



February 25, 2008

The Honorable Noreen Evans
California State Assembly
State Capitol, Room 3152
Sacramento, California 95814

AB 1768: OPPOSE
Assembly Education
Committee

Dear Assembly Member Evans:

The California Association of School Psychologist (CASP) has reviewed your AB 1768 and must respectfully take a position of opposition to the bill. CASP is a statewide association that represents over 3,000 school psychologists working in California public, private, and charter schools. School psychologists are mental health professionals who have specialized training in both psychology and education. They use their training and skills to team with educators, parents, and other mental health professionals to ensure that every child overcomes barriers and learns in a safe, healthy and supportive environment.

AB 1768 would make a significant change to the current special education requirements for local school districts when a student transitions into the public education system at the age of three. Specifically, AB 1768 would apply to a child with exceptional needs who currently has an Individual Family Service Plan (IFSP) in place, the bill would require that the IFSP placement would be the student's "stay put" placement during the pendency of stay put proceedings.

Under current law, the Department of Developmental Services is responsible for early intervention services for children with exceptional needs who are age birth to 3 years (this is referred to as Part C under IDEA and the child's services and placement is outlined in the IFSP). The Department of Education is responsible for education services for individuals with exceptional needs who are age 3 to 22 (this is referred to as Part B under IDEA and the child's education services and placement is outlined in the Individual Education Plan/IEP).

When IDEA was reauthorized in 2004, the federal regulations made it very clear that the public agency (school district) is NOT required to provide the early intervention services that the child had been receiving under the IFSP while any administrative dispute resolution process is pending.

CASP respectfully opposes AB 1768 for several reasons. First, CASP believes that the federal regulations are very clear regarding the child's placement status during proceedings while the child is transitioning from Part C to Part B of IDEA. The IFSP placement for the student is a possibility for the student during a pendency of a stay put proceeding but it is not a mandatory placement as prescribed by AB 1768.

Secondly, the statutory change proposed by AB 1768 would exceed the requirements under federal law as stated in Section 330.518 of the federal regulations. By requiring that the IFSP placement be the students's stay put placement during legal proceedings would exceed federal law and therefore impose new state mandate requirements on local school districts for which the state must pay. CASP must oppose AB 1768 because of the mandated costs and the fact that the bill exceeds federal law. Given the current budget shortfall California is facing adding this level of new cost is something we most oppose.

Finally, as professionals we are constantly striving to have children diagnosed earlier, as well as, assuring that these children receive appropriate interventions at an earlier age. AB 1768 does not take into account the programs and services that a school district has available for these children, and instead it implies that the placement designated in the IFSP is the best placement for the child. As school psychologists we use our training and skills to team with educators, parents, and other mental health professionals to ensure that every child overcomes barriers and learns in a safe, healthy and supportive environment. AB 1768 does not allow this process to work.

If you would like to discuss this issue further please contact our legislative advocate, Jeff Frost, at 916/447-8420.

Sincerely,

A handwritten signature in black ink that reads "S. Fisher". The signature is written in a cursive, flowing style.

Suzanne Fisher
CASP Executive Director

cc: Assembly Education Committee Members