



**LEGISLATION & PUBLIC
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April 18, 2018

Honorable Patrick O' Donnell
Chair, Education Committee
California State Assembly
Capitol Building, Room 2196
Sacramento, CA 95814

RE: AB 2580 (CUNNINGHAM) – SUPPORT IF AMENDED

Dear Assembly Member O'Donnell:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **supports AB 2580 if amended**. This bill is scheduled for hearing in the Assembly Education Committee on April 25, 2018.

Existing law enumerates the requirements for state hearings regarding whether an individual with exceptional needs received a free appropriate public education. This includes requirement that upon completion of the hearing, a written, reasoned decision be mailed to all parties to the hearing, as provided. Existing law authorizes either party to the hearing to request the hearing officer grant an extension and requires the extension be granted upon a showing of good cause.

AB 2580 creates more specificity around granting continuances for good cause in special education due process hearings. Among other provisions, AB 2580 clarifies that good cause includes, but is not limited to: 1) when all parties submit a stipulation that an extension is necessary to resolve the matter by settlement and 2) when a material witness is absent due to the hearing date being set on a day that the relevant school is not in session.

In order to equalize access to continuances in special education due process hearings, Disability Rights California would like to see the bill amended to strike the limiting reference to school schedules. Instead, the language should read as follows:

Amend Section 1 56505(f)(3)(B (ii) :

[Good cause for a continuance includes...]

(ii) When a material witness is absent due to the hearing date being set on a day that the witness is unavailable.

By adopting this amendment, good cause extends to both sides' material witnesses and not just to the district's employees. This balances out the process and ensures equity for both parents of students with disabilities and schools. For these reasons, we support the bill if it is amended as proposed. Please contact me if you have any questions about our position or if I can provide any further information.

Sincerely,



Evelyn Abouhassan
Senior Legislative Advocate
Disability Rights California

cc: Honorable Jordan Cunningham, California State Assembly
Christopher Finarelli, Chief of Staff, Office of Assembly Member
Cunningham
Honorable Members, Assembly Education Committee
Tanya Lieberman, Deputy Chief Consultant, Assembly Education
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