



SELPA Administrators of California

Special Education Local Plan Area

2015 LEGISLATIVE DAY PRIORITIES

Our state must do all it can to ensure that students with disabilities can access a quality education, acquire the skills they need to go on to higher learning, secure stable employment when they become adults, and live independently. On behalf of the students, parents, districts, and schools we serve in special education, the following items represent legislative priorities for our organization.

2014-15 Officers

Chairperson:

Jill Heuer
San Luis Obispo County SELPA
8005 Morro Road
Atascadero, CA 93422
(805) 782-7301

Chairperson Elect:

Greg Rhoten
Kern County Consortium
1300 17th Street City Centre
Bakersfield, CA 93301
(661) 636-4801

Treasurer:

Kathy A. Skeels
San Joaquin Co. SELPA
P.O. Box 213030
Stockton, CA 95213
(209) 468-4925

Secretary:

Frank Donavan
Greater Anaheim SELPA
7300 LA Palma Ave Bldg 6
Buena Park, CA 90620
(714)828-1766

Past Chairperson

Trina Frazier
Fresno County SELPA
1111 Van Ness Ave. 8th Fl
Fresno, CA 93721
(559) 265-3049

Steering Committee Members

Sue Balt
Mildred Browne
Steve Collins
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1. Put People First

The language used to refer to students with disabilities has a profound impact in shaping beliefs and attitudes about these students, driving laws and policies, influencing our feelings and decisions, and affecting students' daily lives. When we identify or describe students with disabilities primarily in terms of their disabilities or medical diagnoses, we devalue and stigmatize them. Just as we do not refer to a child with cancer as "a cancerous child," we should not refer to a child with autism as an "autistic child" or a child with epilepsy as "an epileptic." We therefore encourage the use of People-First Language in written or verbal communications with or about students with disabilities.

Request: Support AJR XXX (Santiago), which would affirm that state policies and procedures should utilize People-First Language to the greatest extent possible, especially by state and local educational agencies.

2. Ensure Early Education Programs are Inclusive

Early care and education is particularly important for students with disabilities. When developmental delays are identified and addressed at the earliest possible age, many potential disabilities can be identified or prevented through early intervening services, precluding the need for more intensive and costly lifelong interventions and supports. Studies show students with disabilities learn better when they are placed in an integrated setting, alongside students without disabilities.

Request: Any legislation expanding preschool or early education programs should set aside an appropriate portion of seats for students with disabilities, so they are not relegated to more restrictive, isolated, and costly program settings. Proposals should also ensure that transitions from infant to toddler care are least disruptive to students and families, that appropriate and consistent standards, assessments, and educator competencies are in place, and that programs that provide for students with disabilities are adequately funded.

3. Improve the Quality of Assessment and Instruction

Recognizing the need for assessment and instruction programs that will prepare our youth for college, the work place, and competition in a global community, California has adopted and is implementing Common Core State Standards and an aligned assessment program, the Smarter Balanced Assessment Consortium. We celebrate the integration of universal accommodations and Universal Design for Learning, which will support inclusion of students with disabilities.

Request: For our students with more severe disabilities, we support the development of an alternate, integrated, standards based curriculum and assessments aligned to the Common Core.

4. Expand Funding for Alternative Dispute Resolution

The special education system can be cumbersome and frustrating for parents, students, and educators to navigate. Unfortunately, this can often lead to misunderstandings and disagreements about exactly what is due under the law, leading to adversarial relationships, due process complaints, and lawsuits. Alternative Dispute Resolution (ADR) has proven itself to be one effective method for increasing collaboration, resolving conflicts, and avoiding costly litigation. Currently, only 20 Special Education Local Plan Areas (SELPAs) receive grant funding from the state for ADR programs.

[Request:](#) Bring current ADR pilot program to scale through the state budget process, so that all SELPAs in the state can receive grant funding to establish an ADR program that will help ensure the provision of appropriate services and supports for children.

5. Reform the California Children’s Services Program

Under the California Children’s Services (CCS) program, which provides health care to children with certain diseases or health problems, counties are responsible for providing services that are “medically necessary” while schools must provide those that are “educationally necessary.” Under this scheme, schools are required to provide facilities and equipment for these medical agencies. This has diverted special education resources away from students with disabilities who need them most. In recent years, there have been several disputes over the definitions of medically and educationally necessary services, leading to confusion, litigation and difficulty accessing these services for children.

[Request:](#) Support legislative proposals that would relieve schools of requirements under CCS but allow flexibility for counties to contract with schools to provide facilities and services, if desired.

6. Access to Early and Periodic Screening, Diagnostic and Treatment (EPSDT) funds for Mental Health Services

Under AB 3632, county mental health agencies were able to access Medi-Cal funding directly from the federal government for services such as the Early and Periodic Screening, Diagnosis and Treatment (EPSDT). In addition, schools provided funding to county mental health agencies to provide educationally related mental health services. In 2011, AB 114 (Chapter 43, Statutes of 2011) shifted the “responsible agency” for mental health services for students from county mental health to the schools. Despite shifting 100% of the service responsibility to LEAs, the state did not shift access to all of the funding that is available to reimburse schools for delivering the services to students.

[Request:](#) Support AB 1018 (Cooper), which would allow LEAs to access these critical federal dollars to help serve the mental health needs of school age children and adolescents.

7. Protect Special Education Funding

State and federal special education (SE) funding has failed to keep pace with local education agency (LEA) expenditures. Local Education Agencies (LEAs) cover 42% or more of the costs of special education using their general fund dollars. Given the need to provide high quality special education services and supports, we support the following:

[Request:](#)

- Maintain separate special education funding; don’t include these funds in the Local Control Funding Formula.
- Maintain mental health funding as a separate allocation.
- Continue to increase the Statewide Target Rate to increase SE funding around the state as in general education.