

**SEC. 160.** (a) The sum of one hundred million dollars (\$100,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction on a one-time basis for allocation to special education local plan areas for the purpose of supporting member local educational agencies in conducting dispute prevention and voluntary alternative dispute resolution activities to prevent and resolve special education disputes resulting from school disruptions stemming from the COVID-19 public health emergency during the period of March 13, 2020, to September 1, 2021, inclusive, in a collaborative and equitable manner.

(b) The Superintendent of Public Instruction shall allocate the funds appropriated in subdivision (a) to special education local plan areas no later than August 31, 2021. The funds shall be appropriated in an equal amount per pupil using the following methodology:

(1) For each special education local plan area, determine the total number of pupils who are 3 to 22 years of age, inclusive, with exceptional needs enrolled in each member local educational agency using the greater of Fall 1 Census special education data for the 2019–20 or 2020–21 fiscal years.

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

(3) Calculate a per pupil amount by dividing the amount appropriated in subdivision (a) for purposes of this section by the total statewide number of pupils with exceptional needs calculated in paragraph (2).

(4) Calculate a grant for each special education local plan area by multiplying the per pupil amount calculated in paragraph (3) by the total number of pupils with exceptional needs for the member local educational agency determined in paragraph (1).

(c) As a condition of receiving these funds, the special education local plan areas shall do all of the following:

(1) On or before October 1, 2021, develop and submit a plan to the Superintendent of Public Instruction detailing how they will support their member local educational agencies in conducting dispute prevention and voluntary alternative dispute resolution activities, including detailed proposed expenditure information broken down by eligible activity, the number, disabilities, and demographics of pupils proposed to be served, and any other information required by the State Department of Education.

(2) Support member local educational agencies in activities required by subdivision (d).

(3) On or before September 13, 2021, each special education local plan area shall allocate 80 percent of the amount received pursuant to subdivision (b) proportionally to their member local educational agencies using the greater of the member's Fall 1 Census special education data for the 2019–20 or 2020–21 fiscal years.

(d) Funds allocated pursuant to paragraph (3) of subdivision (c) shall be used by the local educational agencies in collaboration with their special education local plan area to support all of the following:

(1) Early intervention to promote collaboration and positive relationships between families and schools and to prevent disputes through proactive communication, collaborative problem solving, and parent support activities, including, but not limited to, parent education regarding special education processes and rights under the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), parent peer support, language access

provided as a supplement to that required to be provided by local educational agencies pursuant to state and federal law, and collaboration with family empowerment centers and other family support organizations.

(2) Conduct voluntary alternative dispute resolution activities, including offering voluntary alternative dispute resolution for issues that are not resolved through the individualized education program process. If alternative dispute resolution is offered to parents by the local educational agency, the local educational agency shall ensure that the parents are provided notice of procedural safeguards established in state and federal law and are informed that alternative dispute resolution is a voluntary process, and make a good faith effort to ensure that any involvement of staff to a local educational agency or special education local plan area, family empowerment center, or other organization involved in alternative dispute resolution is acting as a neutral party in that process. Local educational agencies are encouraged to reach any agreements through voluntary alternative dispute resolution processes expeditiously and at no cost to a parent, with the goal of allowing learning recovery support to commence at the earliest possible date.

(3) As practicable, work in partnership with family empowerment centers or other family support organizations, including by providing support to those organizations to assist in the activities specified in this subdivision to prevent and resolve disputes in a pupil-centered, collaborative, and equitable manner.

(4) Develop and implement plans to identify, and conduct outreach to, families who face language barriers and other challenges to participation in the special education process, and whose pupils have experienced significant disruption to their education as a result of the COVID-19 pandemic.

(e) Local educational agencies that received support from their special education local plan area for alternative dispute resolution activities under this section shall submit a report to their special education local plan area by September 30, 2023, that includes all of the following information:

(1) The number of cases mediated through alternative dispute resolution services.

(2) The number of cases totally resolved by agreement.

(3) The number of cases refusing alternative dispute resolution services and requesting due process.

(4) A list of the issues that generated the request for dispute resolution services.

(5) The demographics of pupils served, including, but not limited to, the pupil's disability, family income, English learner classification, and the parent's primary language.

(6) A summary of outreach activities conducted pursuant to this section.

(7) A summary of activities conducted in partnership with family support organizations pursuant to this section.

(f) (1) On or before October 1, 2023, the special education local plan areas shall submit the information collected pursuant to subdivision (e) to the State Department of Education. On or before December 1, 2023, the State Department of Education shall summarize this information and submit a summary to the appropriate fiscal and policy committees of the Legislature and to the Department of Finance.

(2) A report required to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(g) This section does not do any of the following:

(1) Abridge any right granted to a parent under state or federal law, including, but not limited to, the procedural safeguards established pursuant to Section 1415 of Title 20 of the United States Code.

(2) Require that alternative dispute resolution be used to resolve a dispute.

(3) Imply that conflicts should not be resolved in the individualized education program process.

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

(1) "Local educational agency" means a school district, county office of education, or charter school.

(2) "Pupil" means an individual with exceptional needs, as defined in Section 56026 of the Education Code, during the COVID-19 school disruptions from March 13, 2020, to September 1, 2021, inclusive, or an individual who was referred for assessment pursuant to Section 56029 of the Education Code whose assessment was delayed due to the COVID-19 school disruptions from March 13, 2020, to September 1, 2021, inclusive.

(i) Funds allocated pursuant to this section shall be available for encumbrance until June 30, 2023. Upon the expiration of its period of availability, the unencumbered balance of any apportionment made under this section shall be returned to the State Department of Education to return to the state.

(j) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.