

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 426

Introduced by Assembly Member Hall

February 23, 2009

~~An act to add Section 56125.5 to the Education Code, relating to special education. An act to add Section 49416 to the Education Code, relating to pupil health.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 426, as amended, Hall. ~~Special education: individualized education programs: compliance. Pupil health.~~

Existing law requires the governing board of any school district to give diligent care to the health and physical development of pupils.

This bill would require the State Department of Education, in consultation with the State Department of Public Health, the California Diabetes Program, and the State Department of Health Care Services, to recommend to the Legislature ways to address specific health-related needs of pupils on a school campus, by July 1, 2010.

~~Existing law requires the Superintendent of Public Instruction to monitor, provide technical assistance, and enforce provisions of state law regarding the provision of special education instruction and services pursuant to the federal Individuals with Disabilities Education Act (IDEA). Existing law requires that the primary focus of the state's monitoring activities be, among other things, on ensuring that public agencies meet the program requirements under state law and the IDEA, with a particular emphasis on those requirements that are most closely~~

related to improving educational results for individuals with exceptional needs.

~~This bill would require the State Department of Education to impose a monetary sanction, as determined by the Superintendent, on any school that provides instruction in kindergarten and any of grades 1 to 8, inclusive, and fails to implement an individualized education program (IEP) for any pupil in accordance with state and federal law. The bill would allow the parent or guardian of a pupil to file a complaint with the department, on a form provided by the department, alleging a failure to implement an IEP.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 49416 is added to the Education Code,~~
2 ~~to read:~~

3 ~~49416. By July 1, 2010, the department, in consultation with~~
4 ~~the State Department of Public Health, the California Diabetes~~
5 ~~Program, and the State Department of Health Care Services, shall~~
6 ~~recommend to the Legislature ways to address specific~~
7 ~~health-related needs of pupils on a school campus, including, but~~
8 ~~not limited to, diabetes, asthma, and obesity-related diseases.~~

9 ~~SECTION 1. Section 56125.5 is added to the Education Code,~~
10 ~~to read:~~

11 ~~56125.5.—(a) The department shall impose a monetary sanction,~~
12 ~~in an amount determined by the Superintendent, on any school~~
13 ~~that provides instruction in kindergarten and any of grades 1 to 8,~~
14 ~~inclusive, and fails to implement an individualized education~~
15 ~~program (IEP) for any pupil in accordance with this part and federal~~
16 ~~law.~~

17 ~~(b) The parent or guardian of a pupil may file a complaint with~~
18 ~~the department, on a form provided by the department, alleging a~~
19 ~~failure to implement an IEP as described in subdivision (a).~~

20 ~~(c) The department may use amounts collected in satisfaction~~
21 ~~of sanctions imposed pursuant to this section to pay for any~~
22 ~~enforcement costs the department incurs in implementing this~~

1 ~~section, and shall retain any amounts that remain after all of its~~
2 ~~enforcement costs have been paid.~~

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