

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 2189 (Nguyen) – As Introduced February 19, 2026

SUBJECT: State Council on Developmental Disabilities

SUMMARY: Authorizes the State Council on Developmental Disabilities (State Council) to award a grant, subject to appropriation by the Legislature, to a statewide advocacy organization to conduct outreach and training through local meetings or forums for the purpose of providing special education pupils and their families with information regarding special education advocacy and rights.

EXISTING LAW:

State law:

1) Establishes the responsibilities of the State Council as follows:

- a) Serve as an advocate for individuals with developmental disabilities and, through council members, staff, consultants, contractors, and grantees, conduct advocacy, capacity building, and systemic change activities;
- b) Develop and implement the state plan in accordance with requirements issued by the United States (U.S.) Secretary of Health and Human Services (HHS), monitor and evaluate the implementation of this plan, and submit reports as the U.S. Secretary of HHS may reasonably request. The state council may review and comment on other plans and programs in the state affecting individuals with developmental disabilities;
- c) Serve as the official agency responsible for planning the provision of the federal funds allotted to the state as described in federal law below by conducting and supporting advocacy, capacity building, and systemic change activities. The council may itself conduct these activities and may provide grant funding to local agencies in compliance with applicable state and federal law, for those same purposes;
- d) Prepare and approve a budget, for the use of amounts paid to the state to hire any staff and to obtain the services of any professional, technical, or clerical personnel consistent with state and federal law, as the council determines to be necessary to carry out its functions;
- e) To the extent that resources are available, implement the state plan by conducting activities including, but not limited to, all of the following activities:
 - i) Encouraging and assisting in the establishment or strengthening of self-advocacy organizations led by individuals with developmental disabilities;
 - ii) Supporting and conducting geographically based outreach activities to identify individuals with developmental disabilities and their families who otherwise might not come to the attention of the Council and assist and enable the individuals and

- families to obtain services, individualized supports, and other forms of assistance, including access to special adaptation of generic community services or specialized services;
- iii) Supporting and conducting training for persons who are individuals with developmental disabilities, their families, and personnel, including professionals, paraprofessionals, students, volunteers, and other community members, to enable those persons to obtain access to, or to provide, community services, individualized supports, and other forms of assistance, including special adaptation of generic community services or specialized services for individuals with developmental disabilities and their families;
 - iv) Supporting and conducting technical assistance activities to assist public and private entities to contribute to the objectives of the state plan;
 - v) Supporting and conducting activities to assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families;
 - vi) Supporting and conducting activities to promote interagency collaboration and coordination at the state and local levels to better serve, support, assist, or advocate for individuals with developmental disabilities and their families;
 - vii) Coordinating with related councils, committees, and programs to enhance coordination of services.
 - viii) Supporting and conducting activities to eliminate barriers to access and use of community services by individuals with disabilities, enhance systems design and redesign, and enhance citizen participation to address issues identified in the state plan;
 - ix) Supporting and conducting activities to educate the public about the capabilities, preferences, and needs of individuals with developmental disabilities and their families, and to develop and support coalitions that support the policy agenda of the council, including training in self-advocacy, education of policymakers, and citizen leadership roles;
 - x) Supporting and conducting activities to provide information to policymakers by supporting and conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations. The Council may provide the information directly to federal, state, and local policymakers, including the Congress of the U.S., the federal executive branch, the Governor, the Legislature, and state agencies in order to increase the abilities of those policymakers to offer opportunities and enhance or adapt generic services to meet the needs of, or provide specialized services to, individuals with developmental disabilities and their families; and,
 - xi) Supporting, on a time-limited basis, activities to demonstrate new approaches to serving individuals with developmental disabilities that are a part of an overall strategy for systemic change;

- xii) Prepare an annual written report of its activities, its recommendations, and an evaluation of the efficiency of the administration of this division to the Governor and the Legislature. This report shall include both the statewide and regional activities of the State Council. This report shall be submitted to the Legislature in accordance with state law; and,
 - xiii) Except as otherwise provided, the State Council shall not engage in the administration of the day-to-day operation of service programs identified in the state plan, nor in the financial management and accounting of funds. (Welfare and Institutions Code § 4540)
- 2) Establishes the Advisory Commission on Special Education. (Education Code § 33590-33596)

Federal law:

- 1) Establishes the Developmental Disabilities Assistance and Bill of Rights Act of 2000 which ensures individuals with developmental disabilities have access to community services, individualized supports, and protection from abuse or neglect. Provides funding for states to establish. It promotes independence, productivity, and inclusion, while funding state councils, advocacy system, and University Centers for Excellence in Developmental Disabilities. (42 United States Code [U.S.C.] § 15001 *et seq.*)
- 2) Prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance or conducted by a federal agency. (29 U.S.C § 794)
- 3) Establishes the Individuals with Disabilities Education Act (IDEA) and provides that it is the right of a child to receive free appropriate public education and specialized services for eligible children with disabilities from birth through 21 years of age. (20 U.S.C. § 1400 *et seq.*)
- 4) Requires states to establish and maintain 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. (20 U.S.C § 1412(a)(21)(A-D))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *California State Council on Developmental Disabilities.* The State Council serves as an independent state agency to ensure that people with developmental disabilities and their families receive the services and supports they need. The Governor appoints the State Council's 31 members. Federal law requires 60% of the State Council membership to be self-advocates and family advocate representatives. According to the State Council's website, in 2024, they trained 20,961 people, provided 13,300 individuals with direct problem-solving assistance, partnered with 1,347 community organizations to expand access to housing, education, employment, and safety, protected 5.8 million students from harmful restraint practices, helped 1,117 people transition from sheltered workshops into minimum-wage or better jobs, distributed more than 350,000 personal protective equipment items and 2,879 emergency Go-Bags, and secured nearly \$2.4 million in leveraged funding for community change.

For 2025-26, the State Council identified the following as policy priorities: 1) protecting and enhancing civil rights; 2) guaranteeing access to education and employment; 3) identifying & prioritizing emerging issues in the intellectual/developmental disability community; 4) promoting access to quality supports in the community; 5) ensuring safety in the community; and, 6) improving housing and community living.

Dismantlement of Access to Education and Supports. In 2024, the U.S. Department of Education's Office of Civil Rights received 22,687 complaints, which is an 18% increase from years prior. Complaints containing allegations of disability discrimination comprised 37% (8,457) of all complaints received.¹ According to a 2024 annual report by the U.S. Department of Education's Office of Civil Rights, "overall staffing level has declined significantly – falling from nearly 1,100 FTE staff in [fiscal year] (FY) 1981 to 588 FTE staff in FY 2024. This reduction comes even as the volume of complaints received has grown significantly, increasing from under 3,000 in FY 1981 to 22,687 in FY 2024." Furthering the trend of reducing resources, the U.S. Department of Education announced on March 11, 2025, its plans to reduce 50% of its workforce through deferred resignation, voluntary separation, early retirement, and reduction-in-force, which was later upheld by the Supreme Court.²

In addition to the Office of Civil Rights, on October 10, 2025, 121 employees from the Office of Special Education and Rehabilitative Services (OSERS) were laid off, and seven remain within the Office of Special Education Programs (OSEP), housed within OSERS.³ OSEP monitors states and territories' compliance with IDEA, administers technical assistance to families, and monitors the rights of students with disabilities.

California's Individuals with Disabilities Education Act Compliance. Each year, states report to the U.S. Secretary of Education in their Annual Performance Report on progress toward the measurable targets set in their State Performance Plan. The Part B (which serves students with disabilities, from 3 through 21 years of age) and Part C (which serves infants and toddlers birth through 2 years of age) State Performance Plans and Annual Performance Reports include indicators that track child and family outcomes as well as indicators that measure compliance with the requirements of the IDEA. The U.S. Department of Education then issues an annual determination for each state on its progress in meeting statutory requirements. These determinations support ongoing efforts to improve education for the nation's 7.5 million infants, toddlers, children, and youth with disabilities. IDEA details four categories for the Secretary's determinations. A state's determination may be:

- Meets the requirements and purposes of IDEA;
- Needs assistance in implementing the requirements of IDEA;
- Needs intervention in implementing the requirements of IDEA; or,
- Needs substantial intervention in implementing the requirements of IDEA.

¹ <https://www.ed.gov/media/document/ocr-report-president-and-secretary-of-education-2024-109012.pdf>

² <https://www.ed.gov/about/news/press-release/us-department-of-education-initiates-reduction-force>

³ https://storage.courtlistener.com/recap/gov.uscourts.cand.457131/gov.uscourts.cand.457131.62.6_1.pdf

In 2025, for IDEA Part B, California was designated, “Needs Assistance for two or more consecutive years. And, for IDEA Part C, California, along with three other states, was designated ‘Needs Intervention.’ It is unclear how federal staffing and funding changes will impact how California will receive the assistance and intervention needed, as determined by the U.S. Department of Education.

Existing Support for Students with Disabilities in California. As required by federal and state law, the Advisory Commission on Special Education is an advisory body which provides recommendations and advice to the State Board of Education, the State Superintendent of Public Instruction, the California Legislature, and the Governor on new or continuing areas of research, program development, and evaluation in special education. In 2025, the commission convened twice. The commission releases an annual report, with 2023-24 as the last report posted on its webpage. The report identified five goal areas: community schools, equity and innovation, student and family voice, emotional and behavioral health, and literacy.

The commission states, “During the past year, the [Advisory Commission on Special Education] has worked to increase the direct involvement of students and their families with the commission. These efforts are aligned with state policies and practices on the meaningful engagement of educational partners. This engagement has enlightened the commission on the most pressing needs of students and their families and helped to shape the commission’s priorities.”⁴

Further, the commission notes that Family Empowerment Centers (FECs) were created in “every area of the state.” FECs serve parents and families of children and young adults with disabilities, between 3 and 22 years of age in California. Services available through each FEC vary based on the needs of the region they serve and are staffed primarily by parents, guardians, and family members of children and young adults with disabilities. They were designed to do the following:

- Offer specialized training, peer-to-peer support, access to information, and resources and support with referrals and services.
- Support parents to better understand their child’s educational and developmental needs and serve as a resource to parents for the individual education program process.
- Promote positive relationships and effective communication between parents and professionals responsible for providing educational and related services.
- Collaborate with community-based, local, and state agencies serving children with disabilities.

This bill establishes a grant program administered by the State Council to, similarly, provide outreach and training to families regarding their educational rights.

Author’s Statement: According to the Author, “With oversight and enforcement of the Individuals with Disabilities Education Act (IDEA) shifting onto the California Department of Education it is more important now than ever for California to develop a coordinated infrastructure that unifies and trains parent leaders statewide on how they can stand up for the

⁴ <https://www.sipimpact.org/Publications/Advisory-Commission-on-Special-Education-ACSE-Reports/2023-2024/>

rights of students with disabilities. As a mother of a child with special needs, I know firsthand how complex and overwhelming the special education system can be. Parents should not have to navigate it alone. [This bill] ensures families have access to training, support, and a coordinated voice so we can protect the rights of students with disabilities and help ensure the system is working for families.”

Equity Implications: Students with disabilities experience more difficulty in excelling in school without added supports, and the disparities amongst minorities are even greater. Students with disabilities graduate at lower rates (66% for learning disabilities; 48% for behavior disabilities) than the general population.⁵ Students with disabilities are disproportionately suspended, with 9% suspended compared to 4% of general education peers, rising to 20% for Black students with disabilities.⁶

Students with disabilities have legal rights, but with the erosion of the U.S. Department of Education, these students and their families are left with less support. *This bill* may create additional support opportunities.

Policy Considerations: *This bill* authorizes a grant program to be administered by the State Council to a statewide advocacy organization; however, *this bill* does not define what a statewide advocacy organization means.

Proposed Committee Amendments: In order to address the above policy considerations, the Committee proposes the author take the following amendments:

(1) A statewide advocacy organization means an organization with demonstrated success representing the interests of families and persons with disabilities, as defined in 20 U.S.C. § 1401, through local or statewide forums.

Arguments in support: According to the sponsors of the bill, the Arc of California, “What California lacks is a coordinated, statewide advocacy structure focused on systemic change. [This bill] is designed to fill this gap. Rather than duplicating individual advocacy efforts, the bill focuses on building a statewide coalition of leaders drawn from local networks across California who can engage in coordinated, systems-level advocacy.

“[This bill] would create the infrastructure to bring together approximately 40 to 50 highly engaged parents, self-advocates and other leaders with strong local influence. Through in-person summits and ongoing collaboration, this network would build trust, identify shared priorities, and receive training in community organizing and statewide advocacy. This model would allow local expertise to inform coordinated action at the state level.”

⁵ <https://nationaldisabilitycenter.org/resources/developmental-course-taking-and-academic-outcomes-for-community-college-students/#:~:text=Previous%20research%20on%20developmental%20course,Implications%20for%20Practice>

⁶ <https://www.the74million.org/article/for-students-with-disabilities-suspension-is-not-just-a-matter-of-race-and-gender-but-geography/#:~:text=Percentage%20of%20students%20with%20disabilities%20in%20each%20state%20that%20are,compared%20to%20their%20removal%20rate&text=This%20trend%20of%20disproportionality%20is,higher:%200%25%20were%20suspended.>

Arguments in opposition: According to the California Teachers Association, “CTA believes state oversight agencies are necessary for the operation of state mandated programs. The California State Council on Developmental Disabilities, a state agency, is being given the authority to award grants to outside organizations to conduct outreach and training for students and their families. There is no oversight or measurable accountability of these outside organizations. Currently, three County Offices of Education have the responsibility to do exactly what this bill intends to do: develop training and conduct outreach to communities to provide advocacy to special education students and their families. This bill is duplicative and redundant.”

REGISTERED SUPPORT / OPPOSITION:**Support**

The Arc and United Cerebral Palsy California Collaboration (Sponsor)
Association of Regional Center Agencies
California Disability Services Association
Down Syndrome Association of Santa Barbara County
Educate. Advocate.
Epilepsy Foundation Los Angeles
FASD Network of Southern California
Two private citizens

Opposition

California Teachers Association

Analysis Prepared by: Alexandria Smith / HUM. S. / (916) 319-2089