

INTRODUCTION
EDUCATION CODE – PART 30
CALIFORNIA CODE OF REGULATIONS – TITLE 5
SPECIAL EDUCATION PROGRAMS

This 30th edition of *California Special Education Programs – A Composite of Laws* covers Part 30 (commencing with Section (§) 56000) of the *Education Code (EC)* relative to special education programs and includes Chapters 3 (commencing with § 3000) and 5.1 (commencing with § 4600) of Division 1 of Title 5 of the *California Code of Regulations (CCR)* relative to special education for children, ages birth through 21, with disabilities, and uniform complaint procedures.

This document also includes Part 32 (commencing with § 59000) of the *EC* covering the statutes governing the State Special Schools and Centers and the regulations implementing Chapter 26.5 of Division 7 of Title 1 of the *Government Code (GC)*, “Interagency Responsibilities for Providing Services to Children with Disabilities.” The interagency regulations, Chapter 1 (commencing with § 60000) of Division 9 of Title 2 of the *CCR*, begin on page G-1. The composite also contains selected provisions of the *EC*, *Health and Safety Code*, *GC*, *Welfare and Institutions Code*, noncodified sections, and the 2007-08 Budget Act provisions that have a direct impact on special education and related services for individuals with exceptional needs. This edition includes Title 17 public health regulations that implement the California Early Intervention Services Act. The Act is contained in Title 14 (commencing with § 95000) of the *GC*, which is also included in this edition beginning on page I-1.

Part 30 of the *EC* was rewritten in 1980, primarily by Senate Bill 1870 (Rodda) (Chapter 797), which became law on July 28, 1980. This legislation repealed the former 28 special education categorical programs and *EC* sections pertaining to the Master Plan for Special Education programs that were in effect on January 1, 1980. It also restructured and added code sections implementing the Master Plan for Special Education statewide. Since the passage of SB 1870, 176 separate legislative measures have modified special education statutes contained in the California *EC*.

The *CCR*, Chapter 3, Division 1, Title 5, governing special education, was originally adopted by the State Board of Education on December 10, 1981, to implement the Master Plan. These early Master Plan regulations became effective on March 5, 1982, with the exception of § 3081 which became operative on December 1, 1981. Article 3.1 (commencing with § 3030) of Chapter 3, covering eligibility criteria for individuals with exceptional needs, became effective on March 2, 1983. The State Board adopted substantive amendments to the regulations on December 11, 1987, and they became operative on April 20, 1988. Regulations governing behavioral interventions for special education pupils were approved in 1993 and amended in 1996. In December 1998, the State Board of Education adopted regulations pertaining to resource specialist caseload waivers. The waiver language became operative on April 1, 1999. The State Board adopted regulations in 1999 pertaining to nonpublic, nonsectarian schools and agencies. Minor amendments were made to § 3051.16 (Specialized Services for Low-Incidence Disabilities) and 3065 (Staff Qualifications – Related Services, including

Designated Instruction and Services) during 2002. In September 2004, the State Board adopted two special education regulations, § 3088.1 and 3088.2, regarding sanctions and the withholding of funds to enforce special education compliance. These regulations became effective on February 9, 2005. In July 2005, the State Board adopted an amendment to § 6111, regarding No Child Left Behind (NCLB) middle and high school-level special education teacher requirements. The amendment became effective on November 15, 2005.

Regulations amending Chapter 5.1 of Division 1 of Title 5, covering Uniform Complaint Procedures (§ 4600-4671), were adopted by the State Board in September 2005, and became operative on December 29, 2005. The State Board is expected to adopt amendments to § 3001, 3051, and 3060-3070, pertaining primarily to nonpublic, nonsectarian schools and agencies, in 2008. The amended regulations will be posted on the following Web site once they are approved:

http://www3.scoe.net/speced/laws_search/searchLaws.cfm .

During 2007, seven legislative bills were chaptered into law amending, adding, or repealing special education provisions under Part 30 of the *EC*.

The measures are as follows:

Senate Bill 80 (Committee on Budget and Fiscal Review)	Chapter 174, Statutes of 2007, August 24, 2007
Senate Bill 132 (Committee on Education)	Chapter 730, Statutes of 2007, January 1, 2008
Senate Bill 418 (Migden)	Chapter 463, Statutes of 2007, January 1, 2008
Assembly Bill 216 (Bass)	Chapter 382, Statutes of 2007, January 1, 2008
Assembly Bill 485 (Solorio)	Chapter 233, Statutes of 2007, January 1, 2008
Assembly Bill 685 (Karnette)	Chapter 56, Statutes of 2007, January 1, 2008
Assembly Bill 1663 (Evans)	Chapter 454, Statutes of 2007, October 10, 2007

Senate Bill 80 (Committee on Budget and Fiscal Review), an urgency omnibus trailer bill containing statutory changes necessary to implement the Budget Act of 2007, amends § 56836.155 of the *EC* to continue authorization of the special disability “incidence multiplier” adjustment calculation through 2007-08. The adjustment is intended to compensate special education local plan areas for higher special education costs for some individuals with exceptional needs. The budget provides approximately \$81 million for this purpose in 2007-08.

Senate Bill 132 (Committee on Education), an annual *EC* clean-up bill that makes various noncontroversial revisions to statute, among other changes, amended § 56351.5 of the *EC* regarding Braille instruction using a Braille instructional aide and providing the aide with information regarding teaching credential programs.

Senate Bill 418 (Migden) amended § 56836.173 of the *EC* to require a county auditor, beginning in the 2007-08 fiscal year, to allocate any educational revenue augmentation fund (ERAF) revenues that remain after funding is provided to school districts, community college districts, the county office of education, and general special

education programs to a special education local plan area for funding up to 50 percent of the costs of providing out-of-home care in a licensed children's institution (LCI). The amendment explicitly specified that a county would not be required to use excess ERAF to provide funding for an LCI for any prior fiscal year that it had not previously provided funding for this purpose. The amendment also prohibits excess ERAF funds from being used to fund any additional special education programs beyond the general special education program and the uses specified in statute.

Assembly Bill 216 (Bass) amended § 56366.10 of the *EC* to provide, consistent with each pupil's individualized education program (IEP), that for kindergarten and grades 1 to 8, inclusive, a nonpublic, nonsectarian school (NPS) shall provide pupils access to state-adopted, standards-based, core curriculum and instructional materials and for grades 9 to 12, inclusive, requires an NPS to provide pupils access to standards-based, core curriculum and instructional materials used by any local education agency that contracts with an NPS.

Assembly Bill 485 (Solorio) amended § 56366.4 of the *EC* to prohibit a nonpublic, nonsectarian school or agency (NPS/A) whose certification has been revoked and specified individuals or organizations involved with the school or agency, from being eligible to apply for recertification of the school or agency for two full years from the date of revocation.

Assembly Bill 685 (Karnette) made numerous technical amendments to *EC* and *GC* Sections to conform to the renumbering of federal IDEA Title 34 *CFR* that became effective on October 13, 2006. In addition, clarifying amendments were made to a number of sections by citing the "local educational agency" instead of citing "district, special education local plan area, or county office." In § 56026.3 of the *EC*, the definition of "local educational agency" was amended by inserting the word "nonprofit" to conform to § 300.28(b)(2) of Title 34 of the *CFR* to clarify that charter schools established as their own local educational agencies under State law must be nonprofit entities.

AB 685 also repealed Chapter 9 (commencing with § 56875) of Part 30 of the *EC*, the Joint Funding for Education of Handicapped Children Act of 1980, which was never implemented. In addition, AB 685 repealed Article 13 (commencing with § 49580 of Chapter 9 of Part 27 of the *EC*, regarding the early diagnosis of learning disabilities, since the provisions were outdated.

Assembly Bill 1663 (Evans), an urgency special education policy bill, amended or added 35 *EC* sections bringing the special education statutes into alignment with the Individuals with Disabilities Education Improvement Act, Title 34, *CFR* that became effective on October 13, 2006. A number of amendments also reflect the section renumbering of Title 34 of the *CFR* (IDEA).

The changes are as follows:

1. *EC* § 56000 – Legislative Findings and Declarations on Special Education

The amendment shifted the following two paragraphs from § 56031 of the *EC*, covering the definition of “special education”, to the Legislative findings and declarations language in the General Provisions of Chapter 1 (commencing with § 56000) of Part 30 of the *EC*.

“(b) The Legislature further finds and declares that special education is an integral part of the total public education system and provides education in a manner that promotes maximum interaction between children or youth with disabilities and children or youth who are not disabled, in a manner that is appropriate to the needs of both.

“(c) The Legislature further finds and declares that special education provides a full continuum of program options, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings, and instruction in physical education, to meet the educational and service needs in the least restrictive environment.”

2. *EC* § 56026.1 – Exception to Free Appropriate Public Education (FAPE) – 34 *CFR* 300.102(a)(3)(i)&(iv)

Subdivision (c) was added to reflect new language in Title 34 of the *CFR* regarding children with disabilities who graduate from high school with a regular high school diploma, and what the regular high school diploma does not include. “Regular high school diploma” does not include an alternative degree that is not fully aligned with the academic standards of the State of California, such as a certificate or a General Educational Development credential (GED).”

3. Repealed former *EC* § 56028.

4. *EC* § 56028 – Definition of Parent – 34 *CFR* 300.30(b)(1)&(2)

The rewrite of this section aligns the definition of “parent” in Part 30 of the *EC* with the definition language in § 300.30 of Title 34 of the *CFR*

5. *EC* § 56028.5 – Definition of Public Agency – 34 *CFR* 300.33

The amendment aligns the definition of “public agency” in Part 30 of the *EC* with the definition language in § 300.33 of Title 34 of the *CFR*

6. *EC* § 56031 – Definition of Special Education – 20 *United States Code (USC)* 1401(29), 34 *CFR* 300.39(a)(2)-(5), and 34 *CFR* 300.43(b)

The amendment aligns the definition of “special education” in Part 30 of the *EC* with the IDEA definitions in § 1401(29) of Title 20 of the *USC* § 300.39, and § 43(b) of Title 34 of the *CFR*

7. *EC* § 56033.5 – Definition of Supplementary Aids and Services – 20 *USC* 1401(33), 34 *CFR* 300.42, and 34 *CFR* 300.114-300.116

The amendment cites § 300.42 of Title 34 of the *CFR* which contains the phrase, “and in extracurricular and nonacademic settings,” that is not contained in the definition of “supplementary aids and services” in paragraph (33) of § 1401 of Title 20 of the *USC*. The amendment also adds the citations to § 300.114 to 300.116, inclusive, in Title 34 of the *CFR*, pertaining to least restrictive environment requirements, for enabling individuals with exceptional needs to be educated with nondisabled children to the maximum extent appropriate.

8. *EC* § 56040.1 – Least Restrictive Environment – 20 *USC* 1412(a)(5) and 34 *CFR* 300.114

The section was added to require each public agency to ensure the following to address the least restrictive environment for individuals with exceptional needs: “(a) To the maximum extent appropriate, individuals with exceptional needs, including children in public or private institutions or other care facilities, are educated with children who are nondisabled. (b) Special classes, separate schooling, or other removal of individuals with exceptional needs from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”

9. *EC* § 56058 – Qualifications for Special Education Teachers – 20 *USC* 1401(10), 20 *USC* 1412(a)(14), 34 *CFR* 300.18 and 34 *CFR* 300.156

The amendments provide citations to Title 34 of the *CFR* for additional requirements regarding highly qualified special education teachers.

10. *EC* § 56059 – Highly Qualified Special Education Teachers; Staff Qualifications – 34 *CFR* 300.151-300.153 and 300.156(e)

The amendment cites a new “rule of construction” language in subsection (e) of § 300.156 of Title 34 of the *CFR* regarding the right of a parent to file a complaint with the California Department of Education (CDE) about staff qualifications.

11. Article 5 (commencing with *EC* § 56070) – Qualifications for Designated Instruction and Services Personnel, Related Services Personnel, and Paraprofessionals – 20 *USC* 1412(a)(14)(A),(B), and (D), and 34 *CFR* 300.156(a), (b), and (d)

The new article added language to the General Provisions chapter of Part 30 of the *EC* to align the code with federal law and regulations to provide greater flexibility to the State to establish appropriate standards. The federal IDEA law was changed, as noted in the Congressional Conference Report on H.R. 1350 (2004), which became Public Law 108-446, to remove the requirement for State professional requirements to be based on the highest requirements in the State

because of concerns that the previous law, regarding qualifications of related services providers, established an unreasonable standard for the State to meet, and as a result, led to a shortage of related services providers for individuals with exceptional needs.

12. *EC* § 56171 – Obligation to Locate, Identify, and Assess All Private School Children with Disabilities – 20 *USC* 1412(a)(10)(A)(ii) and 34 *CFR* 300.131

The amendment clarifies the child find and assessment responsibility for children placed in private schools by their parents is that of the local educational agency in which the private school is located without regard to where the children reside.

13. *EC* § 56173 – Federal Grant Funds for Children Enrolled in Private Schools; Proportional Share – 20 *USC* 1412(a)(10)(A)(i) and 34 *CFR* 300.131(d) and 300.133

The amendment clarifies that the proportional share of federal grant funds are earmarked for services to pupils placed by a parent in private, including religious, elementary and secondary schools and cannot be used for child find and assessments of these children with disabilities.

- 13.5. *EC* 56205 – Special Education Local Plan Area (SELPA) Policies, Procedures, and Programs – 20 *USC* 1412(a) and 1413(a)(1), and 34 *CFR* 300.201

The amendment to subdivision (a) adds the federal citation 34 *CFR* 300.201 requiring a local educational agency, in providing for the education of individuals with exceptional needs within its jurisdiction, to have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under 34 *CFR* 300.101 through 300.163, and 300.165 through 300.174. The amendment to paragraph (13) of subdivision (a) adds the *EC* citations, § 56058 and 56070, to the existing federal citations, 20 *USC* 1412(a)(14) and 1413(a)(3), regarding qualifications for special education teachers and personnel and paraprofessionals providing related services.

14. *EC* 56301 – Child Find – 20 *USC* 1412(a)(3), 1412(a)(10)(A)(ii), 1415(d)(1)(A), (B) and (d)(2), 34 *CFR* 300.111(c), 300.213, 300.504, 300.530(h), and 300.611 through 300.627

The new paragraph (2) of subdivision (b) incorporates the new language in § 300.213 of Title 34 of the *CFR* requiring local educational agencies to cooperate in the effort to link records of migratory children with disabilities for the purpose of electronically exchanging, among other states, health and educational information regarding those children. The amendments to paragraph (2) of subdivision (d) cover the requirements of § 300.504(a) regarding a copy of the procedural safeguards notice being given to the parents of an individual with exceptional needs only one time a school year, except that a copy also must be given to the parents (A) upon initial

referral or parental request for assessment; (B) upon receipt of the first State complaint; (C) upon receipt of the first due process hearing request; (D) when a decision is made to make a removal that constitutes a change of placement because of a violation of a code of pupil conduct; and (E) upon request by a parent. The amendment to paragraph (4) of subdivision (d) incorporates the procedural safeguards notice contents in § 300.504(c).

15. *EC* § 56321 – Proposed Assessment Plan; Parental Consent – 20 *USC* 1414(a)(1)(D),(E) and 34 *CFR* 300.300

The amendment to subdivision (c) aligns with language in § 300.300 of Title 34 of the *CFR* regarding the local educational agency making reasonable efforts to obtain informed consent before conducting the initial assessment. The amendment also clarifies that the local educational agency may, but is not required to, pursue the initial assessment utilizing a due process hearing. Subdivision (g) was added to clarify that the local educational agency shall document its attempts to obtain parental consent using procedures in subdivision (h) of § 56341.5 of the *EC*. The old subdivision (d) was deleted since it applied only to consent for a ward of the state, and consent for a ward of the state is covered in § 56321.1 of the *EC*.

16. *EC* § 56329 – Assessment Plan and Written Notice – 20 *USC* 1414(b)(5), 34 *CFR* 300.306(b) and 300.502(b)(5)

The amendment to paragraph (2) of subdivision (a) incorporates the language in § 300.306(b) of Title 34 of the *CFR* regarding the special rule for eligibility determination. The amendment to subdivision (b) clarifies that: “A parent or guardian is entitled to only one independent educational assessment at public expense each time the public education agency conducts an assessment with which the parent or guardian disagrees.”

17. *EC* § 56341 – IEP Team Meeting/Members – 20 *USC* 1414(d)(1)(B), 34 *CFR* 300.310 and 300.321

The amendment to subdivision (b)(4)(B) adds “education” to reflect an addition to § 300.321(a)(4)(ii) of Title 34 of the *CFR*. The amendment to subdivision (c) conforms with subsection (a) of § 300.310 which says that the “public agency must ensure that the child is observed in the child’s learning environment (including the regular classroom setting) to document the child’s academic performance and behavior in the areas of difficulty.” The rewrite of subdivision (d)(1) adds “postsecondary goals for the individual” to reflect an addition to § 300.321(b)(1); the rewrite of subdivision (d)(3) reflects changes to § 300.321(b)(3). The amendments to subdivisions (f) and (g) reflect changes in § 300.321(e)(1) and (2). The amendment in subdivision (i) reflects language in § 300.321(f), and clarifies that the referenced service coordinator is the Part C service coordinator.

18. *EC* § 56341.5 – IEP Team Meeting/Parent and Other Participants – 20 *USC* 1414(d)(1)(B)(i), 34 *CFR* 300.322 and 300.328

The amendment to subdivision (c) incorporates the language in § 300.322(b)(1)(ii) of Title 34 of the *CFR* regarding information provided to the parent about the participation of the IDEA Part C service coordinator on the IEP team. The amendment to subdivision (f) clarifies that the local educational agency shall invite to the IEP meeting a representative of any participating agency likely to be responsible for providing or paying for transition services. The amendment to subdivision (g) adds the citation to § 300.322(c) regarding other methods to ensure parent participation, and adds the citation to § 300.328 regarding alternative means of meeting participation, such as video conferences and conference calls.

19. *EC* 56344 – IEP Development Timeline – 20 *USC* 1414(d)(2)(A)-(C) and 34 *CFR* 300.301 and 300.323

The amendment to subdivision (a) changes the language pertaining to a pupil referral for assessment from the previous 20 days or less to “30 days” or less prior to the end of the regular school year in order to be consistent with the IEP development timeline of 60 days. The amendment of subdivision (b) reflects the language added to § 300.323(c)(2) in Title 34 of the *CFR*. Historically, the U.S. Department of Education has said that the IEP should be implemented “as soon as possible” following the development of the IEP.

20. *EC* 56345 – IEP Contents – 20 *USC* 1414(d) and 34 *CFR* 300.113 and 300.320

The amendment to paragraph (4) of subdivision (a) adds “enable” to reflect a change in § 300.320(a)(4) of Title 34 of the *CFR*. The amendment to paragraph (6)(B) of subdivision (a) adds “instead of” to reflect the change in § 300.320(a)(6)(ii). An amendment in paragraph (8) of subdivision (a) adds “or younger if determined appropriate by the individualized education program team” to conform with § 300.320(b). An amendment to subdivision (c) removed language regarding individualized education programs and accountability since the language was deleted as it was stated in former § 300.350. The amendments to subdivision (d), regarding routine checking of hearing aids and external components of surgically implanted medical devices, are in alignment with § 300.113. The amendment to subdivision (i), substituting the word “explicitly” for “expressly”, reflects a change in § 300.320(d)(1).

21. *EC* 56345.1 – Definition of Transition Services – 20 *USC* 1401(34) and 1414(d)(6) and 34 *CFR* 300.43

The amendment to paragraph (1) of subdivision (a) aligns the definition with § 1401(34) of Title 20 of the *USC* and § 300.43 of Title 34 of the *CFR*. Subdivision (b) clarified, pursuant to § 300.43, that transition services for individuals with exceptional needs may be special education, if provided as specially designed

instruction, or a designated instruction and service, if required to assist a pupil to benefit from special education.

22. *EC 56345.2 – Nonacademic Services – 34 CFR 300.107 and 300.117*

The section was added to conform to language in § 300.107 of Title 34 of the *CFR* requiring each public agency to take steps, including the provision of supplementary aids and services determined appropriate and necessary by the IEP team of the individual with exceptional needs, to provide nonacademic and extracurricular services and activities in a manner necessary to afford individuals with exceptional needs an equal opportunity for participation in those services and activities. The section also lists what may be included as nonacademic and extracurricular services and activities.

23. *EC 56346 – Informed Parental Consent Before Initial Provision of Special Education – 20 USC 1414(a)(1)(D)(i)(II) and 34 CFR 300.300(b)(2)*

The amendment to subdivision (a) requires a local educational agency to make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child in accordance with § 300.300(b)(2) of Title 34 of the *CFR*. The amendment to subdivision (b) includes language from paragraph (3) of subsection (b) of § 300.300 stating that if the parent of the child “fails to respond or refuses to consent” to the initiation of services, the public agency shall not use the due process hearing procedures in order to obtain agreement or a ruling that the services may be provided to the child. Another amendment, at the end of subdivision (b), adds the language “in order to obtain agreement or a ruling that the services may be provided to the child.” Subdivision (c) changes “receipt of special education and related services” to “initial provision of special education and related services.” Subdivision (f) was amended by adding the following language at the beginning of the sentence: “With the exception of a parent of a child who fails to respond pursuant to subdivision (b), or refuses to consent to services pursuant to subdivision (b),” Subdivision (g) was added to the section to read:

“In accordance with § 300.300(d)(4)(i) of Title 34 of the *CFR*, if the parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial assessment or the reassessment, or the parent fails to respond to a request to provide consent, the local educational agency may not use the consent override procedures described in § 300.300(a)(3) and (c)(1) of Title 34 of the *CFR*. The local educational agency is not required to consider the child as eligible for services under Article 5.6 (commencing with § 56170) of Chapter 2.”

24. *EC 56363 – Designated Instruction and Services and Related Services – 20 USC 1401(26) and 34 CFR 300.34*

The amendments to subdivision (c) specify the limitations on medical devices and surgically implanted devices as designated instruction and services or related services.

25. *EC 56380.1 – Making Changes to IEP After Annual IEP Meeting – 20 USC 1414(d)(3)(D) and 300.324(a)(4)(ii) and (a)(6)*

The amendment to subdivision (b) adds a citation to paragraph (6) of subsection (a) of § 300.324 of Title 34 of the *CFR* regarding authority for changes to the IEP. A new subdivision (c) was added to reflect new Title 34 language to ensure that the pupil's IEP team is informed of any changes to a pupil's IEP, after the annual IEP team meeting for a school year, when the parent of the pupil and the local educational agency agree not to convene an IEP team meeting for the purposes of making changes.

26. *EC 56381 – Reassessment – 20 USC 1414(a),(b), and (c) and 34 CFR 300.300(a)(3) and 300.301 through 300.311*

The amendment to subdivision (f) provides that if a parent refuses to consent to the reassessment, the local educational agency may, but is not required to, pursue the reassessment by using the consent override procedures described in § 300.300(a)(3) of Title 34 of the *CFR*. New language further provides that the local educational agency does not violate its obligations under § 300.311 and § 300.301 through 300.311 of Title 34 of the *CFR* if it declines to pursue the reassessment.

27. *EC 56500.2 – Resolution of Complaints – 34 CFR 300.151 through 300.153*

The amendment to subdivision (a) brings the timeline for issuing a written decision on a special education complaint filed with the CDE into alignment with § 300.152 of Title 34 of the *CFR*. The language supersedes timelines in the *CCR*, Title 5, § 4662 and 4664. Another amendment to subdivision (a) clarifies that the party filing the complaint with the CDE shall forward a copy to the local educational agency or public agency serving the child at the same time it is filed, in accordance with § 300.153(d) of Title 34 of the *CFR*. A new subdivision (c) specifies what shall be included in a complaint. A new subdivision (d) reflects the change in § 300.509 requiring the state education agency to develop a model form to assist parents and public agencies in filing a state complaint. The language says that the state education agency and local educational agency may not require the use of the model forms.

28. *EC 56500.3 – Mediation – 20 USC 1415(e) and 34 CFR 300.506*

The amendments to subdivision (j) align with § 300.506(b)(2) of Title 34 of the *CFR* regarding the means to explain the benefits of, and encourage the use of, the mediation process to parents

29. *EC 56500.4 – Written Prior Notice by Public Agency – 20 USC 1415(b)(3) and (4) and (c)(1) and 34 CFR 300.503*

The amendment to subdivision (a) and the addition of subdivision (b) reflect clarifying language in § 300.304 and 300.503 of Title 34 of the *CFR* that the public agency shall include a description of any assessment procedures the public agency proposes to conduct in the prior written notice, including other content of the notice.

30. *EC 56501.5 – Resolution Process Meeting – 20 USC 1415(f)(1)(B) and 34 CFR 300.510*

The amendments make corrections to this section added by AB 1662 (2005). The amendments are in conformity with the Individuals with Disabilities Education Improvement Act of 2004, and implementing regulations that became effective on October 13, 2006. The amendment to subdivision (a) provides that once the parent files a due process hearing request, the parent and the local educational agency shall determine the relevant members of the IEP team to attend the meeting. The amendment to subdivision (c), regarding the timeline for the local educational agency to resolve the due process hearing issue, states: "Except as provided in subdivision (d), the timeline for issuing a final decision under paragraph (3) of subdivision (f) of § 56505 begins at the expiration of this 30-day period." The amendment to subdivision (d) requires a local educational agency to give notice to the agency or contractor providing due process hearings pursuant to § 56504.5 at the time of the three triggering events, all of which occur independent of, and prior to the hearing office's involvement with the parties to the hearing. The amendment to paragraph (1) of subdivision (e) adds a citation to subsection (d) of § 300.322 of Title 34 of the *CFR*, that is cited in 34 *CFR* 300.510(b)(4), regarding documenting efforts to obtain the participation of the parent in the resolution meeting.

31. *EC 56502 – Due Process Hearing Requests – 20 USC 1415(b)(7)(A) and 34 CFR 300.508*

The amendments to paragraph (2) of subdivision (d), regarding a local educational agency's response to a due process hearing complaint request, align with subsection (e) of § 300.508 of Title 34 of the *CFR*.

32. *EC 56505 – Impartial Due Process Hearing – 20 USC 1415(f) and 34 CFR 300.511, 300.515 and 300.518*

The amendment to subdivision (d) conforms to language in subsection (c) of § 300.518 of Title 34 of the *CFR* regarding the child's status if the due process hearing request involves an application for initial services under Part B of the IDEA and the child is no longer eligible for Part C services because the child has turned three. The public agency is not required to provide the Part C services that the child had been receiving. "If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services under § 300.300(b), then the public agency must provide those special education and related services that are not in dispute between the parent and the public agency." The modification of paragraph (3) of subdivision (f) reflects changes to subsection (a) of § 300.515 regarding due process hearing timelines.

33. *EC 56515 – Confidentiality of Personally Identifiable Information – 20 USC 1412(a)(8), 1413(i) and 1417(c) and 34 CFR 300.229 and 300.611 through 300.626*

The amendments to subdivision (a) incorporates references to the federal Family Educational Rights and Privacy Act (FERPA) governing the confidentiality of education records, and the parental consent language added in § 300.622 of Title 34 of the *CFR*.

34. *EC 56600.6 – State Monitoring of Pupil and Program Performance – 20 USC 1412(a)(15), 1416 and 1474(a) and 34 CFR 300.600 and 300.601*

The new subdivisions (b) through (e) align with § 300.600(a) through (d) and § 300.601(b) of Title 34 of the *CFR* regarding the role of the State Superintendent of Public Instruction.

35. *EC 56841 – How Federal Funds May Be Used – 20 USC 1413(a)(2) and 34 CFR 300.202 through 300.208*

The amendment to subdivision (f) corrected a 2005 Legislative Counsel drafting error by changing "early intervention" services to "early intervening" services. The amendment to subdivision (h) aligns with § 300.208(b) of Title 34 of the *CFR* regarding the permissive use of federal IDEA funds for administrative case management.

HIGHLIGHTS OF THE BUDGET ACT OF 2007-08

Senate Bill 77 (Ducheny) (Chapter 171, Statutes of 2007, the Budget Act of 2007, as amended by Senate Bill 78 (Ducheny) (Chapter 172, Statutes of 2007) in Budget Item 6110-161-0001, provided a General Fund appropriation for special education programs in the amount of \$3,158,993,000, including \$84,486,000 for the Early Education Program minus \$14,395,000 in reimbursements for the Early Education Program (Part C of the federal IDEA). Budget Item 6110-161-0890 provided \$1,161,356,000 from federal (IDEA) funds for special education programs for individuals with exceptional needs.

The budget includes \$150,857,000 to fund a cost-of-living adjustment (COLA) at 4.53 percent on the state-funded portion of the special education program.

The complete list of budget items for special education programs and the State Special Schools and Centers for fiscal year 2007-08 can be found on pages J-1 through J-9.

