F3 Law 20 YEARS

Legal Update

Recent OAH Decisions

Assessments/IEEs

San Benito High School District

Facts:

- District's assessments found Student eligible for special education with autism and ID
- Parents disagreed with several of District's assessments and sought IEEs
- When Parents did not identify their proposed independent assessors, District provided SELPA criteria, which included list of pre-approved examiners for the IEEs in various disciplines
- On November 4, 2025, Parents informed District that they wanted to choose their own independent assessors and were not interested in SELPA's list
- On November 12, 2025, special education director wrote Parents, stating that District was ready to begin IEE funding
- Parents provided list of their selected assessors, but District was unsuccessful in attempts to contact them because they were either located out-of-state or could not be found
- Parents provided new list, but those assessors were located over 300 miles from District, which did not comply with SELPA's required 100-mile radius

Assessments/IEEs

San Benito High School District

Facts (cont'd):

- District's special education director informed Parents that their newly proposed assessors exceeded 100-mile SELPA limit
- District notified Parents that parties were at impasse and District was not able to fund IEEs
- Parents filed request for due process hearing on January 28, 2026, alleging District failed to timely fund IEEs requested by Parents or, alternatively, did not timely file due process request with OAH to defend its October 2025 triennial assessments after Parents requested IEEs on October 30, 2025
- Parents claimed that District's delay in deciding to file due process hearing request was contrary to its duty to "fund or file," without unnecessary delay
- Subsequently, District filed for due process hearing on February 5, 2026, seeking to demonstrate that its triennial assessments and its vision and hearing screening were legally complaint, such that it need not fund an IEE in areas assessed

Assessments/IEEs

San Benito High School District

Decision:

- ALJ rejected Parents' allegations concerning IEE obligation to "fund or file"
  - "[District] agreed to fund Parents' requested IEEs. And [District] would have done so, except for Parents' noncooperation."
  - District did not delay; it chose to fund IEEs within a few days of Parents' request
  - Parents wrongly viewed the SELPA list and District's requests as improper attempts to interfere with their right to choose an independent evaluator
  - "[T]his is not a situation where a school district simply failed to respond to a parental request for an IEE"
  - Having exhausted all means of obtaining proposed IEE evaluators who could be properly validated to conduct IEEs, District then filed its due process request to defend its assessments

Assessments/IEEs

San Benito High School District

Decision (cont'd):

- ALJ then determined District's October 2025 psychoeducational multidisciplinary triennial evaluation; speech, language, and communication assessments; OT assessment and vision and hearing screen were procedurally and substantively appropriate
  - School psychologist reviewed Student's cognitive abilities, academic capabilities, autism ratings, and adaptive functioning skills; then used the psychoeducational results to analyze Student's eligibility, applying appropriate regulatory definitions
  - Speech-language pathologist evaluated Student's articulation and voice, and analyzed speech samples gathered during informal language sampling and conversational speech to determine Student's needs
  - OT therapist concluded that Student's current support for sensory processing needed to continue
  - Vision and hearing screenings produced valid and reliable results, indicating that Student did not require referral for further assessment
- Accordingly, District did not have to fund IEEs in areas requested by Parents

(Student v. San Benito High School Dist. and San Benito High School Dist. v. Student (OAH 2026) Case Nos. 2026011066 and 2026020339, 126 LRP 11807)

IEEs

Why Does This Case Matter to Us?

- Districts are legally required to ensure that Parents' proposed IEE evaluators meet same requirements with which school district assessors would need to comply
  - Here, District could not do so because proposed IEE assessors could not be found
- Districts also are entitled to set reasonable limits as to IEE assessor's location
  - In this case, ALJ determined that SELPA's IEE criteria's 100-mile limit was reasonable geographic radius and was not so narrow as to interfere with Parents' right to obtain independent evaluator
- Districts' reasonable IEE criteria is enforceable unless the parents can demonstrate unique circumstances justify departure from criteria
  - Parents could not do so here, failing to show that assessors from other states or from Southern California were essential to provide IEEs they requested

Child Find/Offer of FAPE

Newport Mesa Unified School District

Facts:

- Student attended fourth and fifth grades in District elementary school
- Fourth grade teacher noted Student had trouble relating to peers and was disorganized; fifth grade teacher expressed concerns in email to Parent in October 2023
- Upon receipt of neuropsychologist's report, teacher referred Student to District's SST team
- By summer 2024, Parents had become frustrated with District's slow progress and privately placed Student at Fusion Academy
- Student was found eligible under autism and SLI categories on September 6, 2024
- IEP offered placement in District's elementary school, but Parents refused to consent; Parents also refused consent to other proposed IEPs in February 2025 and April 2025
- Seeking reimbursement for private placement at Fusion, Parents claimed child find violation and asserted that District's IEPs failed to offer FAPE to Student

Child Find/Offer of FAPE

Newport Mesa Unified School District

Decision:

- ALJ determined District committed child find violation, but such violation did not deny FAPE
  - At least by such time as fifth-grade teacher expressed concerns via email in October 2023, District had ample reason to suspect Student had disability
  - Failure to refer reflected District's long-standing policy of exhausting all general education interventions before referring student for special education assessment
  - District also mistakenly believed that need for assessment must first be presented to SST team
  - But child find violation did not deny FAPE since there was no showing prior to September 6, 2024 that Student would have been eligible for special education before that date

Child Find/Offer of FAPE

Newport Mesa Unified School District

Decision (cont'd):

- ALJ, however, found that IEPs proposed by District did not offer FAPE and awarded Parents over $100,000 of tuition reimbursement for their placement at Fusion Academy
  - District's goals were not based on Student's present levels of performance at Fusion, which District had difficulty obtaining
  - Goals did not show direct relationship between present levels, goals, and educational services to be provided
  - Some goals included various numerical values that had no apparent source
  - Other goals contained statement that District would add additional baselines within 30 days of Student's return to public school
  - Incomplete goals also violated requirement of Union v. Smith that IEP offer must be clear and understandable to parents

(Student v. Newport Mesa Unif. School Dist. (OAH 2026) Case No. 2025071064, 126 LRP 3083)

Offer of FAPE

Why Does This Case Matter to Us?

- Annual goals are heart of IEPs
- Ninth Circuit described progress on annual goals as "the correct standard for measuring educational benefit under the IDEA" (County of San Diego v. Special Educ. Hearing Office (9th Cir. 1996) 24 IDELR 756)
- Without measurable goals, that progress and accompanying educational benefit cannot be determined
- In addition, California special education regulations require direct relationship between present levels of performance, goals, and educational services to be provided (Cal. Code Regs., tit. 5, § 3040(b))
- This relationship was lacking in IEPs developed by District in this case

Disciplinary Removals

Glendale Unified School District

Facts:

- During 2025-2026 school year, 6-year-old Student attended three different Spanish dual-language immersion classrooms in District, and experienced behavioral challenges in each
- Student changed classrooms at Edison Elementary after Parent complained about his teacher
- Further complaints resulted in move to John Muir Elementary
- At Edison, Student frequently eloped from class and on one occasion left early accompanied by his brother
- Student was suspended for one day for “force/violence on others”; on return from suspension, Student left early with Parent
- At John Muir, Student’s elopement behavior continued
- During elopement episodes at both schools, staff accompanied Student for safety

Disciplinary Removals

Glendale Unified School District

Facts (cont'd):

- Student was disenrolled from District from November 2025 through February 2026 over residency dispute
- Parent contended that District failed to provide IDEA procedural protections (including MD review) because Student experienced a pattern of disciplinary removals exceeding 10 school days during 2025-2026
- Parent claimed Student's frequently being out of class in connection with his behavior, as well as experiencing teacher changes, school change, and disenrollment, all constituted disciplinary removals
- District asserted that Student's teacher changes, school change, and disenrollment were result of Parent's preference and lack of residency, not school discipline

Disciplinary Removals

Glendale Unified School District

Decision

- After 10-day hearing, ALJ found for District on all counts
- Parent only established that Student experienced, at most, one day of school disciplinary removal during 2025-2026 school year; even if early releases were considered "removals," aggregate still would have been well under 10-day threshold to trigger IDEA protections
- Student's elopement was not formal or informal disciplinary removal because District did not remove Student due to violations of code of student conduct; instead, Student was outside of school because he left class when he eloped
- Transfer of school sites and teacher changes were not result of Student's conduct but based on Parent's complaints; as such they did not constitute informal disciplinary removals
- Student's disenrollment from District for four-month period also was not disciplinary change of placement but was result of residency dispute between Parent and District

(Student v. Glendale Unif. School Dist. (OAH 2026) Case No. 2025120710, 126 LRP 5132)

Disciplinary Removals

Why Does This Case Matter to Us?

- Informal removal, although not defined by IDEA, means action taken by school personnel in response to student's behavior that excludes student for part or all of the school day, or even an indefinite period of time; it can include administratively shortened school days when student's school day is reduced by school personnel, outside of IEP team and placement process, in response to student's behavior
- These exclusions are considered informal because school removes student with a disability from class or school without invoking IDEA's disciplinary procedures
- Informal removals are subject to IDEA's requirements to same extent as disciplinary removals by school personnel using school's disciplinary procedures
- What constitutes a disciplinary "removal" or "a pattern" is frequently litigated issue; although, in this case, even assuming Parent had prevailed on all contentions (except disenrollment issue), removals fell far short of 10-day threshold

Graduation

Sonoma Valley Unified School District

Facts:

- At IEP team meeting in May 2024 for high-school Student with autism and SLI, IEP team determined that Student would graduate with regular diploma and be exited from special ed
- Student had received passing grades in all her course and progressed on all goals
- School psychologist believed that Student demonstrated her ability to learn in classroom with services and supports provided in her IEP, as reflected in her grades, teacher reports, and progress on IEP goals
- Parent did not agree with decision to graduate Student
- Parent claimed that Student failed to meet District's requirements for regular high school diploma, that District relied only on Student's grades and did not consider that Student consistently received failing scores on standardized tests, and that District denied Student FAPE by terminating her special education and related services

Graduation

Sonoma Valley Unified School District

Decision:

- ALJ found in favor of District
  - Student was not required to take courses in living skills and geometry to obtain diploma
  - Student's achievement on state standardized testing was not by itself determinative of Student's ability to earn regular high school diploma
  - Student's high school transcript reflected that she earned more than minimum credits required and completed all state-required courses necessary to graduate
  - No persuasive testimony or documentary evidence suggested Student's coursework was modified or her grades improperly inflated, as Parent alleged
  - Once Student met District's general education requirements at end of the 2023-2024 school year, District was required to award Student regular high school diploma
  - Parent provided no evidence that District was obligated to continue to offer special education services following award of diploma

(Student v. Sonoma Valley Unif. School Dist. (OAH 2026) Case No. 2025090701, 126 LRP 5128)

Graduation

Why Does This Case Matter to Us?

- Establishment of proficiency standards for high school diploma is state function that is not addressed by IDEA
- State law and school district policy exclusively determine diploma and graduation requirements
- California regulations require that when student with disability meets district requirements for completion of prescribed course of study designated in student's IEP, district must award diploma
- IDEA does not require student to achieve all IEP goals before being eligible to graduate with regular high school diploma

IEP Implementation

Alhambra Unified School District

Facts:

- April 2022 IEP for Student with autism was last IEP to which Parent had consented
- Student was placed in general education classroom and IEP offered both push-in and pull-out services for SAI
- Student continued to received services under April 2022 IEP during seventh, eighth and ninth grade
- Parents claimed District failed to implement Student's IEP, asserting that:
  - Pull-out SAI was not based only on Student's class assignments, as called for by IEP
  - Some essays Student wrote for her pull-out SAI were typed rather than handwritten
  - SAI assignments in reading, writing, and math were not at grade level
  - SAI was implemented using a goal to which Parent had not consented
  - Student did not receive the correct number of SAI minutes, or correct amount of counseling or group speech services

IEP Implementation

Alhambra Unified School District

Decision:

- ALJ rejected all of Parent's claims, finding no material failure to implement Student's IEP
  - Parent failed to offer evidence establishing that SAI assignments were intended to be focused only on Student's classwork assignments, as IEP did not limit SAI assignments to specific assignments from Student's general education class
  - Parent offered no evidence that occasionally typing assignments resulted in work that was not in conformity with skills of developing written essays, based on Student's changing status
  - No evidence that District failed to provide grade-level SAI assignments required by IEP
  - Parent could not identify any implementation of incorrect goals
  - Parent could not identify total hours of SAI that Student received (push-in vs. pull-out) and, as such, could not specify any failure to receive services
  - Any missed counseling sessions did not amount to material failure to implement IEP

(Student v. Alhambra Unif. School Dist. (OAH 2026) Case No. 2025101049, 126 LRP 11793)

IEP Implementation

Why Does This Case Matter to Us?

- Only material failure to implement IEP violates IDEA
- Material failure occurs when there is more than "a minor discrepancy" between the services school provides to student and services required by student's IEP
- Special education and related services need only be provided "in conformity with" IEP, and Ninth Circuit has interpreted this language to mean there is no statutory requirement of perfect adherence to IEP, nor any reason rooted in statutory text to view minor implementation failures as denials of FAPE
- Further, courts have acknowledged that materiality standard allows for changes in how older IEP is implemented as student progresses from elementary school to middle school, and to high school, so long as services provided approximate Student's old IEP as closely as possible

IAES

Rocklin Academy Family of Schools

Facts:

- 10-year-old Student with OHI (ADHD) had history of behavior issues in elementary school
- Student's behavior began to improve once Parent consented to portions of IEP (including individual counseling and behavioral intervention services)
- Nonetheless, District sought removal of Student to 45-day IAES based on:
  - FBA that observed Student engaging in one "Level 3" high-intensity behavior episode
  - One-day suspension for making "guttural noises" resulting in getting saliva on other students' faces
  - Pointing hand sanitizer spray bottle at other students
  - Throwing classroom items and banging on walls
  - Slamming Chromebook on teacher's fingers
- As IAES, District proposed same general education classroom at elementary school
- Parents believed District's complaints about behavior stemmed from dispute over need for 1:1 aide

IAES

Rocklin Academy Family of Schools

Decision:

- ALJ: District failed to prove that Student's behaviors rose to level that justified removal to IAES
  - FBA observations only reflected single incident of high intensity behavior and behavior specialist's report was made in "broad and general terms"
  - Teacher explained in the teacher input section of FBA that behaviors Student exhibited in classroom (banging on walls, etc.) were generally "low intensity"
  - Incidents of Student making "guttural noises" had ceased; pointing hand sanitizer spray bottle was documented as "minor incident"; and slamming Chromebook on teacher's fingers did not justify IAES
  - Student's behavior had improved following implementation of behavior interventions
  - Alleged risk of "emotional harm or discomfort" was not legally relevant
  - Even if District demonstrated Student's behaviors warranted IAES, District's proposed IAES in same classroom was not "alternative setting"

(Rocklin Academy Family of Schools v. Student (OAH 2026) Case No. 2026010984, 126 LRP 11805)

IAES

Why Does This Case Matter to Us?

- District may request due process hearing to authorize change of placement to IAES if district believes that maintaining current placement of student is substantially likely to result in injury to student, or to others
- ALJ pointed out that previous OAH decisions provide examples of significant and serious behaviors needed to authorize removal to IAES, which include kicking and hitting staff and peers, eloping from campus, threatening to bring firearm to school and self-injurious behaviors
- Student's behaviors in this case did not approach such levels

LRE Analysis

Coastal Academy Charter School

Facts:

- 18-year-old high school Student with ID (Down syndrome) and SLI had academic skill levels ranging between kindergarten to first grade and limited communication skills
- Charter School's May 2024 IEP placed Student in general ed for 85 percent of school day
- In January 2025, Charter School proposed to change Student's placement to Pathfinder Program Functional Academics and Functional Life Skills classes, which was in separate classroom outside general education setting, providing instruction in English language arts, math, social studies, and science, using modified curriculum, to students with IEPs
- New placement, with increased SAI, was offered for remainder of 2024-2025 school year for biology and for all core academic courses in 2025-2026 school year
- Parents refused to consent to proposed IEP, contending that new placement was not LRE; Charter School believed Student could not receive meaningful benefit from gen ed classes

LRE Analysis

Coastal Academy Charter School

Decision:

- ALJ determined that Charter School denied Student FAPE, finding that, under four-factor Rachel H. analysis, placement in general education biology class for 2024-2025 was LRE
- First factor: Student received academic benefit from his general education biology course, and participation in class did not impede his ability to make progress on IEP goals
  - Although Student's IEP goals were not directly related to biology class, Student had made progress toward (or had met) his four reading goals and his two writing goals
  - Charter School also had "unrealistic expectations" of Student in biology class
  - "[Charter School's] concerns about Student's access to the biology curriculum were misplaced because they misunderstood the appropriate learning expectations of Student within the class"
  - Charter School's teachers lacked experience in modifying grade-level curriculum to Student's instructional level

LRE Analysis

Coastal Academy Charter School

Decision (cont'd):

- Second factor: Student received nonacademic benefits from interacting with nondisabled peers in general education classroom
  - Although Student had fewer peer interactions in his biology class, "it was primarily due to his limited communication skills and not because of a lack of interest in connecting with his non-disabled peers"
  - Student's biology teacher testified Student appeared happy in his class and would smile and wave at his classmates
- Third factor: Student had no problem behaviors that interfered with lessons and learning of his peers
- Fourth factor: No evidence presented concerning costs

(Student v. Coastal Academy Charter School (OAH 2026) Case No. 2025090092, 126 LRP 9227)

LRE Analysis

Why Does This Case Matter to Us?

- In finding that Charter School's offer of FAPE was not LRE for Student, ALJ relied heavily upon interpretation of Rachel H. set forth in D.R. v. Redondo Beach Unified School District (9th Cir. 2022) that appropriate benchmark for measuring academic benefits of student with developmental disabilities is progress toward meeting the academic goals established in student's IEP, and not grade-level performance
- Also relying on Redondo Beach decision, ALJ noted that whether student receives academic benefit in general classroom as result of supplemental aids and services or as result of significant curricular modifications is irrelevant to analysis of first Rachel H. factor

Noteworthy Decisions from the Courts

FAPE Obligation

L.B. v. San Diego Unified School District

Facts:

- Middle-school Student with history of serious mental health diagnoses and hospitalizations was placed by Parents in RTC in November 2019
- In December 2019, District offered Student placement in public school offering intensive mental health services, to which Parents agreed pursuant to settlement agreement
- When school closed during COVID, Student struggled with virtual instruction in District's placement
- Parents removed Student and placed him in RTC in North Carolina (and subsequently in another RTC in South Carolina)
- Parents requested IEP team meeting after learning Student would be disenrolled from District
- After additional IEP team meetings, Parents requested District fund RTC placement, which District refused

FAPE Obligation

L.B. v. San Diego Unified School District

Facts (cont'd):

- IEP team met twice in November 2020
- District advised it would be disenrolling Student
- In March 2021, Parents again requested IEP team meeting to request District reconsider decision not to fund RTC and submitted IEE recommending "therapeutic boarding environment"
- IEP team reviewed IEE in April 2021, and Parents agreed to assessment of Student at South Carolina RTC, which took place over summer of 2021
- District's updated IEP in November 2021 offered Student placement at another school for students with disabilities, Marcy-Adolescent Day Treatment ("Marcy Day")
- Parents consented to new proposed IEP, and Student returned to District to attend Marcy Day

FAPE Obligation

L.B. v. San Diego Unified School District

Decision:

- In August 2022, Parents filed due process complaint seeking full reimbursement from District for tuition and other costs associated with their residential placements
- ALJ did not reach the question of whether District failed to offer Student FAPE while he was privately placed because District had "no duty" to offer Student FAPE during that time
- ALJ reasoned that Parents had not "expressly requested an IEP" during this period as required by Capistrano Unified School District v. S.W. (9th Cir. 2021)
- ALJ determined that Parents' meetings and communications with District were for purposes other than requesting IEP, such as disenrolling Student from District so that he would not receive failing grades
- District court affirmed ALJ's decision, finding that Parents had requested IEP "meetings" but not IEP "document," and thus District had no obligation to prepare IEP or offer FAPE, although it did so

FAPE Obligation

L.B. v. San Diego Unified School District

Decision (cont'd):

- Ninth Circuit overturned lower court's decision, holding that District was obligated to offer Student FAPE "during the entire time at issue"
  - District court's decision "rested upon a misreading" of Capistrano
  - Unlike Capistrano, Parents in this case requested numerous IEP team meetings, participated in IEP process, and District, together with Parents, created IEP that purported to offer FAPE
  - Given that district court found that District was not obligated to offer or provide Student with FAPE when Student was at RTCs, it did not consider, on merits, whether District's IEP offered FAPE during 2020-2021 while Student was privately placed
  - Ninth Circuit returned case to lower court to determine whether District's offer constituted FAPE and, if not, whether Parents' private placements were appropriate to warrant reimbursement award

(L.B. v. San Diego Unif. School Dist. (9th Cir. 2026) 126 LRP 5010)

FAPE Obligation

Why Does This Case Matter to Us?

- 9th Circuit took pains to distinguish this case from its decision in Capistrano, referring to Capistrano decision as based on "an unusual series of events"
- While court noted that, under Capistrano, districts only have to develop IEPs for parentally placed private school students with disabilities upon request, Capistrano did not address whether there is distinction between parental request to develop IEP and request to convene IEP team meeting
- In addition to stating that district court's distinction between IEP "document" and IEP team meeting "finds no basis in Capistrano," 9th Circuit stressed that IDEA regulations "demonstrate that the purpose of IEP [team] meetings is to develop and offer an IEP constituting a FAPE to children with disabilities."

Statute of Limitations

J.R. v. Ventura Unified School District

Facts:

- District initially assessed Student in 2012 while in kindergarten, finding him eligible for SLD
- No assessment for autism in 2012, or in 2015 and 2018 triennials
- 2018 assessment mentioned autism as possibility, but school psychologist concluded that based on Parent reports, school records, observations and current testing, Student did not appear to meet eligibility criteria
- Mother expressed frustration that Student had not made progress since first grade and exhibited behavioral and social deficits
- Student's 2021 triennial indicated "clinically significant" behavior
- Parent asked District about assessing for autism, but school psychologist indicated nothing in assessment indicated need to evaluate in that area
- Parent did not consent to proposed IEP and obtained independent assessment, which diagnosed Student with autism
- Parents filed due process complaint on April 8, 2021

Statute of Limitations

J.R. v. Ventura Unified School District

Decision:

- ALJ found that IDEA's two-year statute of limitations barred Parents' claims predating April 8, 2019
  - ALJ reasoned that District's assessments of Student and IEP team meetings from 2012 to 2019 put Parents on notice of behaviors that Parents argued were indicative of autism
  - Because District informed Parents about all the assessments it conducted, Parents should have known that District had not assessed for autism
  - ALJ concluded that prior to 2019, Parents "knew or should have known about the alleged action that forms the basis of the complaint"
- District court reversed ALJ, finding that District had denied Student FAPE since 2012
  - "Absent an understanding that [Student's] symptoms were symptoms of autism, Parents did not have any reason to disagree with [District]"
  - Even if claims were otherwise barred under the two-year limitations period, statutory exceptions applied because District "recklessly misrepresented [Student's] assessment results" and "withheld information" that prevented Parents from understanding that District had improperly diagnosed him"

Statute of Limitations

J.R. v. Ventura Unified School District

Decision (cont'd):

- Ninth Circuit reversed district court's decision, ruling that Parents' lawsuit against District was untimely as to educational services Student received before April 2019
  - For IDEA claim alleging that district's failure to assess and diagnose student has resulted in alleged denial of FAPE, statute of limitations begins to run when parents know or should know: (1) the fact of district's action or inaction (i.e., the failure to assess and diagnose); and (2) that their child is being denied FAPE (i.e., child's education is inadequate)
  - Ninth Circuit agreed with ALJ that Parents knew or should have known about alleged action that formed basis of their complaint by end of 2018, at latest and, therefore, "[Parents'] claims predating April 8, 2019 are therefore time-barred"
  - Neither of the two exceptions to two-year statute of limitations applied, as Parents produced no evidence that District "intentionally misled" or ""knowingly deceived Parents," nor could they identify any statutorily mandated disclosures that District withheld

(J.R. v. Ventura Unif. School Dist. (9th Cir. 2026) 126 LRP 11225)

Statute of Limitations

Why Does This Case Matter to Us?

- Districts can limit their potential liability for alleged denial of FAPE by showing that parents should have known about such alleged violation earlier
- Documentation is, as in most instances, crucial
- Here, District produced evidence of Parents' approval of each assessment and reassessment plans to demonstrate that they knew about lack of any autism assessments
- That evidence, along with Parents' ongoing concerns about Student's inadequate progress, undermined Parents' argument that Student's 2021 autism diagnosis restarted two-year limitations period.

Recent Guidance

CDE Guidance: Artificial Intelligence

- CDE issued guidance intended to support TK–12 educators in effectively addressing AI within the TK–12 school setting
- "Equitable Access" section of guidance addressed AI in special education
  - AI tools are increasingly used to differentiate instruction, reduce repetitive paperwork, and provide assistive supports that enhance accessibility and equity
  - Speech-to-text applications help students with learning differences or physical disabilities gain independence
  - AI-powered captioning, transcription, and language translation tools remove barriers for multilingual learners and individuals with hearing or visual impairments
  - AI can also generate personalized materials—such as worksheets, quizzes, and reading assignments—tailored to students' goals, strengths, and interests
- Full guidance can be found at www.cde.ca.gov/ci/pl/aiincalifornia.asp

New Developments Affecting Special Education

Proposed Legislation for 2027

AB 2189—Statewide Special Education Parent Advocacy Collaborative

- Would establish three-year Statewide Education Special Education Parent Advocacy Collaborative administered by State Council on Developmental Disabilities
- Intended to develop coordinated infrastructure that unifies and trains parents on how they can advocate for rights of students with special needs
- Would require State Council to conduct competitive grant process to award $800,000 annually for 3 fiscal years to a statewide advocacy organization
- Would require selected grantee to conduct outreach and training through meetings or forums to provide information on statewide special education advocacy

Proposed Legislation for 2027

AB 2191—High School Graduation Requirements

- Would require CDE and the California Collaborative for Educational Excellence to establish, on or before July 1, 2027, statewide resource within California system of support focused on helping LEAs develop alternative pathways for a high school diploma for students with disabilities through capacity building within state's system of support, training, and technical assistance

AB 2468—Inclusion of Students with Disabilities in School Accountability

- Would expand the Supporting Inclusive Practices project to improve educational outcomes for students with disabilities
- Would mandate targeted technical assistance and establish demonstration sites to help LEAs integrate students with disabilities into general education settings

Proposed Legislation for 2027

AB 2555—English Learner Reclassification

- Would require, beginning in 2026-27 school year, English learner student to be reclassified as English proficient if student meets the score established by state board for purposes of reclassification on assessment of English language proficiency identified or developed by the Superintendent, or, if applicable, student meets score established by state board for purposes of reclassification on statewide alternate assessment for English language proficiency
- Effective July 1, 2027, would establish new permanent statewide reclassification system that will be consistent with new assessments
- After student is reclassified, AB 2555 would require LEA to ensure that student's instructional program and placement reflects that student is reclassified student and communicate to student's parent or guardian that their child has been reclassified

Proposed Legislation for 2027

SB 685—Nonpublic Schools and Agencies

- Would eliminate the requirement that nonpublic schools or agencies that enter into contracts for the provision of special education services be nonsectarian
- Would:
  - Exclude from tuition or fees such amount attributable to provision of religious instruction
  - Prohibit public funds paid pursuant to those contracts from being used to pay for religious instruction at NPS or NPA
  - Prohibit NPS or NPA from providing religious instruction to student placed by LEA
  - Require applicant seeking initial or renewal certification to certify that all educational services provided under a master contract with LEA are secular, neutral, and respectful regarding religion and religious view
  - Prohibit NPS or NPA, in performing services under master contract, individual service agreement, or IEP, from subjecting any person to discrimination on basis of specified protected characteristics

Proposed Legislation for 2027

SB 685—Nonpublic Schools and Agencies (cont'd)

- Would require application for NPS seeking certification from Superintendent of Public Instruction to include:
  - Assurance that NPS has requested from Commission on Teacher Credentialing a list of all credential holders who have had final adverse action taken against their credential
  - Commencing July 1, 2027, documentation that specified staff and administrators have obtained fingerprint clearance with Commission
  - Commencing January 1, 2028, list of staff providing instruction and services to students in California and copies of their credentials

SB 1381—State Special Schools

- Would require LEAs to provide parents and guardians of students who are deaf or hard of hearing, blind, or visually impaired, or deaf-blind, with information about State Special Schools, including the California School for the Deaf and the California School for the Blind, through annual notifications during IEP process

Proposed Legislation for 2027

SB 1225—Respiratory Services

- Would repeal authorization for licensed vocational nurse, under the supervision of credentialed school nurse, to assist student with disabilities with basic respiratory services authorized by the Respiratory Care Practice Act.
- SB 1225 would instead authorize individuals, if they have qualifications and meet requirements for providing specialized physical health care services to student with disabilities, to provide defined set of basic respiratory services to those individuals

Restructuring of U.S. Department of Education

- In June 2026, USDOE announced several interagency agreements, including agreement to move administration of IDEA to U.S. Department of Health and Human Services ("HHS")
- USDOE also announced separate interagency agreements to coordinate activities of Office of Civil Rights ("OCR") and Student Privacy Protection Office ("SPPO") with U.S. Department of Justice ("DOJ")
- USDOE will continue to lead OSERS programs and activities and provide technical assistance
- One aspect of restructuring that warrants particular attention is distinction between disability as health issue and disability as educational issue

(Fact Sheet: Department of Education and Department of Health and Human Services Special Education and Rehabilitative Services Partnership (USDOE/HHS, June 16, 2026))

Possible Changes to IDEA and FERPA Regs

- In July 2026, Office of Management and Budget released Agency Rule List for 2026, outlining upcoming regulatory activities for federal agencies, including USDOE
- USDOE intends to amend 2016 IDEA regulations that established standard methodologies states must use to determine whether significant disproportionality based on race and ethnicity is occurring in the state and that set specific programmatic requirements on how states are required to comply with IDEA
- USDOE also intends to amend FERPA regulations to clarify definition of education records, along with those regulations governing non-consensual disclosure of personally identifiable information in education records to third parties (including commercial vendors), disclosures in response to law enforcement warrants or judicial subpoenas, and complaint and investigation procedures and remedies that apply to enforcement of FERPA
- Notice of Proposed Rulemaking for IDEA and FERPA is expected in late 2026

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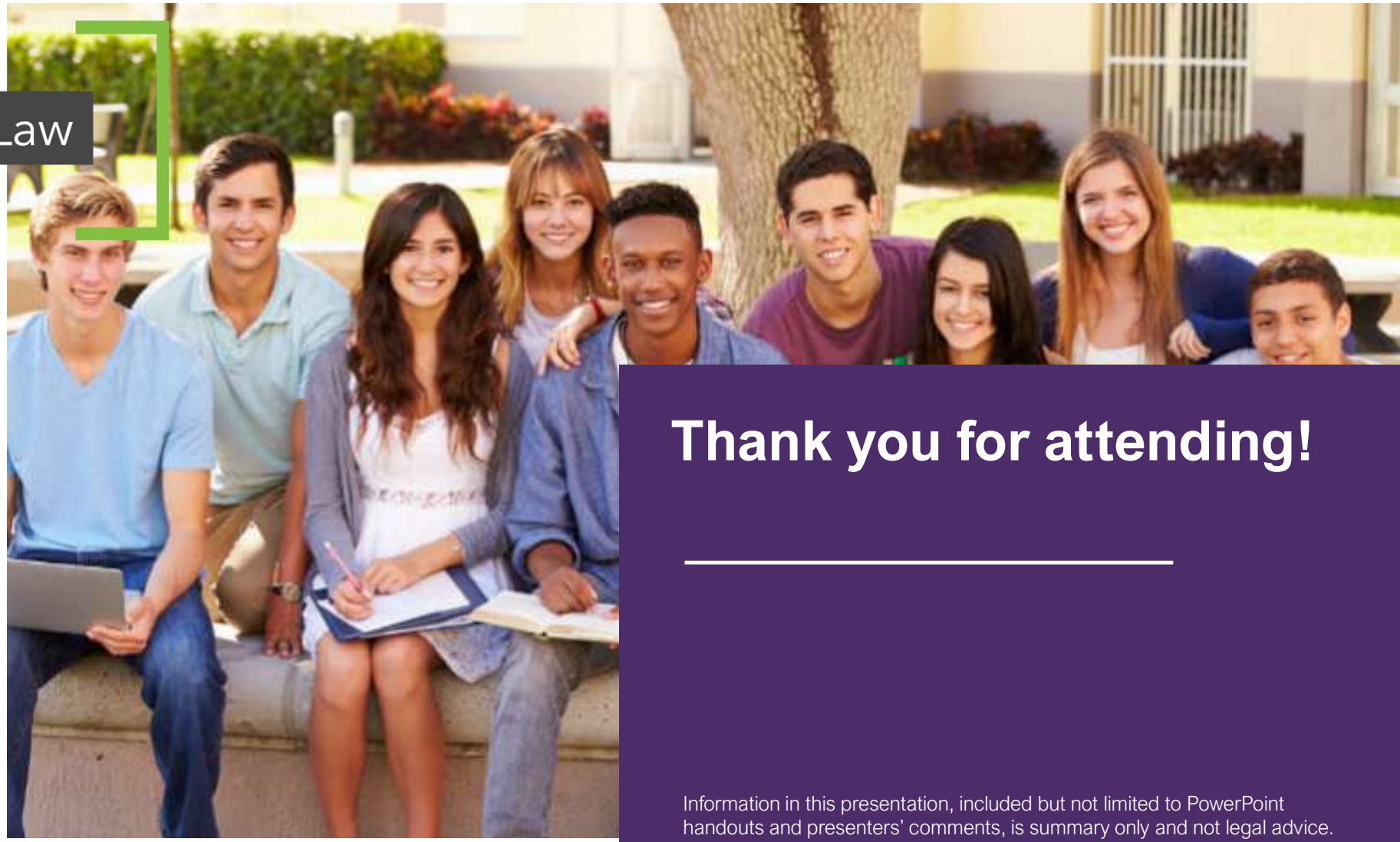

Thank you for attending!

Information in this presentation, included but not limited to PowerPoint handouts and presenters' comments, is summary only and not legal advice. We advise you to consult with legal counsel to determine how this information may apply to your specific facts and circumstances.

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