



AB 2827 (QUIRK-SILVA): CHILDCARE FACILITIES: SPECIAL EDUCATION ACCESS

SUMMARY

AB 2827 allows children with special needs to play and interact with their peers during outdoor activities without placing unnecessary requirements on the childcare facility while still maintaining health and safety standards.

BACKGROUND

The Federal Individuals with Disabilities Education Improvement Act (IDEA) ensures that children with disabilities (ages 0-21) receive a free and appropriate education and requires that children with disabilities should be placed in the least restrictive environment (LRE). The main purpose of LRE is to provide the opportunity to learn in a diverse environment where each student can learn, develop understanding and respect for others through meaningful relationships with their peers.

The California Child Day Care Facilities Act (Act), administered by the California Department of Social Services, provides for the licensure and regulation of daycare facilities.

Existing regulations under the Act impose various requirements on outdoor activity space for child daycare facilities, including among others, that there be at least 75 square feet per child of outdoor activity space based on the total licensed capacity.

Mainstreaming, in the context of education, is the practice of placing students with special education needs in a general education classroom during specific time periods based on their skills and academic level. The mainstreaming model began to be used as a result of the requirement to place children in the least restrictive environment.

For example, if a licensed child care center with a self-contained class for children with special needs wants to mainstream their class only during outdoor activities, with other students, the facility would have to submit a waiver to request the ability to share the outdoor area with a special education program for purposes of mainstreaming.

This process not only affects a child's right to a least restrictive educational environment, but places unnecessary requirements and undue burden on the facility and their staff.

SOLUTION

AB 2827 would require the Department of Social Services (DSS) to revise its regulations to permit children with special needs to use outdoor play spaces simultaneously with children without special needs without first seeking a specified regulatory waiver, as well as specify any health and safety requirements that are required when that simultaneous play occurs.

The bill also requires DSS to implement the provisions no later than January 1, 2024.

SUPPORT

- None on File

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