
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: AB 236 **Hearing Date:** June 19, 2019
Author: Eduardo Garcia and O'Donnell
Version: March 20, 2019
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Special education programs: Family Empowerment Centers on Disability.

SUMMARY

This bill, subject to an appropriation, requires the California Department of Education (CDE) to give priority to applicants for grants to Family Empowerment Centers on Disability (FEC) in regions of the state that do not have a FEC, provides a cost-of-living adjustment, and increases base funding once there is a Family Empowerment Center in each of the 32 regions in the state.

BACKGROUND

Existing law:

- 1) Requires CDE to award grants to establish FEC in each of the 32 regions in the state established under the Early Start Family Resource Centers. Existing law requires CDE, in the first year of operation, to award these grants by February 15, 2002, and in subsequent years, to the extent funding is available, by February 15 of that year. (Education Code § 56402)
- 2) Requires a minimum base rate allocation of \$150,000 for each FEC and establishes an allocation mechanism that is determined according to school enrollment of the region served. (EC 56406)
- 3) Requires grant applicants, to be eligible to receive funding to establish FEC, to meet the following organizational requirements:
 - a) Be a nonprofit charitable organization organized under the Internal Revenue Code.
 - b) Be staffed primarily by parents, guardians, and family members of children and young adults with disabilities and by adults with disabilities.
 - c) Have as a majority of board members of each center, parents, guardians, and family members of children and young adults with disabilities who have experience with local or regional disability systems and educational resources. Existing law requires additional members to include persons with disabilities and representatives of community agencies serving adults with disabilities, and other community agencies.

- d) Demonstrate the capacity to provide services in accordance with the family support guidelines developed by the Early Start Family Resource Centers, and Parent Training Information Centers. (EC § 56404)
- 4) Requires the California Department of Education to issue requests for proposals, select grantees, and award grants by February 15, 2002. Existing law requires grants to be based upon a formula that does the following:
- a) Establishes a minimum base rate of \$150,000 for each center to provide the basic services and serve parents and guardians of children and young adults from age 3-18 years, and to those young adults from age 19-22 years who had an individualized education plan prior to their 18th birthday.
 - b) Establishes an allocation mechanism that is determined according to school enrollment of the region served.
- 5) Requires each grant applicant to demonstrate all of the following:
- a) That the need for training and information for underserved parents and guardians of children and young adults with disabilities in the area to be served will be effectively met.
 - b) That services will be delivered in a manner that accomplishes all of the following:
 - i) All families have access to services regardless of cultural, linguistic, geographical, socioeconomic, or other similar barriers.
 - ii) Services are provided in accordance with families' linguistic and cultural preferences and needs.
 - iii) Services are coordinated with the existing family support organizations within the region.
 - iv) Promotes positive parent and professional collaboration with local educational agencies, special education local plan areas, and other community agencies. (EC § 56406)
- 6) Requires, as a condition of receipt of funds, each Family Empowerment Center on Disability that receives a grant to do all of the following:
- a) Provide training and information that meets the training and information needs of parents and guardians of children and young adults with disabilities living in the area served by the center, particularly those families and individuals who have been underserved.
 - b) Work with community-based organizations and state and local agencies serving children with disabilities.

- c) Train and support parents and guardians of children and young adults with disabilities, as specified. (EC § 56408)
- 7) Establishes a statewide Family Empowerment and Disability (FEC) Council composed of the executive directors for the FECs, and authorizes membership to also include the Executive Director or representative from the Family Resource Centers and from the federally funded parent centers. Existing law requires the council to, at a minimum, do all of the following:
- a) Provide central coordination of training and information dissemination, content, and materials for FECs.
 - b) Develop a technical assistance system and activities in accordance with a plan developed in conjunction with the directors of the FECs.
 - c) Ensure that a periodic assessment and evaluation of the service delivery and management of each FEC conducted by FEC directors and includes on the assessment and evaluation team at least one parent advocate from another region.
 - d) Assist each center to build its capacity to serve its geographic region.
 - e) Develop uniform tracking and data collection systems, which are not duplicative and interface with existing special education data systems, to be used by each FEC.
 - f) Establish outcome-based evaluation procedures and processes to be used by the California Department of Education (CDE).
 - g) Conduct media outreach and other public education efforts to promote the goals of the FECs.
 - h) Support and coordinate system change advocacy efforts at the local, state, and national level. (EC § 56410)

ANALYSIS

This bill:

Priority for funding

- 1) Requires the CDE, by January 1, 2020, to give priority to applicants for grants to FECs in regions of the state that do not have a FEC.
- 2) Requires the Superintendent of Public Instruction (SPI) to determine, by February 15, 2021, additional criteria on the basis of which to give priority, and requires the CDE to give priority in that manner once it is determined by the SPI.

New funding rate

- 3) Establishes a new formula for awards beginning with the start of the fiscal year after a Family Empowerment Center (FEC) has been established in each of the 32 regions established under the Early Start Family Resource Centers, which increases the minimum base rate from \$150,000 to \$237,000 for each center.
- 4) Requires the funding based on school enrollment (one part of the existing and new formula) to be annually increased using the cost-of-living adjustment for the local control funding formula.

Eligibility for continued funding

- 5) Requires the California Department of Education (CDE) to assess the center's eligibility for continued funding, following the initial awarding of a grant, at a minimum as follows:
 - a) For a FEC established during or after the 2020-21 fiscal year, the CDE is to assess the center's eligibility every five years after the center is established.
 - b) For a FEC established before the 2020-21 fiscal year, the CDE is to assess the center's eligibility during the 2022-23 fiscal year, and every five years thereafter.
- 6) Requires assessments to be based on a center's demonstrated ability to meet the requirements described in # 7.

Conditions for grant recipients

- 7) Modifies and expands existing conditions that grant recipients must meet as follows:
 - a) Modifies the requirement to work with community-based organizations to specifically include community advisory committees.
 - b) Modifies the requirement to train and support parents to better understand the nature of the disability and their child's educational and developmental needs to specifically include the benefits of inclusion in a least restrictive educational environment.
 - c) Adds the requirement, subject to the availability of resources and upon parental consent, attend individualized education program development meetings that include parents and personnel responsible for assessing student eligibility for special education and early intervention services.
 - d) Adds the requirement to submit data annually, in accordance with the data template established by the CDE (see # 11), by a date selected by the Superintendent of Public Instruction (SPI). This bill requires the SPI to

select the date by June 30, 2022.

Family Empowerment and Disability Council

- 8) Modifies the duties of the council relative to assessment and evaluation of service delivery and management to instead require an outside entity to perform an annual, independent evaluation of the effectiveness of the services and include an evaluation of the data points listed in # 10.
- 9) Deletes the requirement to develop uniform tracking and data collection systems, and to establish outcome-based evaluation procedures and processes (see # 10).

Data

- 10) Requires the California Department of Education (CDE), by June 30, 2021, to develop or update a uniform and coordinated tracking and data collection system, and establish or update outcome-based evaluation procedures and processes, for use by Family Empowerment Centers (FECs) to demonstrate the center's ability to meet the grant eligibility requirements. This bill prohibits the tracking and data collection system from being duplicative of, and requires it to interface with, existing special education data systems.
- 11) Requires CDE, by June 30, 2021, to develop a data collection template for use by centers that includes but is not limited to all of the following:
 - a) The number of parent trainings provided by the center including but not limited to trainings on individualized education programs (IEP) and least restrictive educational environments.
 - b) The number of IEP meetings attended by personnel of a center.
 - c) The disability categories of children and young adults served by the center.
 - d) Demographic information, including the preferred language, of families served by the center.
 - e) The nature of disagreements between parents and schools or school districts, and the manner in which these disagreements were resolved with the assistance of the center.
 - f) Parental satisfaction with services provided by the center.
- 12) Requires CDE to provide guidance to centers on how to define and report data.
- 13) Requires CDE to consult with the FEC Council on the development of the data collection template.

Notification

- 14) Requires the California Department of Education (CDE), by June 30, 2021, to both of the following:
 - a) Inform parents of children with disabilities of the availability of Family Empowerment Centers (FECs) services by including in its notice of procedural safeguards information on the purpose of centers as well as the website address of its website that lists contact information for the centers.
 - b) Include the information described above on all of the CDE's translated versions of its notice of procedural safeguards and on a sample notice of procedural safeguards that it is required to maintain on its website.
- 15) Deletes existing requirements related to providing information about family empowerment centers with procedural safeguards.

Miscellaneous

- 16) Modifies existing legislative intent relative to ensuring that students are provided a free and appropriate public education (FAPE) to specify FAPE is to be in the least restrictive environment.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Family Empowerment Centers (FECs) were established by the Legislature in 2001 to help families of children and young adults with disabilities, ages 3-22, navigate the special education system, which for many families is a daunting task. Parents often face this challenge shortly after their children are diagnosed with complex conditions, and after being told that they must obtain services as quickly as possible to maximize the benefits of intervention.

FECs guide parents through this process by offering a wide range of services, including parent-to-parent mentorship programs, consultations on individualized education programs, and trainings that inform parents about their children's disabilities. By supporting family engagement, FECs not only help ensure that children gain access to the educational resources they need; they also help reduce costly legal conflicts between parents and school districts.

The services provided by FECs are valuable in California, where the scope of the need for special education services is great. Nearly 12 percent of students in the state are enrolled in special education, and the proportion of special education students requiring more intensive and complex educational plans has increased over the past decade. A 2015 report released by the Statewide Task Force on Special Education shows that California has struggled to meet these demands: on average, only 60 percent of students with disabilities graduate from high school and the achievement levels of students with disabilities in California rank among the lowest in the nation.

Because families represent an important source of support for children with disabilities, the Task Force asserts that family engagement must play a key role in statewide efforts to improve special education. Specifically, the report states that California must invest in providing the ‘help, guidance, and training that parents and family members need in order to become active and constructive educational partners.

Family Empowerment Centers (FECs) fulfill this role. However, the availability of FEC services falls short of the need in California. Although the original intent of the law was to establish 32 centers throughout the state, there are currently only 14 centers and many high need areas lack access to FECs. In addition, funding levels have not changed since 2001, resulting in a funding stream that has not kept pace with increasing demand for FEC services or cost-of-living increases.

AB 236 will support the critical work of FECs and improve their ability to act as a resource for statewide efforts to improve special education. This bill expands the FEC network to high need and underserved regions of the state, provides a one-time adjustment to increase the base grant from \$150,000 to \$237,000, and improves coordination between California’s Department of Education and FECs through the development of a uniform and rigorous data collection, tracking, and reporting system.”

- 2) **Family Empowerment Centers.** Statute calls for the establishment of 32 FECs across the state; the last center was added in 2008, leaving the network at its current size of 14 centers. Each of the existing 14 FECs is funded at a base amount of \$150,000, plus an additional amount based on their region's total school enrollment. The total for all 14 grants is \$2,644,000. This funding level has not changed since 2001.

This bill requires a cost-of-living adjustment that is provided pursuant to the local control funding formula for the enrollment-based portion of grant awards, beginning in the 2021-22 fiscal year.

In addition, this bill increases the grant’s base rate from \$150,000 to \$237,000 but only after a FEC is established in each of the 32 regions of the state.

Further, this bill requires the California Department of Education (CDE) to give priority to applicants in the regions that do not currently have a FEC, beginning January 1, 2020.

- 3) **Standardization of data.** Existing law requires local control and accountability plans (LCAPs) to address parental involvement, and requires local educational agencies (LEAs) to establish parent advisory committees and English learner parent advisory committees to provide input during LCAP development. According to CDE and the Statewide Special Education Task Force report, efforts to improve special education similarly require input from parents and families but formal, state-mandated mechanisms similar to those implemented for general education do not exist.

As is noted in the Assembly Education Committee analysis of this bill, FECs are

ideally structured to facilitate parental engagement in efforts to identify and resolve local challenges in special education. However, the Statewide Special Education Task Force report highlights challenges in data collection and analysis that need to be addressed before Family Empowerment Centers (FECs) can fulfill this role. Although existing law includes accountability measures, such as the development of a uniform data collection system, it does not specify what happens with this data after it is reported to California Department of Education (CDE), or how it will be used outside of providing a general assessment of the function of FECs.

- 4) ***Fiscal impact.*** According to the Assembly Appropriations Committee analysis, this bill would impose:
- a) Ongoing annual costs of about \$5 million in federal Individuals with Disabilities Education Act (IDEA) funding to provide increased grants for 32 FEC. Costs will change annually with the cost-of-living adjustment. These funds would be shifted from existing IDEA funds.
 - b) Ongoing annual General Fund (GF) costs of about \$150,000 for the CDE to hire one staff member to administer the new requirements of the program.
 - c) Ongoing annual GF costs, likely in the low hundreds of thousands of dollars, for the FEC Council to contract for an annual, independent program evaluation.
 - d) One-time GF costs, likely in the low hundreds of thousands of dollars, for CDE to develop a new template to collect data and to develop or update a uniform data collection system.

SUPPORT

Family Empowerment and Disability Council (sponsor)
Riverside County Office of Education

OPPOSITION

None received

-- END --