

State of California

EDUCATION CODE

Section 56836.40

56836.40. (a) For any fiscal year in which moneys are appropriated for purposes of this section, the Superintendent shall make the following computations to determine the amount of funding for each school district for the special education early intervention preschool grant:

(1) For each school district, determine the total number of pupils in grade 1 with exceptional needs residing in that school district using Fall 1 Census special education data.

(2) The sum of the totals determined pursuant to paragraph (1) is the “total statewide number of preschool children with exceptional needs” for the applicable fiscal year.

(3) Calculate a per pupil special education early intervention preschool grant by dividing the amount appropriated in the annual Budget Act for purposes of this section by the total statewide number of preschool children with exceptional needs calculated in paragraph (2).

(4) Calculate the special education early intervention preschool grant for each school district by multiplying the per pupil grant calculated in paragraph (3) by the total number calculated in paragraph (1) for the school district.

(5) The Superintendent shall allocate the amount of funds calculated for each school district in paragraph (4) to the applicable school district.

(b) The funds allocated pursuant to this section shall supplement existing special education resources currently required to be provided pursuant to federal and state law and promote a targeted focus on services and supports being offered in inclusive settings, to the extent practicable.

(c) Funding allocated to school districts under this section shall be used to provide services and supports in inclusive settings that have been determined to improve school readiness and long-term outcomes for infants, toddlers, and preschool pupils from birth to five years of age, inclusive, including, but not limited to, all of the following:

(1) Early intervention services, including preschool and supportive services for children from birth to five years of age, inclusive, who are not meeting age-appropriate developmental milestones and are at risk for being identified as eligible for special education and related services. This may include children who received individualized family support plan services but did not qualify for an individualized education program, and children who have not received an individualized family support plan nor an individualized education program.

(2) One-time programs, services, or resources for preschool children with exceptional needs that may not be medically or educationally necessary or required

by an individualized education program or in an individualized family support plan, but which the school district has determined will have a positive impact on a young child.

(3) Strategies to improve pupil outcomes as identified through the state system of support, including inclusive educational programming that ensures a pupil's right to placement in the least restrictive educational environment.

(4) Wraparound services for preschool children with exceptional needs not required by federal or state law.

(5) Expansion of inclusive practices to ensure that preschool children with exceptional needs have access to learn in the least restrictive environment.

(6) Professional development for preschool teachers, administrators, and paraprofessionals on evidence-based strategies to build capacity to serve preschool children with exceptional needs in more inclusive settings. This professional development may also include training for teachers, administrators, and paraprofessionals on the development of physical, social, emotional, and academic skills and on developing appropriate individualized education programs for preschool children with exceptional needs that ensure access to a free, appropriate public education in the least restrictive environment.

(d) For purposes of this section, the following definitions shall apply:

(1) "Preschool child with exceptional needs" means a child between three and five years of age, inclusive, who has been identified as an individual with exceptional needs, as defined in Section 56026, and is receiving individualized education program services, except those enrolled in kindergarten or a transitional kindergarten program.

(2) "Transitional kindergarten" means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

(3) "Wraparound services" means integrated services and supports that address a child's holistic needs, including, but not limited to, academic, health, and social services.

(Amended by Stats. 2021, Ch. 44, Sec. 105. (AB 130) Effective July 9, 2021.)