's transition from Part C to Part B services to carefully plan together

so that the change in services is as seamless as possible. In California, the Department of Developmental Services (via Regional Center staff at the local level) and the California Department of Education (via public school staff) are responsible for ensuring the success of this transition, with the planning to begin no later than three months before a child's third birthday.

Additional Legislation Affecting Students with Disabilities

Federal laws enacted in the past 50 years are intended to ensure that individuals with physical, intellectual, learning, and/or developmental disabilities have the same basic legal, civil, and human rights as every other citizen.

Other federal laws also protect students with disabilities from discrimination in public schools. Most often cited are:

» **Section 504 of The Rehabilitation Act.** The Rehabilitation Act of 1973 (Public Law 93-112; amended in 1992) is a federal law that includes Section 504, a civil rights statute prohibiting discrimination based on disability¹⁵ in any program or activity that receives federal funding. In order to avoid discriminating, these programs and activities must accommodate people with disabilities to the same degree it meets the needs of individuals without disabilities. While IDEA provides supports and services for children and youth with specific disabilities through *implementation* of an IEP, Section 504 focuses on access to education. Students do not need to have an IEP to be covered under Section 504 of the Rehabilitation Act.

SECTION 504 OF THE REHABILITATION ACT PROTECTS THE CIVIL RIGHTS OF INDIVIDUALS WITH DISABILITIES.

The law addresses only physical and mental impairments that “substantially [limit] one or more major life activities,” including (but not limited to) learning and behavior.¹⁶ A person who has allergies or respiratory problems, cancer, Tourette syndrome, or a communicable disease (e.g., HIV), or someone who is in recovery from alcohol or drug addiction may be protected under Section 504 and require an accommodation plan. The law explicitly includes what it refers to as “hidden disabilities” not “readily apparent.”¹⁷

Section 504 requires that students be offered a free and appropriate public education in regular education classes, with necessary supplementary aids and services, to enable them to access the educational program. These may include, but are not limited to, accommodations for test taking, more time for completing assignments, modifications to the classroom environment, preferred seating, homework modifications, counseling, a behavior management plan, and/or transportation accommodations, as appropriate and based on the identified needs. Section 504 in the educational context requires procedural safeguards be provided to students and parents, and requires FAPE to be provided through an evaluation and team meeting process.



» **The Americans with Disabilities Act.** The Americans with Disabilities Act of 1990 (ADA) primarily ensures people with disabilities have access to places, items, and information available to the public: physical access through ramps and curb cuts, for example; and informational access through the requirement that documents must be accessible through a screen reader, Braille, or large type. In all cases, schools, businesses, and public places must ensure that any person with a disability has access to their goods and services through any reasonable accommodation or modification.

For schools, the three basic concepts of ADA involve providing the following:

1. Reasonable accommodations to employees, students, and their family members with disabilities; for example, ensuring that a student in a wheelchair can get to class on time.

2. Extra aides, supports, and services that a person may need to communicate effectively and to access programs; for example, providing someone to translate the proceedings of a school board meeting into sign language for a parent who is deaf.
3. Reasonable modifications of policies, practices, and procedures; for example, making exceptions for a student who has hemophilia to a graduation requirement that all students take a physical education class that may involve student contact.

Two additional pieces of federal legislation have created systems of services and supports to prepare students with disabilities to enter the workforce and realize financial and personal independence.

- » **The Carl D. Perkins Act.** The Carl D. Perkins Vocational and Technical Education Act of 1998 (reauthorized in 2018 as the Strengthening Career and Technical Education for the 21st Century Act) requires schools to inform parents of vocational education opportunities for their child by the time the child is in ninth grade. The law was initially designed to strengthen technical education in the country and to boost the economy. The authors of the law knew the workforce potential of students with disabilities and included the requirement that schools receiving Perkins money must provide vocational assessments, special services, and career and transition counseling¹⁸ to give students with disabilities a better chance to transition into adult life, independent living, and gainful employment.¹⁹
- » **The Workforce Investment Act.** The Workforce Investment Act (WIA) of 1998 is another federal law that promotes state-delivered services for students with disabilities. The act established a system of employment and training programs for youth (aged 14–21), adults (aged 18 and above), and dislocated workers. In 2014 the law was superseded by the Workforce Innovation and Opportunity Act (WIOA), which continues to provide employment services to disadvantaged individuals, specifically those who are low income and have “additional barriers to success,” such as a disability. These programs and services help students learn both hard and soft job skills; for example, how to solder and weld and how to collaborate with others. Many of these programs are delivered through California colleges (including community colleges) and universities.²⁰

California Law and Federal Law

When federal laws are reauthorized, California’s Legislature commonly adjusts its statutes and regulations to align with any new or revised federal law and regulations. After the most recent reauthorization of IDEA, California introduced legislation to ensure that its Education Code aligned with the federal law.²¹

California’s legal requirements for educating students with disabilities are written into the state’s statutes and Code of Regulations²² and support the requirements of IDEA.

Conclusion

The rights of children with disabilities to receive an education have evolved out of long-fought legal battles. Generations have struggled over what is the morally correct thing to do within the framework of a democracy. The purpose of the legislation that resulted from this struggle—IDEA—is to ensure not just *access* to instruction but educational *benefit* from that instruction.

Laws typically provide only the floor of rights and services. School board members can create a higher ceiling of opportunity so that these students enter adult life with experiences of success and a vision of themselves as capable, contributing citizens—agents of their lives and active in the world.

Questions for School Board Members

1. What are our plans for coordinating services and supports for toddlers with disabilities who are entering our preschool programs?
2. How are we monitoring the progress of our students with disabilities?
3. How do we include parents of students with disabilities in our LCAP development process?
4. How do we assess English learners with regard to special education and ensure that their issues are learning issues rather than resulting from their limited English language proficiency?
5. What are our plans for attracting and retaining staff who have the expertise to serve our students with disabilities and ensure that “every child [has] the chance to meet challenging objectives”?



SELPA's and Special Education Funding in California

IN THIS BRIEF

- » Information about Special Education Local Plan Areas (SELPA's), including their responsibilities, structure, governance, and relationship to the county office of education
- » Information about special education funding, including state and federal sources of revenue and regulations
- » Questions for board members to consider

Introduction

California’s current funding system for public schools, the Local Control Funding Formula (LCFF), provides board members with more flexibility in decision-making at the local level. Recognizing that local communities know their students best, the formula allows local educational agencies (LEAs)—school districts, county offices of education (COEs), and charter schools—to spend funds in ways that can best meet the needs of their students.

SELPAs ARE THE FOUNDATIONAL STRUCTURE FOR OVERSEEING AND DELIVERING SPECIAL EDUCATION SERVICES IN CALIFORNIA.

“Students” refers to *all* students, including those with disabilities from birth through age 21—one of the most at-risk populations. Schools are responsible for providing all students with the opportunity to meet challenging objectives. This goal can be difficult to meet due to the complicated nature of special education legal requirements, service delivery mechanisms, and funding.

To help board members better understand those complexities, this brief will outline how SELPAs are organized and how they deliver special education services in California. Special education funding will be discussed in detail as well.

Service Delivery Structure: Special Education Local Plan Areas

Special Education Local Plan Areas (SELPAs) are the foundational structure for overseeing and delivering special education services within regions in California.¹ They are most often consortia of school districts and one or more COEs that band together to provide special education services in a region, although single districts can be their own SELPAs. SELPAs provide special education expertise, oversight, and resources. Their charge is to ensure that services are provided in every area of the state and that small districts can deliver services by pooling efforts with surrounding districts. This ability to pool resources and efforts is particularly important for serving students in small districts.

SELPA Responsibilities

The job of the SELPA, through its relationships with the school districts and COEs in a region, is to coordinate and ensure that in every region:

1. A viable system for educating students with disabilities is functioning;
2. Students are provided with a free and appropriate public education (FAPE) in the least restrictive environment (LRE);
3. The education rights of students with disabilities and their families are fulfilled, and;
4. An annual compliance monitoring system is implemented, with follow up that rectifies any issues.²

SELPAs are also responsible for supporting local districts with the following:

- » Governance committees, including a Community Advisory Committee (CAC);
- » Assistance with understanding compliance requirements;
- » Transition planning;
- » Program coordination;
- » Fiscal management, including budget planning and review;
- » Staff professional development;
- » Curriculum development and support;
- » Data management;
- » Regionalized services and Program Specialists;
- » Interagency coordination and memorandums of understanding (MOUs);
- » Program evaluation; and
- » Community awareness.³

To fulfill its responsibilities, each SELPA ensures that there is a regional system that identifies, assesses, and connects students with disabilities with appropriate services as early as possible. The coordination of services also requires SELPAs to collaborate with other public agencies (e.g., Head Start, the Department of Rehabilitation, and California Children’s Services) as well as with private agencies, such as out-of-home placements and nonpublic schools both inside and outside of the state.

Types of SELPAs

Among the 131 SELPAs in California, there are three basic types:

1. **Single-District.** Nearly one-third (42) of SELPAs consist of a single school district, most of which have more than 20,000 students each.
2. **Collaborative.** Nearly two-thirds (84) of SELPAs are collaborative and encompass most of the state's school districts. These districts are not large enough to be part of a single-district SELPA. Moreover, some or all districts within a county can elect to join with their COE (which typically serves as the administrative unit) in a collaborative SELPA.
3. **Charter-Only.** These SELPAs consist of multiple charter schools. There were four charter-only SELPAs during the 2016-17 school year, serving approximately one quarter of students with disabilities in charter schools.

There is also one SELPA in California that serves only students attending Los Angeles County court schools.⁴

For special education purposes, charter schools have two options. One is to remain a “school of the district.” These charter schools receive special education services from their authorizing district in the same way as other schools in the district (unless agreed to otherwise). The second option is for charters to be established as their own LEAs for special education purposes. A charter school wishing to pursue LEA status must apply and be accepted into a SELPA. All SELPAs are required to have a process in place for the admission of charter schools as LEA members. However, single district SELPAs cannot accept charter LEAs into their governance structure unless they undergo a change in SELPA designation from single-district to a multi-district SELPA.

SELPA Local Plan

Every SELPA must develop a Local Plan. The specific components of the Local Plan are delineated in California Education Code and indicate, among other things, how the SELPA will (1) meet the requirements of state and federal law, (2) be governed, (3) ensure that supports and services are provided by qualified personnel, and (4) provide the public with opportunities to participate in the development of policies and proce-

dures. The Local Plan must also be written in a language that is understandable to the public.⁵

Additionally, the Local Plan must include information about the following elements:

- » How the SELPA will ensure that all related personnel providing related services are qualified, including special education teachers, paraprofessionals, and other personnel;
- » Performance goals and indicators, as well as assurances that all member LEAs participate in state and district-wide assessments;
- » How IDEA funds will *supplement and not supplant* state and local funds, and how it will ensure maintenance of financial effort;
- » Assurance that it has provided the public with opportunities to participate in the development of policies and procedures;
- » Suspension and expulsion rates;
- » How the participating SELPAs make instructional materials accessible to students who are blind or visually impaired; and
- » How participating LEAs are addressing issues of over-identification and disproportionate representation of different student groups.

SELPA Governance

Each SELPA has an Administrative Unit (AU)—also known as the Responsible Local Agency—which can be a member school district or COE. The AU serves as the legal entity to receive and manage federal, state, and local funds. SELPA management generally consists of a coordinated effort between the AU's business office staff and the SELPA director, who is often an assistant superintendent in the district or COE.

Multi-district SELPAs must outline in their Local Plans the entities that are part of their governance structure, which commonly include:

- » A governance council or board, usually made up of the superintendents from member districts;
- » A directors' council, made up of the special education directors from member districts;
- » A finance committee, made up of fiscal officers and experts from member districts;

- » A Community Advisory Committee (CAC), made up of parents, staff, and community members; and
- » A SELPA director and support staff.

Multi-district SELPAs also sometimes choose to govern themselves through a “joint powers agreement,” which is a formal, legal agreement between the member districts that outlines how the SELPA will be managed.

Single-district SELPAs are organized somewhat differently. In each, the district serves as its own AU and the governing board functions as its governing body.

Community Advisory Committees

Each SELPA must have a CAC composed of parents, staff, and community members, including students and adults with disabilities. Moreover, the majority of members must be parents of students with disabilities. The board of each participating district or COE appoints CAC members, with the selection procedure delineated in the SELPA Local Plan. Education Code 56194 states that the CAC has the following responsibilities:

- » **Advise** the AU of the SELPA in the development, amendment, and review of the Local Plan;
- » **Recommend** annual priorities to be addressed by the plan;
- » **Assist** in parent education and recruiting parents and other volunteers who may contribute to the implementation of the plan;
- » **Encourage** community involvement in the development and review of the Local Plan;
- » **Support** activities on behalf of individuals with exceptional needs; and
- » **Assist** in parent awareness of the importance of regular school attendance.

A SELPA should take CAC recommendations into consideration but is not obligated to make suggested changes.

County Offices of Education and SELPAs

When COEs are members of the SELPA, they are part of its governance structure and typically serve as the AU. They are also directly

involved in decisions related to special education program operations, policies, and allocation of resources. The COE is responsible for the coordination of all Local Plans serving individuals with exceptional needs residing within the county and is required to approve or disapprove any proposed Local Plan (new or amended) for SELPAs within the county. In some counties with multiple SELPAs, the COE is a member of one SELPA but not others. This is most common when there is a large school district within the COE’s boundaries that is organized as a single-district SELPA. The COE can also be a member of multiple SELPAs in its geographical area and can act as the AU for more than one SELPA.

Even when COEs are not part of a SELPA, they sometimes offer special education programs and services to students with disabilities in their counties. In these situations, SELPAs and their district members can contract with the COE for services. Typical COE programs and services for students with disabilities include special education classes for students with low-incidence disabilities and those with emotional disturbances, Early Start services for infants and toddlers, and transportation for students with significant mobility impairments.

Funding Sources

Because students with disabilities are considered general education students first, LEAs support their access to general education teachers and classrooms through their general funds—as they do for *all* students. The state’s LCFF provides a minimum funding guarantee for LEAs. The LCFF funding amount for LEAs is composed of a base grant determined by their average daily attendance (ADA), and supplemental grants based on the “unduplicated” count of high-need students (English learners, low-income students, foster youth, and homeless students). LEAs with an unduplicated count above 55 percent of their ADA also receive a concentration grant.

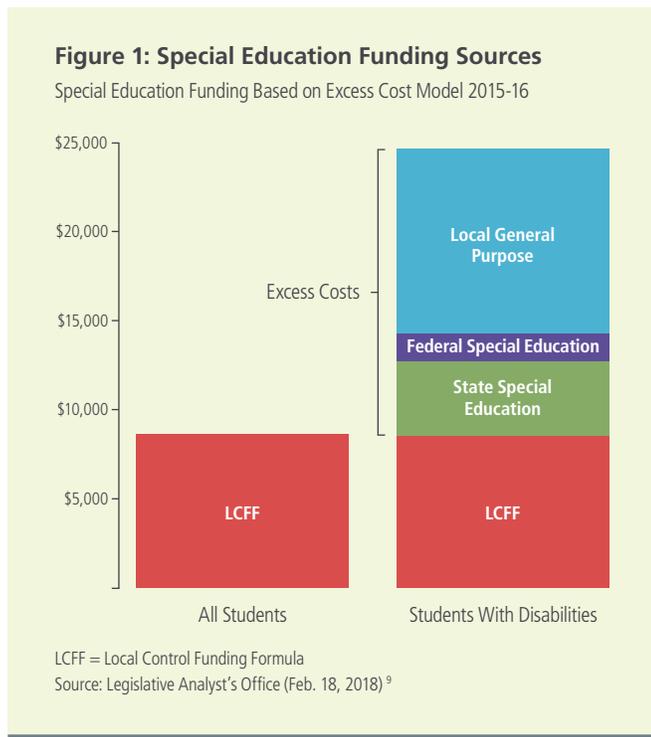
While special education status is not considered under the unduplicated student counts that generate supplemental and concentration funding, many special education students generate those funds by their other needs:

- » 27 percent of foster youth have disabilities;
- » 17 percent of students who are English learners have disabilities;
- » 13 percent of students who are socio-economically disadvantaged have disabilities; and
- » 13 percent of homeless students have disabilities.⁶

As part of the LCFF system, Local Control and Accountability Plans (LCAPs) require LEAs to describe the goals and specific

actions to achieve those goals for all students and each student group identified by the LCFF for each of the state priorities, as well as any local priorities. Students with disabilities are included within this requirement at both the LEA and school level. Therefore, LEAs should consider how they can use their available funding sources to devise strategies that best meet the multiple needs of these students and should identify these strategies within their LCAPs. The current state accountability system also explicitly highlights the performance of students receiving special education services and holds LEAs more accountable for this performance. Of the 374 districts identified for assistance from their COEs based on their 2018 California School Dashboard reports, two-thirds were identified based on their performance related to students with disabilities.⁷

In addition to LCFF funding, a combination of local, state, and federal sources is meant to cover the extra (or “excess”) costs of special education services that LEAs are required to provide. “Excess costs” are the costs of providing the additional supports for students with disabilities to give them an opportunity to meet challenging objectives. SELPAs serve as the primary authority for this funding. In 2014-15, funding from these three sources amounted to more than \$12 billion of special education spending in California: \$7.6 billion from local contributions, \$3.2 billion in state special education funding, and \$1.2 billion from the federal government.⁸ In recent years, the portion of excess costs paid out of LEA budgets has increased, a point discussed in greater detail in the following sections.



State Funds for Special Education

California allocates state categorical monies to support the education of students with disabilities. SELPAs receive state funds for special education based on total student attendance (as opposed to the number of students with disabilities or the types of services their students receive). This funding system is commonly referred to as Assembly Bill (AB) 602 (after its enacting legislation in 1998). Approximately 85 percent of the funding that the state gives to SELPAs (and thus to LEAs that are served by them) for special education is determined by AB 602.¹⁰

There are reasons for using this census-based approach, although it means that funding does not necessarily align with the actual costs that LEAs pay for special education. The AB 602 funding system was designed to avoid providing a financial incentive to over-identify students for special education or to place students in expensive settings such as special day classes when a less-restrictive environment (a general education classroom, for example) would be in a student's best interest.

One challenge of the AB 602 funding system arises from the fact that state per-student funding varies widely from one SELPA to another, ranging from \$488 to \$936 in 2017-18. According to a Legislative Analyst's Office report, this variation is because the formula established for funding under AB 602 continued the differences in spending levels among the SELPAs that existed in 1997-98. While efforts have been made to equalize this variation in state funding across SELPAs, differences remain. The Legislative Analyst's Office estimates that equalizing SELPA per-student funding would require approximately \$300 million in additional funds.¹¹

This variation in funding means that SELPAs have different amounts of money to spend on meeting the needs of special education needs. Therefore, the SELPAs with the greatest number of students with disabilities and/or those with the highest-cost disabilities are not necessarily those that receive the greatest amount of special education funding through AB 602.¹² CSBA continues to work on legislation to equalize and increase funding for the AB 602 funding formula.

While AB 602 funds are the largest source of state money for special education, SELPAs also receive money from other state programs. For example:

- » SELPAs are responsible for funding any mental health services that are required by the IEP for a student with disabilities¹³ and receive funds to help them meet these



needs. Mental health services represent \$360 million of additional monies to SELPAs.

- » SELPAs with licensed children's institutions (such as group homes) located within their boundaries receive approximately \$145 million in "Out of Home Care" funding.¹⁴
- » California appropriates more than \$70 million in state funds to programs for infants and toddlers.¹⁵ The U.S. Department of Education also provides a grant to the California Department of Developmental Services for infants and toddlers through Part C of the IDEA. The CDE receives a portion of approximately \$14 million annually, which appears in the Budget Act as a reimbursement.

California has also developed a "Necessary Small SELPAs Extraordinary Cost Pool." This program reimburses Necessary Small SELPAs that have extraordinarily high-cost single placements for mental health-related services. Necessary Small SELPAs can apply for additional funds in excess of the annual threshold amount set by the state, provided funds are

available. For the 2018-19 fiscal year, the threshold amount was the "lesser of \$79,050.68, or one percent of the SELPA's subtotal apportionment."¹⁶

Federal Funds for Special Education

Federal IDEA funds are provided through a categorical grant to states, meaning that each state can use the funds only for one category of students: those with disabilities. The state grant is determined using a federal funding formula, which considers a series of factors outlined in section 611(d) of IDEA. California passes this grant money on to SELPAs to be spent only on the excess costs of efforts to ensure and maintain services for students with disabilities. Each SELPA receives its allocation consistent with the federal formula but may determine how to distribute these dollars locally. The federal Office of Special Education Programs (OSEP) monitors how this money is used, and SELPAs are required to provide documentation to ensure the appropriateness of that use.

Federal requirements mandate that IDEA dollars be used to pay for only the *excess costs* of special education and related services for children with disabilities and to *supplement, and not supplant*, state and local efforts to pay for special education and related services.¹⁷ The federal government holds states to a "maintenance of financial support" (MFS), which means that they may not reduce the amount of state financial support for special education and related services. LEAs are required to demonstrate "maintenance of effort" (MOE), which means that they must spend the same or a greater average amount of state and/or local dollars on special education services each year to receive federal IDEA money.

If these spending levels are not maintained for special education, the difference must be returned to the federal government. There are exceptions, notably that if the enrollment of students with disabilities that a SELPA is serving declines, the SELPA does not have to spend the same amount; or if costly equipment represents a one-time purchase, that purchase amount does not have to be "maintained" each year.¹⁸ Despite these exceptions, MOE has created some inconsistencies across SELPAs.

LEAs Are Paying a Greater Share of Excess Costs

Supports and services necessary to provide students with disabilities with the opportunity to meet challenging objectives are generally more expensive than those for students without disabilities. When resources designated specifically for special education through federal and state funds do not

fully cover the excess costs of special education, districts use money from their general fund to make up the difference. As federal and state special education funding fails to keep up with overall special education costs, districts are increasingly filling in the gaps with their general funds.

When IDEA was first passed, the intent was for the federal government to provide the states with 40 percent of the excess costs of providing special education and related services to students with disabilities. However, IDEA monies never reached this 40 percent threshold. According to an analysis of 2014-15 data by the Public Policy Institute of California, only 9 percent of special education funding came from federal funding, while 31 percent came from state and 60 percent from district funding.¹⁹

As previously mentioned, per-student funding rates vary widely from one SELPA to another. In some SELPAs, per-student funding disparities have been exacerbated by the increase in the number of children with high-cost disabilities such as autism. In many LEAs, overall student enrollment is declining, thus reducing ADA and the money their schools receive to serve all students, including those with disabilities. Furthermore, while the costs of special education services have increased, state spending on special education has not grown as fast as spending on other aspects of the education budget.²⁰

Without additional state or federal special education funding, the impact on local budgets is likely to increase. Board members will need to work with their administrators to identify strategies for improving services and outcomes for students with disabilities in the context of such constraints.

Conclusion

This brief provides a general overview of special education structures and finance so that all board members have the foundational background knowledge to discuss and make budgetary and curricular decisions that effectively serve students with disabilities.

At a time when LEAs are paying a larger portion of special education expenses, the state has been focused on developing a system of “continuous improvement.” Since the California School Dashboard has identified 243 California districts as needing differentiated support based on their outcomes for students with disabilities, many board members will be working with their COE to strengthen their services for students with disabilities.²¹ Those LEAs not currently identified for COE support should also work with their SELPAs and staff to improve opportunities for rich and engaging opportunities to learn.

Through informed governance, LEAs can invest in programs and services designed to foster better academic achievement, improved well-being, and positive career outcomes for students with disabilities.

Questions for School Board Members

Board members can help their schools better serve students identified for special education services by answering the following questions:

Special Education Structures

1. To which SELPA do we belong, and what resources does it provide to our LEA?
2. What are we doing in our SELPA to keep high-quality teachers and specialists and to recruit and train new staff members, including paraprofessionals?
3. What data and processes are we using to monitor program efficacy once programs or services are implemented?
4. What supports do we have in place to encourage the engagement of parents of students with disabilities and to incorporate what we learn from them into our programs and policies? or in restrictive classrooms, such as resource specialist classes and special day classes?

Special Education Structures

1. How is special education funding structured in our LEA?
2. What special education services do we provide in-house, and what services do we contract with other providers?
3. How are we investing in services for students with disabilities, and what do we know about the effectiveness of these investments?
4. How is our district (or COE) targeting services for students with disabilities who are also included in our LCFF priority student groups (e.g., homeless students, foster youth, English learners, and low-income students)?
5. What information about special education funding and structures should we share with stakeholders including students, staff, families, and community members?





California's Teachers of Students with Disabilities

IN THIS BRIEF

- » Information on special education teacher preparation and credentialing
- » Information about special education teacher shortages
- » Best practices for the professional development for teachers of students with disabilities
- » Questions that board members can ask district staff to learn about special education in their local context



Introduction

California provides special education services to more than one in 10 infants, children, and youth, a number slightly below the national average.¹ By law, local educational agencies (LEAs) are responsible for providing students with disabilities free and appropriate instruction specially designed to meet their unique needs. These services occur in a range of settings and are determined in close consultation with students' families and the educators that serve them. In 2017-18, nearly 775,000 students with disabilities were enrolled in the state's public schools and programs,² and their educational needs range from relatively minor to intensive interventions.

Yet, California continues to struggle to meet the needs of many students with disabilities. The state's current accountability system highlights this issue: of the 374 districts that the California Department of Education (CDE) identified for differentiated assistance due to performance on

the 2018 California School Dashboard, 65 percent (243 districts) were identified based on their results for students receiving special education services.³

These outcomes highlight the importance of governance decisions that lead to practices and programs that better serve students with disabilities. Improving student learning is accomplished through a variety of strategies and reforms, and any sustainable effort must include attention to the education and support teachers receive. Board members can improve outcomes for children and youth with disabilities by ensuring teachers have the necessary training and experience to meet their students' particular needs.

This brief provides information about teachers who serve students with disabilities: their preparation requirements and challenges, their continuing professional development needs, and what California is doing to address the shortage of qualified educators. A set of questions and resources to assist board members in discussing personnel considerations is also provided.

Special Education Teacher Preparation

Persistent and troubling achievement outcomes for students with disabilities led California to convene a Special Education Task Force that examined challenges in the field, with the goal of making recommendations for improvement to the CDE, the State Board of Education (SBE), and California's Commission on Teacher Credentialing (CTC). The final 2015 report from the task force argued that changes to the state's teacher credentialing system would be necessary to improve special education. As a result, the CTC undertook a multi-year, comprehensive approach to improving the preparation process for teachers to ensure that all students, including those with disabilities, have access to qualified educators.

Although evidence indicates that teachers who have participated in special education preparation programs are associated with improved learning and well-being for students with disabilities, many students with disabilities spend little time with such teachers. By 2014, almost two-thirds of U.S. students receiving special education services were spending 80 percent or more of their day in general education classrooms.⁴ This inclusion-based approach is consistent with the legal requirement—and research-based best practices—to ensure that students with disabilities are placed within the “least restrictive environment” (LRE), as appropriate. While general education programs are the appropriate placement for the bulk of students with disabilities, it means that general education teachers must also be able to meet a range of student needs. Thus, the Special Education Task Force recommended the development of teacher credentialing models that better prepare both general and special education teachers to serve students with disabilities.⁵

Changes to Requirements for Teacher Preparation

Some historical context might help board members understand the direction of recent reforms to the state's general and special education credential requirements. Prior to the 1990s, California required special educators to earn two credentials in order to teach students with disabilities: a general education teaching credential and an education specialist (i.e., special education) credential.

Facing serious shortages, the state eliminated the general education credential requirement for special educators in 1996. The goal was to make the education specialist credential easier and faster to earn, in hopes of attracting more people into the profession. Despite the reduced require-

ments, the state's number of certified teachers in special education continues to decline while the number of students needing special education services increases.

Teacher Shortages

The demand for qualified special education teachers continues to grow, while the supply of these teachers is diminishing. A reduction in the number of candidates enrolling in preliminary credential programs as the current special education teacher workforce is aging is exacerbating these shortages. Researchers predict that more than a quarter of special education teachers who were employed in 2014 will retire by 2024, a rate that outpaces teacher retirements in all other subject areas.⁶

Today, many schools struggle to find qualified instructors, an issue that can be particularly challenging for the state's small and rural districts.⁹ And the shortage has created a situation of difficult trade-offs. Because schools need teachers, thousands of substandard credentials—emergency and intern permits—have been issued, leaving some of the state's most vulnerable students with teachers who do not have adequate preparation to teach them.¹⁰

To address this challenge, California invested millions of dollars in efforts to increase the number of special education teachers in its public schools. However, recent estimates suggest that it will be five years or more before schools see the fruits of that investment.⁷

Other personnel shortages compound the negative impact on special education students.¹² For years, California's schools have struggled to find enough “specialized instructional support personnel” such as speech-language pathologists, occupational therapists, school psychologists, and physical therapists. These unfilled positions further complicate the challenges for schools.

Moreover, the degree of special education preparation required is now greater than before 1996. Although the CTC removed the general education credentialing requirement, it also increased the kinds of credentials and authorizations a person must earn to become an education specialist. By 2017, the state offered seven types of preliminary education specialist credentials and nine additional possible authorizations. These added authorizations were designed to ensure educators could provide appropriate supports and services for specific groups of students. However, they also placed an extra credentialing burden on all special educators, especially on those who want to work



with students who have “low-incidence” disabilities, i.e., those which occur infrequently in the general student population.⁸

One consequence of eliminating the requirement that special educators earn both a general education and special education credential is that without general education credentials, education specialists are not authorized to teach general education students. This credentialing strategy limits the continuum of service options available to LEAs.¹¹

Changes to Teacher Preparation: Moving to a Unified Approach

In its 2015 report, the Special Education Task Force found that once students are identified as needing special services, particularly for learning disabilities, they rarely catch up to their peers.¹³ The report documented that California’s students with disabilities were not only attaining significantly lower levels of school success than their peers with disabilities in other states, they were graduating from high school at lower rates and realizing poorer post-secondary outcomes (e.g., fewer employment and educational opportunities, lower earnings, and lower levels of independence).

The report also found that general education and special education had, in effect, become two systems, noting that “significant barriers to school success for students with disabilities have grown out of [the] unfortunate evolution of two separate ‘educations.’” One problem of this dual system is that the teacher preparation and licensing approach re-

stricted the ability of education specialists to serve students in general education settings—and offered inadequate special education training for general educators.

In response to these concerns, the CTC developed new standards for general education teacher preparation and approved six Teaching Performance Expectations (TPEs) for candidates receiving their preliminary credentials.¹⁴ These expectations—a set of skills and knowledge for every beginning teacher—require general educators to develop a more comprehensive foundation in understanding the needs of students with disabilities and learn an array of instructional strategies that better serve students with disabilities in general education classrooms, as appropriate.

Changes to the education specialist (i.e., special education) credentials are forthcoming as well. The CTC worked to simplify the credentialing requirements for special education teachers, along with new teacher preparation program standards. The challenge is one of balance: ensuring rigor in preparation so that every teacher is highly qualified, without placing undue preparation burdens on those who want to teach students with disabilities.

In 2018, the CTC reduced the number of preliminary special education credentials to five and approved new TPEs for each credential. Like general education teacher candidates, all special education teachers must take and pass a teaching performance assessment prior to being recommended for a credential, once such an assessment has been developed and adopted by the Commission. This assessment would require that candidates demonstrate they have mastered the competencies outlined within the TPEs. Finally, the Commission announced that it will discuss and make recommendations about issues such as revised subject matter competency requirements and field work for teacher candidates, along with updated specific credential authorizations.

New Preliminary Education Specialist Credentials

Adopted in August 2018 for Fall 2020 Implementation

- » Mild to Moderate Support Needs
- » Extensive Support Needs
- » Early Childhood Special Education
- » Deaf and Hard of Hearing
- » Visual Impairments

The CTC sought to design teacher preparation requirements that provide general education and special education teacher candidates with a common foundation (something

the Special Education Task Force and the CTC refer to as a “common trunk”) of knowledge and skills with the goal of promoting greater collaboration and understanding between special and general education teachers during their credential programs and beyond. The hope is that general education teachers will benefit from a program that integrates special education knowledge and skills throughout. Likewise, special education teachers will benefit from the same pedagogical knowledge as their general education peers. This approach aims to break down some of the silos that currently exist between special education and general education. Several college and university programs that prepare teachers have already merged their general education and special education preparation programs, training all teachers together.¹⁵

While these developments reflect important shifts in credentialing approaches, board members should note that full implementation of changes to teacher preparation programs for education specialists are not anticipated to begin until Fall 2020. Teacher preparation for general education teachers, however has already been incorporated the addition of TPEs related to serving students with disabilities.

Professional Development

Ongoing teacher shortages raise an important issue for board members: How can districts and county offices of education better serve students with disabilities while the teacher pipeline issues are being addressed? One strategy for addressing the problems of teacher preparation and personnel shortages lies with the professionals who are already in the classroom. High-quality professional development makes it possible to reduce attrition and help teachers provide more effective instruction.

A comprehensive study of California educators found that the lack of quality professional development is one of the main reasons special education teachers leave teaching.¹⁶ Yet, studies also suggest that too many teachers experience professional development as “episodic, superficial, and disconnected from their own teaching interests or recurring problems of practice.”¹⁷ Improving the professional learning opportunities for general and special educators will improve their effectiveness in the classroom and strengthen both teacher recruitment and retention efforts, even in schools that are hard to staff.^{18,19}

Research about how adults learn also points to a clear remedy. Providing mentors (especially for new teachers), in-class coaches, professional learning communities, collaborative

school-wide cultures, and concerted and visible administrative support all serve to develop the teaching professionals in a school in the best ways possible, making teachers more effective in the classroom, happier in their jobs, more willing to take risks and be creative, and generally more committed to their professions and less likely to leave.²⁰

Conclusion

In response to recommendations from the state’s 2015 Special Education Task Force Report, California is working to build a system of education that is unified, coherent, and able to readily field a workforce of highly qualified instructors and other special education providers. As this vision is realized, special and general educators will find themselves working together more closely to support each other in ways that help them meet the demands of their profession and, even more importantly, open doors to a brighter future for all students, including students with disabilities.

Questions for School Board Members

1. How many of our education specialists are not fully or appropriately credentialed?
2. What are the strategies our district or county office of education is using to bring talented new teaching professionals to our community?
3. Do our education specialists report challenges related to their working conditions that are impacting retention (e.g., case load, assessment schedules)? Are there policies we can put in place to address some of the working conditions specific to our special education teachers’ responsibilities?
4. How many of our special education teachers do we anticipate will retire within the next five to 10 years?
5. What mentoring and professional development opportunities do we provide our special education teachers?
6. What professional development opportunities do we provide for general education teachers so that they can better serve students with disabilities?
7. What opportunities do special education and general education teachers have to collaborate with each other?

Best Practices in Special Education

IN THIS BRIEF

- » Information about the need for best practices in educating students with disabilities
- » Information about the value of a coherent system in educating all students, including students with disabilities
- » Best practices that address legal requirements for special education
- » Additional best practices for instruction, school climate, and teacher support that benefit all students
- » Questions for board members to consider







Introduction

California's current funding system for public schools, the Local Control Funding Formula (LCFF), provides board members with more flexibility in decision-making at the local level. Recognizing that communities know their students best, the formula allows local educational agencies (LEAs)—school districts, county offices of education, and charter schools—to spend funds in ways that they believe best meet the needs of their students.

This brief focuses on best practices that contribute to positive school outcomes for students with disabilities, including appropriate educational placement. These practices include both those that are legally mandated and those that have been proven effective through research and practical experience.

Improving Outcomes: The Need for Best Practices in Special Education

Schools are responsible for educating all students, yet students with disabilities often underperform on multiple measures when compared to their peers without disabilities. Proportionally, fewer students with disabilities graduate from high school and enroll in two- and four-year colleges than their peers without disabilities, and young adults with disabilities who enroll in college are less likely to receive a bachelor's degree than their peers. Students with disabilities are twice as likely to be unemployed as adults, more likely to work part time, and more likely to work in low-wage jobs that offer little opportunity for advancement.¹ Students with disabilities are also more likely to be incarcerated than their peers without disabilities.²

Yet, there is much LEAs and schools can do to improve outcomes for these students. As researchers have learned more about effective instructional and organizational practices, education leaders have responded by promoting successful strategies, services, and policies. While board members are not responsible for administrative details or implementation of strategies, they can better support their schools and the students they serve when they have a foundational understanding of best practices for students with disabilities.

The Value of One Coherent System

One unintended result of the passage of the landmark Individuals with Disabilities Education Act (IDEA) of 1975,³ was the development of what some see as a dual-education system: special education and general education. The principal reasons for this were: 1) the federal money designated for special education was separate from state general education funds, and 2) IDEA supported specific kinds of services, which generated a separate credentialing system to prepare the educators who wanted to teach students with disabilities.

A principal objective of Congress in the 1970s was to “educat[e] children with disabilities with their nondisabled peers . . . [while] providing the necessary services for making that happen.”⁴ Special education was intended to be the necessary services and supports that students with disabilities needed if they were to receive the full benefit of their education.

As recommended in the 2015 California Special Education Task Force report, the state has moved toward a single system for educating all students, including those with disabilities.⁵ One important aspect of this coherence is that California now includes students with disabilities in its statewide accountability system.

The best practices discussed in this brief are integral to a coherent system of education for students with disabilities and their peers without disabilities. Together, these practices can enable all students to grow and learn and help make it possible for special education and general education to become one seamless, coordinated system.

Practices that Address Legal Requirements for Special Education

Inclusion and Least Restrictive Environment

LEAs are required to ensure that students with disabilities have the opportunity to be educated with non-disabled

peers to the maximum extent appropriate. This is called the least restrictive environment (LRE). At the same time, LEAs must provide students with disabilities the supports and services they need to have the opportunity to meet challenging objectives and access the curriculum. For most students with disabilities, the LRE is the general education classroom.⁶ Removing a student with a disability from the general education environment should happen *only* if the student cannot receive benefit in the general education environment, even with appropriate supportive aids and services.

CHILDREN WITH COGNITIVE DISABILITIES THAT RECEIVE EDUCATION IN INCLUSIVE SETTINGS ARE LIKELY TO REACH HIGHER ACADEMIC ACHIEVEMENT.

The benefits to students with disabilities of inclusive classrooms in terms of post-school outcomes—particularly employment—have been well-documented.⁷ A commonly cited benefit is that inclusive classrooms reflect the diversity of the post-school world, which allows students to learn from and appreciate diversity in backgrounds and perspectives, easing their transition to adult life.⁸ Research has also confirmed higher academic achievement for children with cognitive disabilities who received their instruction in inclusive general education settings.⁹ This may be in part because higher expectations are associated with higher achievement.¹⁰ These classrooms may also employ peer modeling, an effective practice where students learn from each other.¹¹

Educating all students together has been shown to produce better outcomes for students without disabilities as well.¹² Research indicates that this may be in part because teachers must consider a variety of ways to deliver instruction; create opportunities for students to practice skills and develop their understanding of concepts and ideas; and offer different ways for students to demonstrate what they know and are able to do.

Full Continuum of Services

While research confirms that inclusive settings benefit most students with disabilities,¹³ some children will have more opportunities to learn in specialized settings, those that can offer the kinds of intense supports that cannot be provided in a general education classroom. In view of this, the IDEA

requires that schools maintain a full continuum of placement options and that “each child’s educational placement must be determined on an individual case-by-case basis depending on each child’s unique educational needs and circumstances, rather than by the child’s category of disability.”¹⁴

The IDEA requires each student to have an Individualized Education Program (IEP). Parents, educators—and, if able, the child—work together to decide which option is appropriate for the student. These possibilities include instruction in general education classes, special education classes, non-public schools, home instruction, and instruction in hospitals and institutions.¹⁵

Early Intervention

Early intervention is a term most often applied to the range of services that are mandated by the IDEA¹⁶ for babies and very young children who show signs of disability or developmental delay, as well as for their families.¹⁷ The understanding of the importance of early intervention emerged from decades of research showing that children’s earliest experiences play a crucial and lasting role in their brain development.¹⁸ High-quality early intervention programs for vulnerable infants and toddlers can reduce the incidence and severity of future problems in their learning, behavior, and health. The earlier these strategies are used, the better the child’s chances of success.

The notion of early intervention can also be used in the context of older children. Commonly referred to as “early intervening services” when applied to older students, the same fundamental principle holds: if there is a problem, the problem is best addressed early—as soon as possible after its identification.

Parent Participation and Family Engagement

Research shows that schools and LEAs with robust family engagement protocols and infrastructures typically have better community reputations and relations than those that do not.¹⁹ These efforts are crucial because multiple studies indicate that students with actively engaged parents perform better academically and are less likely to drop out of school.^{20,21}

All LEAs are required to actively seek parent input when creating Local Control and Accountability Plans (LCAPs), including input from parents of children with disabilities, and must incorporate specific programs and strategies for parent involvement in their LCAPs. As part of this effort, California has developed guidelines for LEAs and schools to secure authentic parent engagement.

To engage parents of students with disabilities, LEAs may need to provide targeted outreach and special accommodations. One factor contributing to the need for these extra outreach efforts is the limited amount of time that parents and families of students with disabilities may have to be involved in school-related activities. Other factors may be that these parents and families may not see themselves or their children as being a part of general education, or they believe the existing disability-focused family groups, such as the Community Advisory Committee (CAC), are their sole avenue for participation.

Alternative Dispute Resolution

Children with disabilities sometimes need very specific services. But what the child’s parents see as necessary may differ from what school personnel understand to be needed or appropriate. In these instances, the IDEA provides procedural safeguards to parents and their children with disabilities, including the right to engage in a compliance review process and initiate a due process hearing. The IDEA encourages alternative dispute resolution (ADR) and early dispute resolution. The IDEA mandates that a voluntary mediation process be made available to parents and school staff members to resolve disputes and that the process be conducted by a qualified and impartial mediator who is trained in effective mediation techniques.²² The trained mediator can help both the school and the family to find common ground while increasing communication, improving collaboration, preserving working relationships, and building trust. Several Special Education Local Plan Areas (SELPA) also have ADR options to assist LEAs and parents to reach agreement on appropriate special education and related services without engaging the due process hearing procedure.

Practices That Are Not Legal Requirements

In this section we discuss best practices for instruction, school climate, and teacher support that are not legal requirements. These practices have been shown to have great benefits to students with disabilities and their non-disabled peers.

Multi-Tiered System of Supports

Multi-Tiered Systems of Supports (MTSS) is a systemic approach to leveraging all available resources to focus on using proven practices to educate all students—academically, behaviorally, and emotionally—in a tiered framework.²³ A central goal of MTSS is prevention and early intervention. MTSS strategies include: coordination and alignment of practic-



es, policies, resources, and programs at all levels; ongoing screening and multiple tiers of interventions to provide every child the necessary targeted instruction and supports; an integrated data system to regularly gather data about student progress; continual professional development for teachers and staff on MTSS components; time for teachers to work together through collaborative teams and professional learning communities; opportunities for collaboration among staff across the system; promotion of continuous improvement at all levels (district, school, and classroom) that includes coaching, reflective practice, and program evaluation; and inclusion of parents in the decision-making process for school programs and policy.

Response to Instruction and Intervention

Response to Instruction and Intervention (RtI²) is a component of MTSS and builds on the Response to Intervention (RtI) model that was codified in the reauthorization of the IDEA in 2004. The RtI² process is a systemic approach to instruction designed to benefit every student. An important aspect of RtI² is the ongoing gathering of data to inform decisions about how best to serve struggling students and to determine who is succeeding, who needs—or no longer needs—more help, and whether further evaluation or special education services are necessary. Another essential aspect of RtI² is that it requires general education teachers, special ed-

ucators, and specialists to work together for the success of every child, regardless of whether the child has a disability.²⁴

Research supports the effectiveness of RtI²: It “reduced the number of students evaluated for special education services, essentially eliminated the disproportional rate at which ethnic minority and male students were referred for special education evaluations, and substantially reduced the amount of financial resources dedicated to unnecessary special education evaluations.”²⁵

Differentiated Instruction and Universal Design for Learning

Key components of differentiated instruction are ongoing formative assessment and adjustment to determine and meet students’ needs. Differentiated instruction includes flexibility in assignments—sometimes tailoring assignments to specific students, adapting to different ways that students learn and absorb material, and providing different ways for students to demonstrate what they know and can do. Differentiated instruction is a proven strategy for finding the “hook” that secures student engagement²⁶—a principal component of school success.

When embedded within the design of a curriculum, this concerted effort to teach with a wide range of student needs

POSITIVE SCHOOL CLIMATE IS RECOGNIZED FOR IMPROVING BEHAVIORAL, ACADEMIC, AND MENTAL HEALTH OUTCOMES FOR ALL STUDENTS.

in mind merges with a concept known as Universal Design for Learning (UDL). Based on evidence from neuroscience that no two brains learn alike, the starting point for UDL is “learner variability.” In UDL, all curriculum and materials (goals, assessments, methods, etc.) are first designed for the broadest range of students and then offer flexible options within that curriculum that can support students in any kind of class and for any goal.²⁷

Person-Centered Planning

Person-centered planning focuses on improving post-school outcomes for students with disabilities.²⁸ The process involves the student, parents, and teachers forming a plan and structuring educational opportunities that help children with disabilities to address their own unique challenges and take advantage of strengths, including the family’s cultural and ethnic heritage.²⁹ The most important goals of this approach are to ensure that students’ personal, social, and educational needs are met. A principal tenet of person-centered planning is that the more students contribute to and engage in conversations and planning for what happens after high school and beyond, the more invested and likely they will be to realize success.

Positive School Climate

LCFF identifies school climate as one of the eight state priorities. According to California’s State Board of Education (SBE), “‘School Conditions and Climate’ refers to the character and quality of school life. This includes the values, expectations, interpersonal relationships, critical resources, supports, and practices that foster a welcoming, inclusive, and academically challenging environment. Positive school climate and conditions ensure people in the school community feel socially, emotionally, and physically safe, supported, connected to the school, and engaged in learning and teaching.”³⁰

Positive school climate is recognized as an important target for improving behavioral, academic, and mental health out-

comes for all students.³¹ In addition, decades of research indicate that a positive school climate improves teacher job satisfaction and retention.³²

School climate is especially important for students with disabilities. A school structure built on inclusive classrooms must develop a climate that values diversity to help students with disabilities in those inclusive settings thrive. Given that students with disabilities are victims of bullying behavior more than any other student group,³³ schools that teach and act on the values of acceptance and inclusivity—which are central to anti-bullying measures—will have a more positive school climate.³⁴

Positive Behavioral Interventions and Supports

Challenging student behavior is a barrier to student engagement and achievement, a source of classroom dysfunction, and one of the main reasons that teachers cite for leaving the profession.³⁵ Yet spending school resources on policing, suspending, and expelling students rather than teaching them lasting strategies to improve their behavior has been counterproductive for many students with disabilities.

A tiered model of interventions—Positive Behavioral Interventions and Supports (PBIS) creates and sustains school-wide (universal), classroom (targeted), and individual (intensive) systems of response and support. Proactive rather than reactive, PBIS creates a culture that expects appropriate behavior. Schools that implement strong PBIS programs articulate clear, simple messages about what exactly that behavior looks like. They treat appropriate behavior as something to be taught and retaught regularly to help every student succeed socially, emotionally, and academically. When implemented school-wide and with administrative support, PBIS improves school outcomes for all students, not just for those with challenging behavior or emotional disabilities and has been shown to result in fewer suspensions and discipline referrals.^{36,37}

Restorative Practices

The purpose of restorative practices is reflected in its name: restorative practices seek to restore what was damaged.³⁸ Rather than being punished—written up, suspended, or expelled for a behavioral offense—the offending student might meet with the person or persons harmed, a mediator, and often a teacher or school administrator, and together they find a way to make things right. Schools that integrate restorative practices into school-wide behavioral practices often report dramatic declines in school discipline problems,

improved school climate, and gains in student achievement.³⁹ While restorative practices are being implemented in many of California's schools, in a 2017 survey, teachers indicated the need for more support in how to implement them effectively. It is also likely that all school staff need support to implement restorative practices to achieve the best outcomes for all students.⁴⁰

Social-Emotional Learning

There is extensive brain research indicating that social-emotional issues impact the behavioral problems that plague many schools and classrooms and effect how students learn.⁴¹ The field of social-emotional learning (SEL) also recognizes that new technologies (especially social media), mobility, fragmented family lives, and other stresses make mental health issues especially challenging for children and youth in schools today.

The SEL approach offers numerous research-proven strategies that can be coordinated and aligned⁴² with other tiered structures of support (e.g. RtI², PBIS, and MTSS). A systemic focus on SEL in schools has been proven to diminish behavior problems and symptoms of emotional disturbance among students with disabilities.⁴³ These programs also help to reduce symptoms of depression among all students,⁴⁴ improve students' respect for diversity and inclusivity,⁴⁵ and reduce bullying.⁴⁶ Moreover, research has shown that SEL can help students improve their academic success as well.⁴⁷

The benefits of SEL extend to teachers and school administrators. Attention to the social-emotional needs of adults leads to "productive, happier teachers who enjoy their colleagues and their time at work,"⁴⁸ while serving as a stay against burnout. SEL also positions teachers to be more productive collaborators⁴⁹—an important and necessary quality as the effective implementation of new state standards and approaches benefit from teachers working together effectively (see following section).

Professional Learning Communities

Professional Learning Communities (PLCs) are small groups of teachers who share students or content areas within a school or LEA and meet regularly to learn from one another, plan together, create and share a vision together, and reflect on how they are doing and how they can enhance student achievement.⁵⁰ Research shows that when teachers work together to improve their instruction and learn as professionals, both they and their students do better.

PLCs are important for teacher job satisfaction as well. A comprehensive study of California teachers found that an important contributor to keeping teachers in the profession is the "close professional relationships" they develop with their colleagues and "a sense of team among staff."⁵¹ Teacher PLCs are recommended for securing these close professional relationships.

PLCs provide an ideal framework for the collaboration between general and special educators that is essential for effective inclusive classrooms. And, as many proven practices benefit both students with and without disabilities, the benefits of collaboration between general and special education extends to all students.⁵²

Conclusion

Boards have an opportunity to shape education for all students—including those identified for special education services. A cohesive, multi-tiered structure that focuses on the needs of each student, that provides support and opportunities for continuous improvement for educators, and that incorporates and coordinates proven practices in educating children has the potential to set every student on a path to full participation in economic, social, and civic life.

Questions for School Board Members

Board members can help their schools better serve students identified for special education services by answering the following questions:

1. How is our LEA ensuring collaboration between general education and special education?
2. How are students with disabilities performing academically and socially in each of our schools?
3. What are the organizational and instructional practices being implemented in schools where students with disabilities are experiencing the most success?
4. What steps can we take to implement effective instruction and services in schools where students with disabilities are experiencing less success?

Resources

California's Children and Youth with Disabilities

Key Organizations and Agencies

- » **U.S. Department of Education.** *Individuals with Disabilities Education Act (IDEA)*. <http://idea.ed.gov>
- » **California Department of Education.** Special Education Division. <http://www.cde.ca.gov/sp/se/>
- » **California Department of Developmental Services.** *Regional Centers Directory*. <https://bit.ly/2v5SnAZ>
- » **Disability Rights Education & Defense Fund (DREDF).** A national civil rights law and policy center directed by individuals with disabilities and families who have children with disabilities. <https://dredf.org>

Identifying Students

- » **Reasons for Concern When You Suspect Your Child or a Child in Your Care May Have a Disability or Special Need(s).** Resource page by the California Department of Education. <https://bit.ly/2Htz9Yt>
- » **RTI-Based SLD [Specific Learning Disability] Identification Toolkit: Considerations for English Language Learners.** Toolkit by the National Center for Learning Disabilities. <https://bit.ly/2Hvh7oK>
- » **The State Performance Plan Technical Assistance Project (SPP-TAP).** The SPP-TAP is funded by the California Department of Education through a contract to the Napa County Office of Education to help California LEAs address performance and compliance issues related to disproportionality in student identification and placements. It provides technical assistance consisting of training, coaching, information dissemination, and referrals of best practices. Services include: sustaining a cadre of expert Technical Assistance Facilitators; conducting webinars; designing and facilitating a community of practice; and developing and providing workshops and symposia. <http://sptap.org>

SELPA's and Special Education Funding in California

- » **Disability Rights California.** <http://www.disabilityrightsca.org/pubs/PublicationsIndex.htm>
- » **Overview of Special Education in California.** Legislative Analyst's Office. <http://www.lao.ca.gov/Publications/Detail/2678>.

California's Teachers of Students with Disabilities

- » **One System: Reforming Education to Serve ALL Students – Report of California's Task Force on Special Education (2015).** Report that highlights the key issues facing California's special education systems and recommendations for reform. This report

provided the impetus for credentialing changes for general and special education teachers. <https://bit.ly/2InqcQm>

- » **Learning Policy Institute.** Research and remedies for teacher shortages. <https://bit.ly/2HkkwIO>
- » **Getting Down to Facts II: Teacher Supply Falls Short of Demand in High-Need Fields, Locations (2018).** Research brief on California's teacher shortage and the prevalence of teachers on intern permits and waivers. <https://bit.ly/2OIWusP>
- » **California Commission on Teacher Credentialing.** Memo for the Commission that provides background on credential revisions and teaching performance expectations (standards) for candidates in the newly developed programs.
- » **Keeping Good Teachers: Why It Matters and What School Leaders Can Do (2003).** Article by Linda Darling-Hammond on teacher retention, including recommendations for school leaders. <http://bit.ly/2tCXJ5X>

Best Practices in Special Education

Early Intervention

- » **Why Early Intervention Programs Benefit Kids with Developmental Delays.** Information about early intervention programs from the Child Development Institute. <http://bit.ly/2G3LCI6>
- » **Overview of Early Intervention.** Information in English and Spanish from the Center for Parent Information and Resources. <http://www.parentcenterhub.org/ei-overview/>
- » **California Early Start.** Resource Page by the California Early Intervention Technical Assistance Network. <https://bit.ly/2HhLaT5>
- » **Together, We Make a Difference: California Early Start for Infants and Toddlers with Disabilities and Their Families (2014).** Handbook by the Interagency Coordinating Council on Early Intervention (ICC). <http://bit.ly/2gVWbhC>
- » **Early Intervention.** Website for Zero to Three, which provides information about early intervention in English and Spanish for parents, educators, and policy makers. <http://bit.ly/2ujJTCU>

Family Engagement

- » **Family Engagement in Schools Matters.** Resource developed by the California State PTA. <http://bit.ly/2D6BTXP>
- » **Family Engagement Framework: A Tool for California School Districts (2014).** A family engagement resource for school districts developed by the California Department of Education. <https://bit.ly/2IX6hw1>
- » **Parent Training and Information (PTI) Centers in California.** Parent-directed 501(c)(3) organizations funded through the IDEA and located throughout the state. Each PTI Center offers extensive resources and services for families of students with disabilities from birth through age 26, including workshops, support groups, advocacy, and referrals. <http://bit.ly/2xwlXPM>

Alternative Dispute Resolution

- » **CADRE: The Center for Appropriate Dispute Resolution in Special Education.** Website for a group that supports the prevention and resolution of disputes through a collaborative approach. <http://cadreworks.org>

Effective Instructional Practices

- » **Instructing Students with High-Incidence Disabilities in the General Education Classroom.** In *Curriculum Handbook*, by the Association for Supervision and Curriculum Development. <http://bit.ly/2FgNRo3>
- » **Multi-Tiered System of Supports.** The CDE website with information on MTSS, which includes RtI² and PBIS. The page includes a primer on the MTSS framework and information on the statewide initiative, training, resources, and policy briefs. <https://www.cde.ca.gov/ci/cr/ri/>
- » **Universal Design for Learning (UDL).** The Center for Applied Special Technology (CAST) website with information about UDL. <http://www.cast.org>
- » **Person-Centered Planning.** Information about the Person-Centered Planning approach to support children and youth with disabilities from PACER's National Parent Center on Transition Planning and Employment. <http://bit.ly/2FJLY1A>

Creating a Positive School Climate

- » **Positive Behavioral Interventions and Support (PBIS).** The Office of Special Education Programs (OSEP) Technical Assistance Center on PBIS is funded through the U.S. Department of Education. It supports schools, districts, and states in building capacity for implementing a multi-tiered approach to social, emotional, and behavioral support for students, including those with disabilities. <http://www.pbis.org/>
- » **School Culture and Climate Topics.** Website with information and resources about school culture and climate from the Association for Supervision and Curriculum Development. <http://bit.ly/2D5LuhC>
- » **Improving Social Emotional Skills in Childhood Enhances Long-Term Well-Being and Economic Outcomes.** (2017). Report on social emotional learning by the Robert Wood Johnson Foundation. <http://rwjf.ws/2uBmlGy>
- » **Specially Designed Instruction and Related Services for Students with Emotional/Behavioral Disorders.** (2016). List of instructional approaches, services, and definitions of concepts related to students with emotional and/or behavioral disorders. Developed by Diana Browning Wright. <https://bit.ly/2Tnl7j7>

Endnotes

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