



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

June 25, 2014

Dear Advisory Commission on Special Education, California Department of Education Special Education Division, Family Empowerment and Disability Council, Institute of Higher Education, Nonpublic School Administrators, Special Education Local Plan Area Directors, Special Education Administrators of County Offices of Education, Special Interest Groups, State Diagnostic Center Directors, State Special Schools and Centers, and WorkAbility I Coordinators:

**Amendments to *California Code of Regulations*, Title 5,
Sections 3001–3088 to Go Into Effect**

On July 1, 2014, amendments to the *California Code of Regulations*, Title 5, sections 3001–3088 will go into effect. These regulations are pertinent to the provision of special education for students with disabilities and can be found online at the Web site maintained by the California Office of Administrative Law at <http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome>.

The full citation for these regulations is *California Code of Regulations*, Title 5, Division 1, Chapter 3, Subchapter 1.

Many of the regulations that govern the provision of special education in California have not been updated since the State Board of Education adopted substantive amendments in December 1987. Since those regulations became operative on April 20, 1988, there have been numerous changes to state statutes and federal statutes and regulations. The purpose of the recent rulemaking process was to update these regulations by bringing them into alignment with existing state statutes and federal requirements.

Specifically, the amendments sought to achieve the following purposes:

- To repeal subdivisions that no longer have the force of law because of statutory changes.
- To delete redundant references to criteria defined in statute or elsewhere in the regulations.
- To update eligibility criteria to reflect federal requirements.
- To align the eligibility criteria for infants and toddlers with exceptional needs to current law.

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- To update service provider requirements for all qualified providers, both for students in public schools and nonpublic schools and agencies.
- To update language to promote consistency in the regulations (e.g., by replacing “local educational agency” with “LEA” and replacing “individualized education program” with “IEP”).

More information about the recent rulemaking process, including the amendments themselves and the Final Statement of Reasons, is available on the California Department of Education Web site at <http://www.cde.ca.gov/re/lr/rr/specialeducation.asp>.

If you have any questions regarding this matter, please contact Allison Smith, Special Education Consultant, Special Education Division, by phone at 916-319-0377 or by e-mail at ASmith@cde.ca.gov.

Sincerely,

/s/

Fred Balcom, Director
Special Education Division

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