



THE
CALIFORNIA
ADVISORY
COMMISSION
ON
SPECIAL
EDUCATION



2012-2013



OVERVIEW FROM THE CHAIR



California makes educational policy decisions in numerous ways. Sometimes policy is legislated through our elected representatives; sometimes the courts mandate action, practice, or placement based on their interpretation of existing law; sometimes research and evidence dictates trends in practice that lead to pedagogical shifts and result in policy changes; and sometimes funding streams determine how we spend money and on whom.

The inclusion of students with disabilities (as well as other subgroups) in public schools is an issue that has been addressed and readdressed since the 1950s through all of the above mechanisms. We have basically agreed as a state and as a nation that all students have the right to be educated with their peers. Yet systemically and habitually, we still seem to be viewing the inclusion of students with disabilities in our general education classrooms as an earned privilege and not a right. And with ever-shrinking resources dictating larger class sizes, higher adult-child ratios, and dwindling financial and personnel supports,

we may be generating a system that is simply incapable of engaging in authentic, research-based, inclusive practices. We say all children must be included, but we create schools that make that inclusion impossible.

If we agree that as a society we have a responsibility to model in our schools the behaviors and tenets of the democracy that we want our children to practice in their adult years, we must provide an environment that allows them to practice and learn those qualities—and to learn them together.

As this annual report is being printed, California's legislators will be deciding how to distribute state education dollars. By the time you read this, they will have determined how much additional money school districts will need to educate students who are socioeconomically disadvantaged, English language learners, and those in foster care. Yet these categories are not discrete.

Among California's students with disabilities (SWD), 68 percent are also socioeconomically disadvantaged and 33 percent are English language



learners, which makes most students with disabilities “dual-categorized.” Legislation, however, earmarks money in tidy silos, ignoring the fact that all three of the above categories also include students with disabilities. Because our educational system’s structures and practices are built around distinct categories of funding, once a student receives the SWD label, he or she may not be counted in any other category. Our children deserve a smarter, more nuanced, and certainly more inclusive system.

With the implementation and momentum of Common Core State Standards (CCSS), however, we just may be re-envisioning the kind of educational system that, by design and claim, will serve all students. The CCSS potentially represent the rigorous “what” of instruction. The use of multi-tiered systems of supports (MTSS) represents the “how.” As a flexible, problem-solving approach to instruction, MTSS requires of instructors exactly what the new standards are going to require of students—not just rote knowledge but intelligent inquiry and the capacity to solve problems. MTSS by definition ensures placement within general education for all students. Together with CCSS, MTSS has the capacity to re-create special education as a vehicle for expanding the capacity of schools to respond to the educational needs of all students and not just be a repository for a separate subgroup of students who take a disproportionately large amount of the funding pie.

In order for all students to realize positive postsecondary outcomes and be ready for college, career, and adult life, California must set the tone, policy, and funding structure that allows districts, schools, and teachers to give all students the access and supports they need to be successful. We are witnessing a new day in our education system, one that holds great promise for all students in California, including those with disabilities. Whether or not that promise is realized depends on the degree to which we as policymakers, educators, and parents work—and work together—to provide true educational opportunity for all students, regardless of label.

Funding

Public education in the United States is financed through complex formulas involving federal, state, and local funds. Funding for the education of students with disabilities is even more complex. The federal Individuals with Disabilities Education Act (IDEA), after providing base funding as an incentive for states to accept the mandate to educate children with disabilities, was intended to fund as much as 40 percent of the amount required to educate K–12 students with a disability. The federal budget, however, does not provide states with this 40 percent. In addition, IDEA Part B funding (special education funding for school-age children) is distributed to each state with guaranteed base funding equal to the amount the state received in fiscal year (FY) 1999.¹ However, special education costs in California have increased since 1999 because of inflation, so the “share of overall costs

funded through local (general fund) contributions [has grown] from 32 percent to 39 percent, while the shares covered by state and ongoing federal funds [have] each declined . . . due to the combination of increasing overall costs and relatively flat state and federal funding.”²

Under sequestration, federal education funding overall will be subject to additional cuts of a least five percent, reducing FY 2013 funds by \$4.1 billion. Federal funding cuts will reduce IDEA monies to states by more than \$1 billion in 2013. These cuts amount to a 28-percent reduction in funds to education programs.³ General funds that are already stretched will have to make up the difference, since special education services, defined by individualized education programs (IEPs), are a mandate and an entitlement for eligible children. This condition often puts general education at odds with special education—a contradiction to the original intent of IDEA, which was simply to include students with disabilities in public schools and educate them.

At the state level, California uses a census-based funding approach to special education,⁴ which distributes funds based on average daily attendance of school-aged children. The more students in a Special Education Local Plan Area’s (SELPA’s) catchment area, the more money the SELPA gets, yet each SELPA has a unique per-pupil special education funding rate consisting of both state and federal funds. These rates vary across SELPAs—from about \$500 per student in attendance to about \$1,100—based primarily on what the SELPA received before the adoption of AB 602 legislation (which established the census-based funding model). In 2011–12, the weighted statewide average AB 602 rate was \$645 per student counted. Federal IDEA funding for individual SELPAs ranged from a per-pupil high of \$248 to a low of \$104. Local general funds make up the difference.

Historically complicated and varying formulas and precedents, changes in federal law, and links between federal and state funding rates together have precluded the state from equalizing the funding rate disparities among SELPAs. In fact, the current formula provides even less money for SELPAs with growing student populations. For 2013–14, the Governor proposes to unlink federal and state special education allocation formulas. While this proposal would help to clarify each SELPA’s funding rate, it would not eliminate the

1. Federal funding under the IDEA was originally based on a flat grant system. The IDEA Amendments of 1997 established that funding would continue to be based on the same child-count formula until appropriations reached approximately \$4.9 billion. The new formula, which went into effect in 2000-01, is based on total student enrollment (85 percent of the allocation) and student poverty (15 percent) and applies to new monies in excess of the \$4.9 billion appropriation for the base year of Fiscal Year 1999, subject to certain limitations.

2. The Legislative Analyst Office. *Overview of Special Education in California*. Retrieved from <http://lao.ca.gov/reports/2013/edu/special-ed-primer/special-ed-primer-010313.pdf>.

3. Hawkins, B. (2013). “Most Vulnerable Students to Get One-Two Punch Under Sequester.” *MinnPost*. Retrieved from www.minnpost.com/learning-curve/2013/02/most-vulnerable-students-get-one-two-punch-under-sequester.

4. <http://projectforum.org/docs/FinancingSpecialEducation-StateFundingFormulas.pdf>

disparities among those rates.

The Advisory Commission on Special Education (ACSE) is deeply concerned about the current funding structure and further reduction of monetary support for special education services. This inequitable structure and these shortages may be depriving some students with disabilities of the very specialized services they need in order to realize educational benefit.

In general, the funding structure for special education is built largely on a kind of reverse life insurance model: districts are allotted the same amount of money for each student, with the hope that the wide range in the costs of services will be amortized over the whole. The ACSE calls for a more just approach that would ensure that sufficient funds follow those students with the highest need. In this way, regardless of where students go to school (in a geographically vast but scarcely populated school district, for example, or in a small charter school), there will be enough money to educate them appropriately. Clearly, children who are blind, who have a severe condition of autism, or who have any of the other low incidence disabilities will most likely need more highly specialized (and more costly) services than most children with a learning disability.

In its work during 2012–13, the ACSE collaborated with the California State Board of Education to address issues of special education funding, studied the American Institutes for Research report on special education funding, and examined the relationship between school districts with strong Response to Intervention/MTSS programs and their reduced special education spending.

Recommendations:

- Secure more accurate data for special education expenditures and revenues, including data on students who hold more than one funding status; i.e., any combination of the following categories: special education, English language learner, socioeconomically disadvantaged, and foster youth.
- Work to establish equitable funding for SELPAs.
- Establish a flexible funding model so that appropriate services are provided for students who most need them at the schools and districts where they are educated. This includes eliminating funding silos so that students who have a disability and who are also economically disadvantaged, English language learners, or in foster care can be adequately served across all funding streams.
- Change the focus from “special versus general” education spending to a more collaborative approach that maximizes resources to serve all students based on need and not solely on categories of funding (“categoricals”).
- Implement multitiered systems of support that provide quality core instruction and eliminate the instances of “instructional” disability or mislabeling of students who are socioeconomically or culturally disadvantaged and who do not have a disability.

Common Core State Standards

During its meeting year, the ACSE entertained eight presentations on the Common Core State Standards, focusing on curriculum, instructional quality, assessment, and implementation. These presentations confirmed the commissioners’ conviction that the standards hold significant implications for students with disabilities. With the rollout of the standards set to begin in 2014, the commission’s concerns are numerous.

Because of the promised increase in academic rigor that is to accompany the standards, professional development for teachers is critical. Students with disabilities represent the most vulnerable population, making it imperative that teachers are fully informed in a timely manner of all issues related to the standards and are adequately trained on incorporating the standards into their instruction. While many school districts in the state are including special education staff in all training events and communications related to the CCSS, some are not. Clearly the degree to which teachers are prepared to work within a CCSS framework will impact all students. The responsibility for staff training rests with individual school districts; the ACSE is hopeful that every district in the state will embrace this task and embrace it in an inclusive manner.

California is designing new teaching and learning frameworks to align with the standards. The ACSE sees these frameworks as critical to successfully implementing the CCSS. General educators rely on these frameworks. The degree to which the frameworks incorporate differentiated instruction, accommodations, and modifications will reflect their potential effectiveness for students with disabilities. Including the tools and helpful supports that are inherent in the specially designed instruction provided to students with disabilities will create more opportunities for successfully educating these students in the least restrictive environment and will better support all students, even those without IEPs, who are struggling.

Families are as essential to the academic lives of students as are teachers, making it critical for the California Department of Education to design a comprehensive communication plan to fully inform family members, as well as teachers and administrators, of the standards, their rollout, and their accompanying assessments. The ACSE sees Parent Training and Information Centers and Family Empowerment Centers as perfect vehicles for keeping parents and family members apprised of the developments related to the CCSS that will affect students in the state.

The ACSE is also watching closely the implications of the assessments that relate to the CCSS, especially those being developed by the Smarter Balanced Consortium. Appropriate scaffolding, differentiation, accommodations, and modifications need to be built into these assessments. And while Smarter Balanced promises universal design for learning (UDL) as an inherent aspect of these assessments, it is not

clear if UDL will be incorporated in a way that will adequately ensure that students with disabilities will have the accommodations and modifications they need to demonstrate their knowledge and skills (see also Accountability, below). Nor is it clear that the accommodations and modifications in the assessments will align with those used in classroom instruction. Assessments should not confuse a child by featuring a “surprise” interface but rather should create a fair and reasonable opportunity for every student to demonstrate what he or she has learned in school.

A third concern relates to the computer base of the Smarter Balanced assessments design, a feature that creates complications for schools that lack the technology that allows all students to become comfortable and conversant with using a computer. The ACSE fears that, when it becomes time for these high-stakes tests, carts of computers will roll into schools on testing days, and too many students will be too unfamiliar with their workings to be able to focus on what they know.

There is good news on the CCSS testing front. The ACSE played a key roll in the state’s decision to join the National Center and State Collaborative, an organization staffed by some of the best minds in the country working to create fair and equitable assessment processes for students with severe cognitive disabilities.

Despite the many challenges the state is facing with the rollout of the CCSS, the ACSE is optimistic that these educational changes just might portend a new era of academic excellence. Implementing the Common Core State Standards within a new academic framework—all delivered within a context of multitiered systems of support—offers the promise of improving outcomes for all students, especially students with disabilities.

Recommendations:

- Ensure adequate training for all teachers on the CCSS, especially teachers of students with disabilities.
- Incorporate into new assessments and into new teaching and learning frameworks the differentiation, accommodations, and modifications that serve to support all students.
- Communicate thoroughly and frequently to families, teachers, and administrators on issues related to the CCSS.
- Design assessments for the CCSS in such a way that they are accessible to all students, regardless of access to and familiarity with technology.

Accountability

California requires school districts to report the school-level achievement of all students on standardized tests, including the federally designated subgroup of students with disabilities (students whose education is guided by an individualized education program: IEP). The state gauges students’ achievement in grades 2–11 through its California Standardized Testing and Reporting (STAR) program. The STAR currently includes two tests specifically designed to measure the achievement of students with disabilities: the California Modified Assessment (CMA) for students with mild to moderate disabilities and the California Alternate Performance Assessment (CAPA) for students with significant cognitive disabilities. The ACSE is committed to ensuring that every student has the opportunity to demonstrate what he or she has learned.

To be equitably accountable in the implementation of the Common Core State Standards, the state must include accompanying assessments that are directly aligned with the new standards. The ACSE has strongly advocated for California’s involvement in the National Center and State Collaborative, a national alternative assessment consortium. The state is currently working

ACSE Recommendations

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- Work to establish equitable funding for SELPAs.
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For the Common Core State Standards

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- Communicate thoroughly and frequently to families, teachers, and administrators on issues related to the CCSS.
- Design assessments for the CCSS in such a way that they are accessible to all students, regardless of access to and familiarity with technology.

For Accountability

- Ensure that the roll out of the new Common Core assessments includes appropriate and accessible tests for all students, including students with moderate to severe disabilities.
- Ensure that students and school personnel have access to and training with appropriate technology and in the use of accommodations and modifications described in students’ IEPs.
- Support robust systems of collecting, connecting, and disseminating postsecondary outcome data for all students with disabilities.

For Multitiered Systems of Support

- Implement multitiered systems of support as a general education framework that supports all students, including those with disabilities.

For Transition

- Begin transition services as early as possible to promote self-advocacy, self-determination, and positive self-efficacy.
- Support the initiative of the National Governors Association to employ people with disabilities in the state. California’s governing bodies must lead in helping students achieve their postsecondary goals.
- Find and promote programs that provide students with disabilities access to and support for college and career readiness.

with this consortium on a possible replacement test for the CAPA. The assessments being created by the Smarter Balanced Assessment Consortium promise to provide appropriate modifications and adaptations within an assessment system designed for general education students, thus eliminating the need for the CMA. In its interest to ensure academic achievement and school progress for all students, the ACSE sees fair and appropriate testing practices as one effective way to determine this progress. The validity of these standardized tests relies on appropriate accommodations and modifications administered by trained school personnel. It is also critical that these accommodations and modifications be embedded within a student’s daily educational program and that they represent the elements described in the student’s IEP. Additionally essential is access to and training in the technology necessary to make the most of these accommodations, by both students and staff.

The entire purpose of schooling is to prepare students to successfully enter adult life and the workforce. The only way to determine the effectiveness of the millions of dollars spent on special education services is to track students’ post-secondary outcomes. Currently, tracking these outcomes is anecdotal at best, with scant data that fail to accurately represent what happens to students with disabilities once they leave high school. The ACSE will continue to engage with its appointing bodies regarding the need for valid and consistent postsecondary outcome data for students with disabilities (see Transition, page vi).

Recommendations:

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Multitiered Systems of Support

Several school districts in California have in place multitiered systems of support (MTSS)—also referred to as Response to Intervention (RtI) or Response to Instruction and Intervention (RtI²). Both state and national efforts to institute the core elements of MTSS with fidelity show that it creates school structures that help all students learn, including students with disabilities.

Research on special education funding in California highlights the success of RtI/MTSS models in reducing inappropriate referrals and the numbers of students labeled as having learning disabilities. Data from Val Verde, Sanger, and Santa Ana Unified School Districts, for example, show both academic and financial benefits to schools that arrange their instruction around an MTSS model.

The components of MTSS include research-based instruction and interventions delivered with fidelity to all students; whole-school, targeted, and intensive levels of instruction that are provided on the basis of the individual needs of students; a focus on both academic and behavioral needs; universal screening for assessments to determine how every student is performing academically and to identify students’ needs so as to address them as soon as possible (early intervention); continuous monitoring for progress; and adjustments to instruction and intervention to ensure academic success.

Within an MTSS model, as soon as a student shows any signs of stumbling academically or behaviorally, he or she is identified and given targeted support before the problem becomes severe. California, however, has primarily used a

model of special education referral that requires students to demonstrate a significant discrepancy between their ability and their achievement, allowing them to fall far behind their classmates—sometimes for several years—before receiving targeted instruction. Research has shown that, “of the youngsters who are identified [with a learning disability] in the third grade, approximately 74 percent remain reading disabled through the ninth grade.”⁵ Rather, schools operating within an MTSS framework immediately recognize when a student needs help in any area and provide the necessary supports to help that student make up any deficit and succeed.

Given that the “learning disability” category is historically and currently the largest group of students receiving special education services, the ACSE supports the implementation of the MTSS model to guide schools in ensuring that more students remain in the general education classroom and on track academically.

One of the more complicated issues around eligibility assessment for special education services comes directly from IDEA 2004, which states that schools “shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.” (Section 1414[b]). The ACSE sees MTSS and its components of frequent assessment and early, targeted intervention as a more effective approach to determining whether or not a student has an actual learning disability. But the commission especially acknowledges the importance of having in place a strong, general education MTSS to ensure that the progress of all students is accurately monitored and that the interventions used are appropriately chosen before such a system can be used to document accurately the existence of a learning disability.

Within ACSE’s work reviewing proposed amendments to Title V and supporting the work of the California Department of Education in updating them, ACSE commissioners encourage the State Board of Education to include an MTSS/RtI system as part of the updated language regarding the determination of a specific learning disability.

ACSE members have been meeting with CDE staff to help develop a clear understanding of MTSS, and the commission has broadcast and archived meeting presentations that recommend and support MTSS in California schools and districts.

Recommendation

- Implement MTSS as a general education framework that supports all students, including those with disabilities.

Transition

Students with disabilities contribute to our communities in ways that are mutually enriching. The ACSE is committed to supporting pathways to ensure this contribution, and transition

programs are a critical step in this process.

Conclusive research has identified the components of an educational program that successfully prepares students with disabilities for adult life. Yet nationally, few students with disabilities are even graduating from high school, let alone leaving school with the skills they need for employment or the ability to pursue postsecondary education or training.

State and federal policy requires that all students with a disability receive “transition services,” a coordinated set of activities embedded in their school years beginning by the age of 16. These activities focus on academic and functional achievement to help students move from school to the postsecondary activities of their choice: college or some kind of job training or employment—and the maximum degree of independence possible.

ACSE seeks ways to promote better outcomes in students’ education, employment, and independent living. In order to do this, schools must implement programs and services that address the skills that students will need in the workplace and adult life and that enhance each student’s inherent interests and talents. An effectively planned transition program ensures that students with disabilities are held to high standards and are supported in achieving those standards. An effectively planned transition program makes it possible for all students—especially those who have behavioral or physical limitations—to discover their strengths, preferences, and interests; develop their talents; access instruction; and achieve to the highest level possible.

The Framework for 21st Century Learning promises to be one way to support these kinds of effective transition services for California’s students. This framework represents a blend of content knowledge, skills, and expertise that, if mastered, is certain to help students succeed in work and in life. Even more importantly, if this framework is adopted, it will introduce the fundamental issues of transition well before a student turns 16, making “what am I going to do after high school” part of the entire fabric of a student’s school life. State Superintendent Tom Torlakson has joined a national group in support of this framework, Partnership for 21st Century Skills (P21).

Issues of self-advocacy, self-determination, and positive self-efficacy are vital to success in adult life. Even though many of our students have obstacles to overcome, students with disabilities must be a part of this movement towards succeeding in a complicated world and its global economy.

Recommendations

- Begin transition services as early as possible to promote self-advocacy, self-determination, and positive self-efficacy.
- Support the initiative of the National Governors Association to employ people with disabilities in the state. California’s governing bodies must lead in helping students achieve their postsecondary goals.
- Find and promote programs that provide students with disabilities access to and support for college and career readiness.

5. Lyons, G. R. (1996). “Learning disabilities,” *The Future of Children*, Spring.

Grazer Outstanding Achievement in Learning (GOAL) Award

Through a generous contribution from film producer Brian Grazer, the California Advisory Commission on Special Education created in 2005–06 the GOAL Award to recognize programs with exemplary practices in special education. GOAL—Grazer Outstanding Achievement in Learning—celebrates both the programs that support California youth with disabilities and the professionals who serve them.

Twenty-seven programs applied for the award in 2012–13. A panel of ACSE commissioners chose as award recipient the CHIME Institute's Schwarzenegger Community School, a K–8 public charter school in Woodland Hills. The two runners up were Seneca Center Family of Agencies and the Long Beach Search Program.

“CHIME is the gold standard when it comes to the implementation of evidence-based inclusive practices,” said ACSE Chair Kristin Wright. Inclusive education at CHIME means that children who reflect the demographics of the surrounding region—including children who develop typically, children with special needs, and children who are gifted—learn side by side. At the GOAL Award ceremony, Executive Director Erin Studer asked rhetorically, “Why do we run a school where there are no RSP or SDC settings, where everyone is fully included? I believe we are less when we are not all together; we are more when everyone is here. None of us can be who we are meant to be without the contributions of each of us. And if we are separated, we will never become what we were meant to become.”

CHIME's educational model addresses the individual needs of each child in a way that enhances every child's strengths

and addresses each child's learning need. With this model, CHIME serves as a place of learning for educators through its partnership with CalState Northridge's Michael D. Eisner College of Education and the Los Angeles Unified School District. The institute also functions as a demonstration site for teacher development and educational research and regularly hosts visitors from surrounding districts and from as far away as Japan and the United Kingdom. These visitors are interested in replicating CHIME's success in their own schools and communities. “Part of our mission is to help other schools be this way,” says Studer.

The CHIME Institute, a nonprofit organization established in 1990, has been a national leader in developing and implementing its unique model of inclusive education. The institute began with an early childhood program based at California State University-Northridge. The success of this program and its full-inclusion model, founded in sound research and coupled with the needs of the community, prompted a group of parents and CalState Northridge faculty to develop the charter elementary school in 2001 and charter middle school in 2003. The two schools were merged into one—kindergarten through eighth grade—in 2010 and given the current name.

CHIME's charter school program has been recognized as the California Charter Schools Association Hart Vision Award winner (2004) and a two-time Daily News Reader's Choice Favorite Charter School (2011 and 2012) and has been hailed by the U.S. Department of Education as a “model of full inclusion.”

More information about CHIME Institute can be found at www.cbimeinstitute.org.



*Recipients of the GOAL Award from CHIME Community School (center front, right to left): Erin Studer (with certificate of award), Michele Haney (Board Chair), Delia Smith (parent of a child at CHIME), Annie Cox (Executive Director for Early Education Programs), and Christina Canarella (parent of a child at CHIME).
With members of the California Advisory Commission on Special Education.*

The California Advisory Commission on Special Education . . .

. . . is an advisory body mandated by federal and state statutes to provide recommendations and advice to the State Board of Education, the Superintendent of Public Instruction, the State Legislature, and the Governor in new or continuing areas of research, program development, and evaluation in California special education:

“The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

“Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population, and be composed of individuals involved in, or concerned with, the education of children with disabilities.”

— *Public Law 108-446; 20 United States Code (USC) 1412(a)(21) A-D Section 612*

2012–2013 Membership Directory

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Commission meeting dates and locations: 2013–2014

August 19–20

January 8–9

March 5–6

October 30–31

April 30–May 1

Location: California Department of Education, 1430 “N” Street, Sacramento, CA 95814

**Exact dates may change. Please visit the ACSE Web site: www.cde.ca.gov/sp/se/as/acse.asp;
or contact the commission's staff liaison for the most current information or to obtain a schedule.*

All ACSE meetings can be viewed on live Webcast at www.cde.ca.gov/sp/se/as/acsemtgwebcast.asp.