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**AB-947 Visually impaired pupils: expanded core curriculum.** (2019-2020)

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**Assembly Bill No. 947**

**CHAPTER 778**

An act to add Sections 56353 and 56354 to the Education Code, relating to special education.

[ Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 947, Quirk-Silva. Visually impaired pupils: expanded core curriculum.

(1) Existing law establishes a right of individuals with exceptional needs to receive a free appropriate public education, and ensures the right to special instruction and related services needed to meet their unique needs, in conformity with federal law. Existing law provides for individualized education programs for blind, low vision, and visually impaired pupils, as defined.

This bill would express legislative findings and declarations relating to the need for blind or visually impaired pupils to receive instruction in the expanded core curriculum. The bill would authorize school districts, county offices of education, and charter schools to consider elements of the expanded core curriculum when developing individualized education programs for a pupil who is blind, has low vision, or is visually impaired.

The bill, if an orientation and mobility evaluation is needed for a pupil who is blind, has low vision, or is visually impaired, would require that these evaluations be conducted by appropriately certified specialists, as specified, and occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate.

By imposing new duties on school districts, county offices of education, and charter schools, the bill would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** (a) The Legislature finds and declares all of the following:

(1) In order for pupils who are blind or who have a visual impairment to receive an education that will enable them to maximize their potential, it is essential that these pupils receive instruction in the expanded core curriculum (ECC), which is a group of

concepts and skills that often require specialized instruction in order to compensate for decreased opportunities to learn incidentally by observing others.

(2) The ECC includes skills in areas such as the use of braille or large print media, assistive technology, orientation and mobility, socialization, independent living, and sensory efficiency.

(3) Currently, pupils with vision loss seldom receive evaluation and instruction in the complete array of ECC skills for a variety of reasons, which include all of the following:

(A) School districts fail to assess for the need for one or more of these ECC skill areas.

(B) School districts impose restrictions that have the impact of precluding adequate instruction from being provided. One of the restrictions that creates serious problems for the provision of ECC instruction is the limitation of instruction to school hours. Often, the need for academic instruction, as well as the need for extended hours of service in areas such as braille, technology, and orientation and mobility precludes providing adequate specialized ECC services during the schoolday.

(C) The provision of orientation and mobility services, which are used to teach individuals with vision loss how to navigate around and travel in their homes, schools, and communities, is a prime example of an area in which school district restrictions have led to the preclusion or limitation of the ability to provide services. School districts and county offices of education have, with increasing frequency, been imposing restrictions on the provision of services that often make it difficult, if not impossible, for orientation and mobility specialists to provide these services to their pupils. These restrictions include, but are not limited to, prohibiting services before or after regular school hours and prohibiting off-campus services or limiting the area in which services can be provided to within a few blocks of the campus.

(b) Therefore, it is the intent of the Legislature to enact legislation to ensure that pupils with visual impairments receive the services that they need to receive a free and appropriate public education that is safe and comparable to that of their sighted peers.

**SEC. 2.** Section 56353 is added to the Education Code, immediately following Section 56352, to read:

**56353.** (a) The Legislature finds and declares that the expanded core curriculum is a set of knowledge and skills in which instruction or services, or both, may be beneficial to a pupil who is blind, has low vision, or is visually impaired. Local educational agencies may consider the expanded core curriculum when developing individualized education programs for a pupil who is blind, has low vision, or is visually impaired.

(b) The expanded core curriculum is defined to be all of the following:

(1) Compensatory skills, such as braille and concept development and other skills needed to access the core curriculum.

(2) Orientation and mobility.

(3) Social interaction skills.

(4) Career technical education.

(5) Assistive technology, including optical devices.

(6) Independent living skills.

(7) Recreation and leisure.

(8) Self-determination.

(9) Sensory efficiency.

(c) When appropriate to ensure that a pupil will receive adequate services under this section, those services may be provided before or after school hours.

(d) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

**SEC. 3.** Section 56354 is added to the Education Code, immediately following Section 56353, to read:

**56354.** (a) (1) If an orientation and mobility evaluation is determined to be needed for a pupil who is blind, has low vision, or is visually impaired, it shall be conducted by a person who is appropriately certified as an orientation and mobility specialist.

(2) The orientation and mobility evaluations described in paragraph (1) shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate.

(b) Except as specified in subdivision (c), a local educational agency shall not impose any limitations that result in the preclusion or the limitation of the ability of a pupil to receive instruction in orientation and mobility services in the home, school, or community setting and in varying lighting conditions, as designated in the pupil's individualized education program and provided for pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

(c) (1) A local educational agency may require annual written parental consent to provide the services described in subdivision (b) when those services are provided before or after regular school hours and when those services are provided away from the schoolsite.

(2) If a local educational agency prohibits an orientation and mobility specialist from using their vehicles for the transportation of pupils to and from orientation and mobility instruction, the local educational agency shall provide, without cost to the orientation and mobility specialist, an equally effective transportation alternative for that purpose.

(d) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

**SEC. 4.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.