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SB-1113 Special education: inclusive education: universal design for learning. (2021-2022)

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL

NO. 1113

Introduced by Senator Ochoa Bogh
(Principal coauthor: Senator Rubio)
(Coauthor: Senator Nielsen)
(Coauthors: Assembly Members Aguiar-Curry, Chen, Megan Dahle, Gallagher, Cristina Garcia, and Lackey)

February 16, 2022

An act to add Article 8 (commencing with Section 56194.5) to Chapter 2 of Part 30 of Division 4 of Title 2 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1113, Ochoa Bogh. Special education: inclusive education: universal design for learning.

Existing law finds and declares that all individuals with exceptional needs have a right to participate in free appropriate public education and special educational instruction and services for these persons are needed in order to ensure the right to an appropriate educational opportunity to meet their unique needs. Existing law provides that it is the intent of the Legislature that education programs are provided under an approved local plan for special education, as provided. Existing law further provides

that it is the intent of the Legislature that appropriate qualified staff are employed, consistent with credential requirements, to fulfill the responsibilities of the local plan. Existing law establishes in state government the Commission on Teacher Credentialing and requires it to adopt standards for the issuance of teaching credentials, as provided.

This bill would require the commission, on or before January 1, 2024, to revise its administrative services credential standards and performance expectations to include and strengthen preparation for inclusion, with a focus on, among other things, universal design for learning (UDL), as defined. The bill would require administrator preparation programs to ensure faculty are prepared in, among other things, UDL.

Contingent upon an appropriation, the bill would require the State Department of Education, in consultation with the commission, on or before March 31, 2024, to develop and disseminate joint guidance clarifying the ways in which inclusive classrooms and placements may be staffed under current law, as provided. The bill would require the department, in consultation with the commission, on or before March 31, 2024, to submit a report to the Legislature on recommendations for statutory or regulatory changes necessary to eliminate barriers to the staffing of inclusive placements.

Existing law establishes in state government the Instructional Quality Commission to study courses of study in the schools and make recommendations to the State Board of Education regarding the adoption of minimum standards for courses of study, as provided.

This bill would require the department, on or before June 30, 2023, to train members of the commission on the principles and strategies of UDL. The bill would require the commission to assess the extent to which instructional materials submitted for state adoption use UDL principles and strategies.

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

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

SECTION 1. It is the intent of this act, that all of the following are achieved:

- (a) Improve outcomes for pupils with disabilities by providing support necessary to implement meaningful, evidence-based, inclusive practices in California schools.
- (b) Require appropriate teacher and administrator preparation be designed for all learners, address barriers that make inclusion difficult to implement, and promote the development of instructional materials that promote inclusive practices.
- (c) Establish a definition for universal design for learning.
- (d) Seek to establish supports necessary to realize a vision of schools in which all pupils' potential is fully realized, including, but not limited to, effects of mindsets, culture, and the promotion of environments free from ableism.

SEC. 2. Article 8 (commencing with Section 56194.5) is added to Chapter 2 of Part 30 of Division 4 of Title 2 of the Education Code, to read:

Article 8. Inclusive Education and Universal Design for Learning

56194.5. For purposes of this article, the following definitions apply:

- (a) "Commission" means the Commission on Teacher Credentialing.
- (b) "Universal design for learning" or "UDL" means a coherent system of education that provides instruction, services, and supports to pupils as they are needed, as well as professional learning for educator training. UDL also means a set of principles for designing learning opportunities that provide all pupils equal opportunities to learn. These principles include all of the following:
 - (1) Multiple means of representation, using a variety of methods to present information, providing a range of means to support pupils.
 - (2) Multiple means of action and expression to provide learners with alternative ways to act skillfully and demonstrate what they know.
 - (3) Multiple means of engagement to tap into learners' interests by offering choices of content and tools; motivating learners by offering adjustable levels of challenge, including varied and flexible ways to present or access information, concepts, and ideas, plan and execute learning tasks, and learning engagement.

56194.6. (a) On or before January 1, 2024, the commission shall revise its administrative services credential standards and performance expectations to include and strengthen preparation for inclusion with a focus on inclusive learning environments, UDL, multitiered system of supports strategies (MTSS), effects of mindsets, culture, and the promotion of equitable environments that includes, but is not limited to, an overview of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101, et seq.), as amended, and its implementing regulations; Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701 et seq.), as amended, and its implementing regulations; the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), as amended, and its implementing regulations; individualized education programs; child find requirements under applicable law; and effective general education inclusive classroom practices.

(b) Administrator preparation programs shall ensure faculty are prepared in UDL, MTSS, coteaching, the history of disability and justice, and other evidence-based practices. The faculty in these programs shall be encouraged to work directly with local educational agencies implementing model inclusion practices to link instruction to practice within general education classrooms.

56194.7. (a) The department, upon an appropriation made by the Legislature for these purposes, and in consultation with the commission, shall on or before March 31, 2024, develop and disseminate joint guidance clarifying the ways in which inclusive classrooms and placements may be staffed under current law. The joint guidance shall include all of the following:

(1) Guidance on staffing of inclusive classrooms, including those in which coteaching is used for instruction.

(2) Guidance on staffing of case management of pupils with disabilities, including ways of reducing the administrative burden on special education teachers so that they may focus more on instruction of pupils and collaboration with general education teachers.

(3) Guidance for teacher, early childhood educator, and administrator preparation programs emphasizing general and special educator competencies for collaboratively delivering instruction and assessment to all pupils, including pupils with disabilities.

(4) Guidance on providing related services in the general education setting.

(5) Recommendations relating to state laws and regulations that produce obstacles to inclusion and whether those laws should be amended or repealed.

(b) (1) On or before March 31, 2024, the department, in consultation with the commission, shall submit a report to the appropriate fiscal and policy committees of the Legislature on recommendations for statutory or regulatory changes necessary to eliminate barriers to the staffing of inclusive placements.

(2) Pursuant to Section 10231.5 of the Government Code, this subdivision shall become inoperative on March 31, 2028.

56194.8. On or before June 30, 2023, the department shall train the members of the Instructional Quality Commission on the principles and strategies of UDL. Following the training, the Instructional Quality Commission shall assess the extent to which instructional materials submitted for state adoption use UDL principles and strategies.

56194.9. (a) Nothing in this article shall conflict with, for children who are deaf, hard of hearing, blind, visually impaired, and deaf-blind, that inclusion practices and strategies to improve pupil outcomes shall mean placement in settings that provide full access to language. Placement settings that provide full access to language for deaf, hard of hearing, blind, visually impaired, and deaf-blind children are the least isolating and are the least restrictive environment for the child. For purposes of this article, the least restrictive environment may include, but not necessarily be limited to, the California Schools for the Deaf, the California School for the Blind, or nonprofit organizations, including, but not limited to, nonpublic, nonsectarian schools or agencies certified pursuant to Section 56366.1 and who specialize in serving deaf, hard of hearing, blind, visually impaired, and deaf-blind infants and children.

(b) In implementing this article, any discussion of deaf, hard of hearing, blind, visually impaired, and deaf-blind pupils in the local educational agency setting, including for generalization trainings or universal design for learning, shall not be done without the input and participation of the deaf, hard of hearing, blind, visually impaired, and deaf-blind communities.

(c) Nothing in this article shall be construed as modifying or otherwise affecting the right of pupils with disabilities, including pupils who are deaf, hard of hearing, blind, visually impaired, and deaf-blind, to a free and appropriate public education pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), the development of an individualized education program or the individualized education program team's determination of placement pursuant to Sections 300.320 to 300.328, inclusive, of Title 34 of the Code of Federal Regulations, and Section 56345, aids to ensure effective communication pursuant to Section 35.160 of Title 28 of the Code of Federal Regulations, or the continuum of program options that shall be made available as required by Sections 56000.5, 56360, and 56361.