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SB-1016 Special education: eligibility: fetal alcohol spectrum disorder. (2021-2022)

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Senate Bill No. 1016

CHAPTER 611

An act to add Article 2.4 (commencing with Section 56332) to Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code, relating to special education.

[Approved by Governor September 27, 2022. Filed with Secretary of State September 27, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1016, Portantino. Special education: eligibility: fetal alcohol spectrum disorder.

Existing law requires all children with disabilities residing in the state, regardless of the severity of their disabilities, and who are in need of special education and related services, to be identified, located, and assessed. Existing regulations adopted by the State Board of Education provide that a child who is assessed as having a specified health impairment or other health impairment is entitled to special education and related services. Those regulations define "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 environment that is due to a chronic or acute health problem and adversely affects the child's educational performance.

This bill would require the state board to include "fetal alcohol spectrum disorder" in that definition of "other health impairment." By broadening the group of pupils eligible for special education and related services, the bill would impose a state-mandated local program.

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. Article 2.4 (commencing with Section 56332) is added to Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code, to read:

Article 2.4. Eligibility Criteria for Special Education and Related Services on the Basis of Other Health Impairment

56332. The State Board of Education shall include "fetal alcohol spectrum disorder" in the definition of "other health impairment" in Section 3030 of Title 5 of the California Code of Regulations.

SEC. 2. 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.