

Assembly Chairperson Gene Mullin  
Vice-Chairperson Garrick  
Members of the Assembly Education Committee

**Via facsimile (916)319-2187**

**Re: SUPPORT FOR AB 1659 (Lieber)**

I am writing on behalf of the Disability Rights Legal Center to encourage your support of AB 1659, a bill to correct several problems which have emerged in California special education since July 2005. We have unique knowledge and experience with special education due process hearings and the Office of Administrative Hearings through our Education Advocacy Project.

The Disability Rights Legal Center (DRLC) has worked to implement the civil rights of people with disabilities for over 30 years. We are the oldest cross-disability legal advocacy organization in the country. We are located at Loyola Law School and work extensively with law students. Our mission is to promote the rights of people with disabilities and the public interest in and awareness of those rights by providing legal and related services. The DRLC provides assistance through its five programs: Civil Rights Litigation Project, Disability Mediation Center, Cancer Legal Resource Center, Education Advocacy Project, and Options Counseling and Lawyer Referral Service. We also have a Community Outreach Program that sponsors an annual mentoring day for youth.

Since joining the DRLC in 2000, the Education Advocacy Project (EAP) has worked to ensure that quality legal representation is available to traditionally underrepresented communities needing special education services. Students of color and low-income students with disabilities are often left out of special education, which leads to segregation, ineffective educational services, failure in school, and involvement in the Juvenile Justice system.

The Education Advocacy Project is comprised of four major components: the Juvenile Justice Program, the Westside Children's Center partnership, the Inland Empire Program, and the planned Moderate Income Service. The Juvenile Justice Program focuses on students that are currently involved with the court system, through the dependency or delinquency systems, and on students who are likely to become involved in the delinquency system. The EAP is currently hosting a Skadden Fellow who, in collaboration with Loyola Law School's Center for Juvenile Law and Policy, advocates for youth with special education needs detained in juvenile halls and camps. The Westside Children's Center component of the EAP targets students who are clients of the Westside Children's Center in Culver City. The Inland Empire component serves students with disabilities throughout the Inland Empire. The Moderate Income Service

will serve families who are above the poverty line but who cannot afford private attorneys.

The EAP offers a range of services including direct representation, pro bono referrals, brief service consultations, and self-advocacy training. All EAP services and materials are provided in Spanish and English. The EAP provides direct representation of students with disabilities in special education proceedings including Individual Education Program (IEP) meetings, mediation, due process hearings, and administrative complaints.

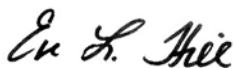
In 2005, federal law changed in ways which were intended to improve accountability and outcomes. Unfortunately, at the same time California's dispute resolution system for special education changed in ways that make it extremely difficult, and in some cases impossible, to enforce federal and state rights. These changes have interacted with recent Supreme Court interpretations in ways that have put an exorbitant price tag on the right of each student with a disability to a free appropriate public education.

AB 1659 would reverse recent tendencies to make due process proceedings more complex and costly. It would provide technical assistance and a safer harbor to local school districts trying to implement major changes in the definitions of learning disabilities. It would bring back a system of mediation which used to resolve the vast majority of special education disputes at early stages and at relatively low costs.

The legislature has now had nearly two years of experience with the Office of Administrative Hearings. The time for "waiting and seeing" is over. Though OAH has not complied with the data keeping requirements imposed by the legislature as part of the deal for allowing the transfer, some things are clear. Outcomes are far more anti-student. Inadequately trained judges fail to take into account relevant provisions, and routinely cite superseded ones. Not surprisingly, some school districts are responding by cutting back already inadequate programs, increasing long-term costs to families and societies.

It is time for the legislature to make clear to CDE and OAH that we need a balanced system, one that offers genuine mediation (with trained, knowledgeable mediators who aren't going to be judges for the same lawyers and often the same repeat player parties in other cases), and one that faithfully implements California and national law. This bill is a good start.

Sincerely,



Eve L. Hill