

INFORMATION MEMORANDUM

DATE: April 7, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Sue Stickel, Deputy Superintendent
Curriculum & Instruction Branch

SUBJECT: Special Education: *California Code of Regulations, Title 5*, sections 3088.1 and 3088.2 regarding withholding funds to enforce special education compliance

Item 31 on the March 2004 State Board of Education (SBE) agenda was for the purpose of considering the adoption of proposed new regulations – *California Code of Regulations, Title 5*, sections 3088.1 and 3088.2 – regarding withholding of funds to enforce special education compliance. This item was withdrawn at the request of the California Department of Education (CDE) Legal Division because of the extent and complexity of the comments received during the 45-day public review period.

Analysis of the public comments suggests that amendments to the initial proposal are in order. The specific text of the amendments is still under review and, thus, is not included with this information memorandum. If the SBE concurs with the CDE recommendation to amend the regulations at the May 2004 meeting, an additional 15-day public comment period will be required under the provisions of the Administrative Procedure Act. The amended regulations would then return for possible adoption by the SBE (after consideration of any comments received during the additional 15-day review) at the July 2004 meeting.