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Action/Information

Legislative Committee of the Whole

Analyses of Bills of Interest to the Commission

Executive Summary: Staff will present analyses of educator preparation or licensure bills introduced by the Legislature. The analyses will summarize current law, describe the bill's provisions, estimate its costs, recommend amendments (if applicable) and propose a recommended position.

Recommended Action: Staff will indicate a recommended position on individual legislative measures as appropriate. Positions for the Commission to consider are: Sponsor, Support, Support if Amended, Approve, Seek Amendments, Watch, Disapprove, Oppose, and Oppose Unless Amended.

Presenter: Linda G. Bond, Director, Office of Governmental Relations

ANALYSES OF BILLS OF INTEREST TO THE COMMISSION

Bill Number: Assembly Bill 2909

Author: Assembly Member Salinas

Sponsor: California Department of Education

Subject of Bill: Early Intervention Services/Service Providers

Date Introduced: February 20, 2004

Status in Leg. Process: Assembly Appropriations

Recommended Position: Approve

Date of Analysis: May 17, 2004

Analyst: Marilyn Errett and Linda Bond

Summary of Current Law

Education Code Sections 44225 and 44265 give the California Commission on Teacher Credentialing (Commission) the authority to develop standards for special education credential programs and to issue specialist credentials including credentials in special education. The Commission may determine the authorization of specific credentials per Education Code Section 44225 (e).

Education Code 44258.9 (b) requires county offices of education to monitor school district certificated employee assignments and to report all assignment and misassignment information to the Commission in accordance with a four-year reporting cycle. Education Code 44258.9 (b)(2) requires the Commission to review the certificated assignments in the seven single school district counties in California.

Government Code Sections 95016 and 95020 establish the California Early Intervention

agencies for services to infants and toddlers up to two years of age who have, or are at risk of having, disabilities. The act requires each eligible infant or toddler to have an Individualized Family Service Plan (IFSP) and requires that pupils who are deaf or hard of hearing be taught by teachers whose professional preparation and credential authorization are specific to that impairment.

Summary of Current Activity by the Commission

Through the California Code of Regulations, Title 5, the Commission establishes the authorization of each credential type. The Commission's Administrator's Assignment Manual clarifies credential authorizations and appropriate assignments. Specifically, only teachers with special education credentials authorizing services to deaf and hard of hearing students, including infants and toddlers, are authorized to provide specified services. Additionally, specified services may be provided by holders of a Clinical or Rehabilitative Services Credential in Language, Speech and Hearing and specified services may be provided by holders of a Clinical or Rehabilitative Services Credential in Audiology.

The credential authorization and assignment activities of the Commission do not affect services to deaf and hard of hearing infants and toddlers who are served through the Department of Developmental Services, but rather only those who are served through the public school system including county offices of education and school districts.

Analysis of Bill Provisions

AB 2909 would make changes to the CEISA with regard to defining qualified personnel who assess, evaluate, participate in IFSP meetings, and provide services to deaf and hard of hearing infants and toddlers. Specifically, this bill would:

- Define "qualified personnel" for the purposes of determining the eligibility of a deaf or hard of hearing infant or toddler referred for an evaluation for early intervention services under the CEISA as including, but not limited to:
 - A teacher of the deaf or hard of hearing;
 - A speech-language pathologist; or
 - An audiologist.
- Would require, if a determination is made by the IFSP team that an infant or toddler who is deaf or hard of hearing requires special instruction, as defined by federal law, a plan to do all of the following:
 - Require all or part of the special instruction to be provided by an educator whose professional preparation or credential authorization is specific to that impairment;
 - Require assessments and special services for speech-language pathology to be provided by a licensed or certificated speech-language pathologist; and
 - Require audiology evaluations and special services to be provided by a licensed or certified audiologist.

- Requires the State Department of Developmental Services and the State Department of Education to conduct a study of the current methods of providing special instruction and other services to infants and toddlers who are deaf, hard of hearing, blind or visually impaired, and to report to the Legislature by January 1, 2006.

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Analysis of Fiscal Impact of Bill

The provisions of the bill are consistent with current Commission practice and would have no fiscal impact to the Commission.

Analysis of Relevant Legislative Policies by the Commission

The following Legislative policies apply to this measure:

- 1. The Commission supports legislation that proposes to maintain or establish high standards for the preparation of public school teachers and other educators in California, and opposes legislation that would lower standards for teachers and other educators.**
- 5. The Commission supports legislation that strengthens or reaffirms initiatives and reforms that it previously has adopted, and opposes legislation that would undermine initiatives or reforms, which it previously has adopted.**

Organizational Positions on the Bill

Support:

California Department of Education – Sponsor
American Federation of State, County and Municipal Employees
American Society for Deaf Children
Beyond the Classroom
California Administrators of the Deaf
California Center for Law and the Deaf
California Educators of the Deaf
California State University, Fresno (Department of Communicative Disorders and Deaf Studies)
Deaf & Hard of Hearing Service Center, Inc.
Deaf and Hard of Hearing Program (Covina Valley Unified School District)
Deaf Counseling Advocacy & Referral Agency
Independent Merging Parent Associations of California Together
NorCal Center on Deafness
Parent Links

Opposition:

None known.

Suggested Amendments

None

Reason for Suggested Position

AB 2909 clarifies the Government Code and conforms to current Education Code and Title 5 Regulations regarding the assignment of certificated personnel to ensure that infants and toddlers who are deaf or hard of hearing receive appropriate services. Specifically it clarifies that qualified personnel, who assess, evaluate, participate in IFSP meetings, and provide services, to deaf and hard of hearing infants and toddlers, including those with multiple disabilities, should include an instructor of the deaf and hard of hearing. Supporters of the measure argue that infants and toddlers, who are served through public agencies outside of the public education arena, do not receive evaluation or services by appropriately credentialed teachers. When these children begin receiving public school services, often in special preschool programs provided by county offices of education, their communication skills are not developed as well as those children who have been evaluated and served by an appropriately credentialed teacher or team of specialists. Because early evaluation and service is crucial to the later development of the child, use of appropriately certificated personnel is essential. For these reasons, staff recommends an “Approve” position on AB 2909.