

## **SB 692 – FAQ**

### **1. Would this bill encourage/require all students with disabilities (SWDs) to receive their education in the general education classroom 100% of the time?**

No. The amount of time each student spends in general education will continue to be determined by the student's Individual Education Program (IEP) team and family. We recognize that the least restrictive environment (LRE) for every student may not be a general education setting. For example, an IEP team may determine that a specialized classroom designed for deaf students or the CA State School for the Deaf may be a student's LRE. This bill would not change that.

### **2. Where does federal indicator 5a come from? What is LRE and why is it important?**

The Individuals with Disabilities Education Act (IDEA) is a federal law that requires schools to provide a free appropriate public education (FAPE) in the least restrictive environment (LRE). LRE is intended to ensure that SWDs are given the opportunity to be educated with their peers without disabilities (i.e. in an inclusive setting). If a student cannot make progress with appropriate supports and services, alternative environments are considered on a continuum of least restrictive to most restrictive. IDEA Indicator 5a measures the percent of SWDs who spend 80% or more of their time in the general education setting and sets state targets for all local education agencies (LEAs) to meet in order to be compliant with federal law. Currently, only 53% of California SWD spend 80% or more of their time in general education, making California one of the least inclusive states in the nation.

### **3. Will this bill change the rights of the IEP team and family to determine the most appropriate setting for the student?**

No. The IEP team and family will continue to have the right to determine the most appropriate placement of a SWD. SB 692 will simply encourage districts to prioritize integrated supports, such as coteaching, and teaching frameworks, such as Universal Design for Learning, thus enabling districts to offer parents and IEP teams additional inclusive opportunities for students.

### **4. How will this bill impact state special schools and other specialty programs for low incidence disabilities (i.e. deaf/hard of hearing, blind, and deaf/blind)?**

SB 692 would not directly impact state special schools or specialty programs for low incidence disabilities. These specialized programs are not included in federal reporting or accountability and do not have an indicator 5a, so there would be nothing to add to the state dashboard. State special schools and low incidence programs have an important place in serving students and families in the deaf community and serve a very narrow population of students that account for less than 2% of SWDs.

### **5. Does this bill plan to add all of the federal inclusion indicators or just indicator 5a?**

The bill would only add indicator 5a to the state dashboard. It would not add 5b (inclusion less than 40%), 5c (separate setting), or 6b (preschool separate setting).

### **6. If this indicator is already included in the federal accountability system, why do we need to add it to the state dashboard?**

California has made almost no progress toward greater inclusion of SWDs over the last decade. California is a full 10 percentage points behind the national average on inclusion (53% versus 63%). It is clear that the federal special education accountability system has not adequately incentivized the state to move toward greater inclusion.

**7. Is the goal of this bill to get to 100% inclusion on the dashboard?**

Like the state dashboard indicators on attendance or academics, and consistent with the IDEA requiring LEAs to offer a full continuum of placement options, there is no expectation that schools reach 100% inclusion of students with disabilities in general education. The concept behind the dashboard accountability system is that schools use the indicators to identify areas for improvement and make small and steady movement toward reaching a state-defined goal.

**8. Why do you believe that adding LRE to the dashboard will increase rates of inclusion?**

When the state dashboard was created, many practitioners believed it was not possible for schools to improve non-academic “school climate” metrics like attendance, graduation rate, and suspension/expulsion. These practitioners believed that schools could not implement policies or provide supports that would address the causes of student drop-out or chronic absenteeism. They were wrong. Since creating the dashboard, schools have implemented targeted interventions that have produced significant statewide increases in school climate indicators.

**9. Special education has a separate federal accountability system. Why are you proposing we add a special education indicator to the state dashboard which primarily focuses on general education?**

Inclusion, by definition, requires the participation and buy-in of both special education and general education; however, the federal inclusion indicator 5a only currently impacts the special education side of the house. Special education alone cannot move the needle on inclusion. Systems devote resources toward what they are measured on. By adding inclusion to the dashboard, the state would both signal that it cares about equity of access for students with disabilities and incentivize general education to dedicate resources toward furthering inclusive practices. It is also worth noting that SWDs are included as a student subgroup on the dashboard, so there is precedence for adding indicators that touch both general education and special education.

**10. Would this bill significantly increase the number of districts identified for differentiated assistance (DA)?**

This bill is unlikely to significantly increase the number of districts identified because 2/3 of the districts currently identified are receiving support due to their students with disabilities population already.

**11. Is this bill usurping or limiting the power of the State Board of Education (SBE) to change the federal indicator target or modify the dashboard?**

No. SB 692 makes clear the SBE will continue to approve the target rate for LRE on both the state dashboard and the federal accountability system. If the SBE decides in the future to increase the federal target rate, the new rate would also apply to the state dashboard. This structure ensures that the SBE maintains their existing responsibilities over both systems.

**12. Should we be making changes to the dashboard given everything that schools are dealing with related to COVID-19?**

In order to trigger intervention, a local education agency (LEA) must fail to meet a specific target for 3 years in a row. Thus, SB 692 would have no practical impact on schools until 2024/25, at which point COVID-19 should be far behind us.

**13. Will this bill provide funding for general education teachers to receive PD and training on inclusion frameworks and methods for teaching diverse learners like UDL and coteaching?**

No; however, the Governor's proposed budget provides \$250 million one-time to all LEAs for the purpose of providing teachers and staff with professional development and training that will further inclusive practices (Educator Effectiveness Block Grant). The sponsors and author strongly support this proposal and are urging the legislature to prioritize these funds to further inclusion. We would also point out that each year, ESEA Title IV provides California schools with more than \$300 million for teacher professional development and training.

**14. Will this increase the need for special education teachers, paraprofessionals, and specialists?**

It may and we acknowledge that there is a shortage of these skilled professionals. This is why we are supporting the Governor's budget proposal to provide additional funding to the Classified School Employees Credentialing program and encouraging the legislature to increase the allocation from \$25 million to \$75 million.

**15. Why is inclusion important?**

Thirty years of evidence-based research demonstrates a clear causal relationship between inclusion greater academic, graduation, and employment success of SWDs. A recent study by PACE indicates that states that have increased their inclusion/LRE rates over the last decade have seen parallel increases in academic achievement for SWDs. Most recently, the Ventura County Office of Education and SELPA partnered with a university to study the academic impact of inclusion on the 90+% of SWDs that do not have significant cognitive impairment. This included students identified for speech/language, chronic health, emotional disturbance, specific learning disabilities, and autism. The study found conclusively that students with these disabilities were more successful on state assessments if they spent the majority of their instruction time in a general education classroom. There has also been significant research supporting the inclusion of students with significant disabilities being included with their peers without disabilities. As we look to creating equity and access for all children in creating diverse communities where all people are valued and belong, it is important we begin with what happens in schools and the messages we are sending.

**16. Doesn't FAPE guarantee a right to the least restrictive environment? Why is this bill needed when families can already use the due process system to achieve inclusion?**

First, the due process system is incredibly costly for school districts and thus the state. It also does not engender positive relationships between families and schools. Litigation should not be the preferred method of accountability. Second, despite the hundreds of millions of dollars spent on due process, California has made almost no progress toward greater inclusion over the last decade.

**17. Will greater inclusion further increase the cost of special education?**

It is possible. However, a 2019 report by the LAO indicated the greatest driver of increasing special education costs are students with the most severe disabilities who need one-to-one assistance. These students accounted for 2/3 of new costs, while increasing staff salaries and pension costs accounted for just 1/3. There are also well-documented, long-term cost savings associated with inclusion. Early intervention leads to lower IEP rates as students age and inclusion yields dividends for SWDs' ability to be independent, literate, high school graduates who are able to earn a living wage, take care of themselves and their family, and make their own life choices. Given the possible cost increases and cost savings, we do not believe that greater inclusive practices will significantly increase special education costs in the long term.

**18. How would this bill align the state and federal accountability intervention systems?**

SB 692 would have the CDE and the county office of education (COE) align the timeline and process through which they provide intervention for failing to meet the LRE indicator. It would ensure that all the appropriate experts from both the state and local level were in the same room, having the same conversation, at the same time. Although CDE has made significant efforts to better align their intervention process with the state accountability process, there continue to be practical and regulatory hurdles to coordination. We believe that by removing these hurdles, state and local experts can provide stronger, better resourced, and coordinated intervention to struggling LEAs.

**19. Do SELPAs have the capacity to participate in DA meetings? Why should they be included?**

We understand that many SELPAs do not have the staff or resources to participate in every districts' DA meeting. This bill does not require their participation but does require that districts offer the opportunity for SELPAs to attend. This invitation is not currently extended to all SELPAs. We believe that SELPAs can offer additional expertise to DA conversations and may be able to assist in providing teachers with PD and training on inclusive practices. In regions struggling with inclusion rates, our hope is that local SELPA governance boards will also see the value that SELPA staff can provide to these conversations and will use their authority to allocate additional funds to support SELPA administration.

**20. Why are the other federal LRE indicators (5b, 5c, or 6b) not in this bill?**

Given the complexity of the issues involved and the current complete bifurcation of the two accountability systems, we felt that adding indicator 5a was a good place to start the conversation on inclusion. We also believe that more research and discussion is necessary on the remaining LRE indicators to ensure all students retain placement options on the continuum.