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AB-87 Pupils: Section 504 plans: meetings and team meetings. (2023-2024)

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Assembly Bill No. 87

CHAPTER 81

An act to add Article 10 (commencing with Section 270) to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, relating to pupils.

[Approved by Governor July 21, 2023. Filed with Secretary of State July 21, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 87, Quirk-Silva. Pupils: Section 504 plans: meetings and team meetings.

Existing law requires a special education local plan area submitting a local plan to the Superintendent of Public Instruction to ensure that it has in effect policies, procedures, and programs that are consistent with state laws, regulations, and policies governing, among other things, compliance assurances, including general compliance with Section 504 of the federal Rehabilitation Act of 1973. That federal law prohibits an otherwise qualified individual with a disability, solely by reason of their disability, from being excluded from the participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance.

Existing law requires local educational agencies to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, with special education and related services as reflected in an individualized education program. Existing law authorizes the parent, guardian, or local educational agency of those pupils to audio record the proceedings of individualized education program team meetings.

This bill would similarly authorize a parent, guardian, or local educational agency to audio record meetings and any team meetings for pupils held pursuant to Section 504 of the federal Rehabilitation Act of 1973, as provided.

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

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

SECTION 1. Article 10 (commencing with Section 270) is added to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, to read:

Article 10. Section 504 of the Rehabilitation Act of 1973

270. (a) Notwithstanding Section 632 of the Penal Code, a parent or guardian or local educational agency shall have the right to audio record the proceedings of meetings and any team meetings held pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794). The parent or guardian or local educational agency shall notify the members of the team of the parent's, guardian's, or local educational agency's intent to audio record a meeting at least 24 hours before the meeting. If the

local educational agency initiates the notice of intent to audio record a meeting and the parent or guardian objects or refuses to attend the meeting because it will be audio recorded, the meeting shall not be audio recorded.

(b) For purposes of this section, "local educational agency" means a school district, county office of education, charter school, or any other educational entity that is subject to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).