



**LEGISLATION & PUBLIC
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June 16, 2017

Honorable Ben Allen
Chair, Education Committee
California State Senate
Capitol Building, Room 5072
Sacramento, CA 95814

RE: AB 752 (RUBIO) – SUPPORT IF AMENDED

Dear Senator Allen:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, supports AB 752, if amended. This bill is scheduled for hearing in the Senate Education Committee on June 21, 2017.

AB 752 aims to solve an important problem. It identifies the increasing expulsion of children from child care and development programs due to their challenging behaviors. It then puts in place a process for minimizing these expulsions by requiring the providing agencies to find and implement effective solutions. It correctly links the process to the child's special education and early intervention plans and ensures the child's continued receipt of services even when the agencies are unable to safely serve a child in their programs.

However, the bill has two weaknesses that may undermine its stated purpose. First, it allows an unduly lengthy period for the process to determine how best to serve the child. The 180 day period is too long, unnecessary and potentially counterproductive. 180 days constitute more than two-thirds of a regular school year and would leave little to no time for the participation under an effective plan especially for children who attend


the program for only one year. In most instances, the child's Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) can be accessed and reviewed within a few short days and additional consultation with a parent or the child's doctor or therapist can be completed shortly afterwards. The plan can thus be developed within one week and the services and staff training envisioned in the plan should be secured within no more than two additional weeks. An extended process could often bring out a circumstance in which the child does not receive the full benefit of the program and the staff feel frustrated and helpless.

Second, in cases where the child does not have a current IEP or IFSP, the referral to other entities to assess the child for one of these programs will subject this process to the legal requirements of other applicable laws which entail compliance with numerous safeguards and other timelines. In these cases, the bill should require some intervening action such as a behavioral assessment or behavioral consultation with the child's present health provider or an independent behaviorist in order to develop an action plan while the child undergoes eligibility evaluation for an IEP or IFSP.

We believe that addressing these two issues will make this a stronger bill and provide greater protections for these children. DRC stands ready to work with the author, sponsor and the committee on these issues.

For these reasons, we support this bill if amended. Please contact me if you have any questions about our position on this bill.

Very truly yours,

A handwritten signature in black ink, appearing to read "Curtis Child". The signature is fluid and cursive, with the first name "Curtis" and last name "Child" clearly distinguishable.

Curtis Child
Legislative Director
Disability Rights California

cc: Honorable Blanca Rubio, California State Assembly
Krystal Moreno, Senior Legislative Aide, Office of Assembly Member Rubio
Honorable Members, Senate Education Committee
Lynn Lorber, Chief Consultant, Senate Education Committee