

CAPISTRANO UNIFIED SCHOOL DISTRICT  
33122 Valle Road  
San Juan Capistrano, CA 92675

BOARD OF TRUSTEES  
Special Board Meeting

January 30, 2012

Open Session 6:00 p.m.

**AGENDA**

**OPEN SESSION AT 6:00 P.M.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF THE AGENDA – ROLL CALL**

**BOARD AND SUPERINTENDENT COMMENTS**

**PUBLIC COMMENTS TO AGENDA ITEM ONLY**

**SPECIAL EDUCATION WORKSHOP:**

General overview on special education, information on the District's Resource Specialist programs, Special Day Class programs, and data concerning other specialized services and programs. The session will also include data on out-of-district placements and services and information on the unfunded or "encroachment" costs associated with special education.

*CUSD Strategic Plan Pillar 3: Academic Achievement & Enrichment*

*Contact: Sara Jocham, Assistant Superintendent, SELPA and Special Education Operations*

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**EXHIBIT 1**

**ADJOURNMENT**

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_

**THE NEXT REGULAR MEETING OF THE BOARD OF TRUSTEES IS MONDAY, FEBRUARY 13, 2012, 7:00 P.M. AT THE CAPISTRANO UNIFIED SCHOOL DISTRICT OFFICE BOARD ROOM, 33122 VALLE ROAD, SAN JUAN CAPISTRANO, CALIFORNIA**

For information regarding Capistrano Unified School District, please visit our website:

[www.capousd.org](http://www.capousd.org)

**RECORDING OF SCHOOL BOARD MEETINGS**

In accordance with Board Policy 9324, Board Minutes, all Regular School Board Meetings will be audio recorded.

## INSTRUCTIONS FOR PRESENTATIONS TO THE BOARD BY PARENTS AND CITIZENS PRESENT AT THIS MEETING

We are pleased you can be with us at this meeting, and we hope you will return often. Your visit assures us of continuing community interest in our schools.

The members of the Board of Trustees of this District are locally elected state officials, who serve four-year terms of office, and who are responsible for the educational program of our community from grades kindergarten through twelve. They are required to conduct programs of the schools in accordance with the State of California Constitution, the State Education Code, and other laws relating to schools enacted by the Legislature, and policies and procedures which this Board adopts.

The Board is a policy-making body whose actions are guided by the school district's Mission and Goals. Administration of the District is delegated to a professional administrative staff headed by the Superintendent.

The agenda and its extensive background material are studied by each member of the Board for at least two days preceding the meeting. Board Members can call the administrative staff for clarification on any item, and many of the items on the agenda were discussed by the Board during previous meetings. These procedures enable the Board to act more effectively on agenda items than would otherwise be possible.

### WHAT TO DO IF YOU WISH TO ADDRESS THE BOARD OF TRUSTEES

**ITEMS ON THE AGENDA.** Any person may address the Board concerning any item on the agenda and may, at the discretion of the Board, be granted three (3) minutes to make a presentation to the Board at the time a specific item is under discussion. However, the time assigned for individual presentations could be fewer than three (3) minutes depending upon the total number of speakers who wish to address a specific agenda topic. Prior to the opening of the meeting, a Request to Address the Board card (located in the foyer) should be completed and submitted to the Secretary of the Board. The total time devoted to presentations to the Board shall not exceed twenty (20) minutes, unless additional time is granted by the Board. All presentations shall be heard by the Board prior to the formal discussion of the agenda topic under consideration. Once an agenda item has been opened for public comment, no additional "Request to Address the Board of Trustees" cards shall be accepted for that topic.

**ORAL COMMUNICATIONS (Non-Agenda Items).** Citizens may address the Board on any item not appearing on the agenda. Individual presentations are limited to three (3) minutes per individual, with twenty (20) minutes in total being devoted for this purpose, but could be less if there are a large number of Oral Communication speakers. Legally, the Board may not take action on items raised by speakers under Oral Communications. However, at its discretion, the Board may refer items to the administration for follow-up or place topics on a future Board agenda.

**PUBLIC HEARINGS.** Anytime the Board schedules a separate public hearing on any given topic, it shall not hear speakers on that topic before the public hearing, except as to the scheduling of the hearing, nor shall it hear speakers after the hearing, except as to changes in the policy or recommended actions which are directed at the time of the hearing.

**CLOSED SESSION.** In accordance with Education Code §35146 and Government Code §54957, the Board may recess to Closed Session to discuss personnel matters which they consider inadvisable to take up in a public meeting.

#### REASONABLE ACCOMMODATION

*In order to help ensure participation in the meeting of disabled individuals, appropriate disability-related accommodations or modifications shall be provided by the Board, upon request, in accordance with the Americans with Disabilities Act (ADA). Persons with a disability who require a disability-related accommodation or modification, including auxiliary aids and services in order to participate in a Board meeting, shall contact the Superintendent or designee in writing by noon on the Friday before the scheduled meeting. Such notification shall provide school district personnel time to make reasonable arrangements to assure accessibility to the meeting.*

CAPISTRANO UNIFIED SCHOOL DISTRICT  
San Juan Capistrano, California

January 30, 2012

**SPECIAL EDUCATION OVERVIEW**

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**SPECIAL EDUCATION LEGAL REFERENCES**

1. A child with a disability has the right to a free, appropriate, public education (FAPE) under the Individuals with Disabilities Education Act (IDEA) and California law. (20 U.S.C. §1412(a)(1)(A); Ed. Code, § 56000.) A FAPE is defined as special education and related services that are provided at public expense and under public supervision and direction that meet the state's educational standards and that conform to the student's Individualized Education Program (IEP). (20 U.S.C. §1401(9); Cal. Code Regulations.; title 5, § 3001, subd. (p).) Special education is defined as specially designed instruction, provided at no cost to parents, that meets the unique needs of a child with a disability and permits him or her to benefit from instruction. (20 U.S.C. § 1401(29); Ed. Code, § 56031.) Special education related services include transportation, and developmental, corrective, and supportive services, such as physical therapy or occupational therapy services, that may be required to assist the child with a disability to benefit from special education. (20 U.S.C. § 1401(26); Ed. Code, § 56363.)
2. The IEP is a written document for each child who needs special education and related services. The contents of the IEP are mandated by the IDEA. The IEP must include a statement of the child's present levels of academic achievement and functional performance. The IEP must also include a statement of measurable annual goals and objectives that are based upon the child's present levels of academic achievement and functional performance and a description of how the child's progress toward meeting the annual goals will be measured. The IEP must include when periodic reports of the child's progress will be issued to the parent, and a statement of the special education and related services to be provided to the child. (20 U.S.C. § 1414(d)(1)(A); 34 C.F.R. §§ 300.346, 300.347 (2006).)
3. To provide a student with a FAPE, the district must determine a student's unique needs and design an IEP to meet those needs. Districts are not required to maximize a child's potential. In *Board of Educ. of the Hendrick Hudson Cent. School Dist. v. Rowley* (1982) 458 U.S. 176 [102 S.Ct. 3034, 73 L.Ed.2d 690] (*Rowley*), the Supreme Court held that the IDEA does not require school districts to provide special education students the best education available, or to provide instruction or services that maximize a student's

abilities. School districts are required to provide only a “basic floor of opportunity” that consists of access to specialized instruction and related services individually designed to provide educational benefit to the student. (*J.L. v. Mercer Island School Dist.* (9<sup>th</sup> Cir. 2010) 592 F.3d. 938, 950-953.) The Ninth Circuit has also referred to the educational benefit standard as “meaningful educational benefit.” (*N.B. v. Hellgate Elementary School Dist.* (9<sup>th</sup> Cir. 2007) 541 F.3d 1202, 1212-1213; *Adams v. State of Oregon* (9<sup>th</sup> Cir. 1999) 195 F.2d 1141, 1149. (*Adams*).)

4. A school district is not required to place a student in a program preferred by a parent, even if that program will result in greater educational benefit to the student. For a school district’s offer of special education services to a disabled pupil to constitute a FAPE under the IDEA, a school district’s offer of educational services and/or placement must be designed to meet the student’s unique needs, comport with the student’s IEP, and be reasonably calculated to provide the pupil with educational benefit in the least restrictive environment. (20 U.S.C. § 1401(9).) The IEP need not conform to a parent’s wishes in order to be sufficient or appropriate. (*Shaw v. Dist. of Columbia* (D.D.C. 2002) 238 F.Supp.2d 127, 139)

## **FOUNDATION OF SPECIAL EDUCATION**

**Child Find-** District must actively locate, identify, and assess all students within boundaries who may require special education services, including students attending private schools.

**Free Appropriate Public Education (FAPE)-**Meet the child’s needs (academic, nonacademic, behavior), provide some educational benefit, educate child in general education to the extent possible.

**IEP-** District must develop, with parent input, a written document of the educational program designed to meet a child’s individual needs. Parents must provide consent for the district to implement the IEP. District is required to implement the IEP as written and cannot change the IEP without written agreement from the parents. The IEP must be reviewed at least annually.

**Parent Participation-** Parents have a right to provide input into the development of their child’s education program. They have a right to disagree and express disagreement. They have a right to be informed in the development of the IEP (assessment results, meeting notice, and IEP components).

**Legal Protection-** When a student qualifies for special education, the student has protections that other students do not have: protection from being removed from the general education environment, right to a clear and understandable written IEP, parents have a right to be involved in the development of the student’s education program or IEP.

**Least Restrictive Environment (LRE)**- To the maximum extent appropriate, children with disabilities, must be educated with children who are not disabled; and special classes, separate schooling, or other removal of children with disabilities from the regular education environment may occur only if the nature and severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

**Continuum of Program Options**- Each special education local plan area (SELPA) must ensure that a continuum of program options are available to meet the special education and related services needs of students with disabilities. These options include: general education, related services, specialized academic instruction, special classes, and non-public schools.

## **SPECIAL EDUCATION BY THE NUMBERS**

There are 4,821 Capistrano Unified School District (CUSD) students eligible for special education as of December 1, 2011 according to the California Special Education Management Information System (CASEMIS). Attachment A provides historical and current special education eligibility information. Students are eligible for special education services under one of thirteen categories.

### **Thirteen Special Education Eligibility Categories**

- Specific Learning Disability (SLD)-1514 CUSD students as of December 1, 2011
- Speech Language Impaired (SLI) -1301
- Autism (AUT)- 902
- Other Health Impaired (OHI)-509
- Intellectual Disability (ID)-203
- Orthopedically Impaired (OI)-126
- Emotionally Disturbed (ED)-121
- Deaf -22
- Visually Impaired (VI) -17
- Traumatic Brain Injury (TBI) -15
- Multiple Disabilities (MD)-12
- Deaf/Blind (DB)-1

## **SPECIAL EDUCATION CONTINUUM**

Eligible special education students attend school in a variety of settings. Many students with special needs attend school in a general education program for the majority of their school day. These students often receive specialized academic instruction and related services through a collaborative (push-in) or a direct model (pull-out). Some students with special needs receive their education in specialized classrooms designed to meet their unique needs. CUSD has sixty nine special education classrooms and one specialized center (R.H. Dana Exceptional Needs Facility) for students aged preschool through elementary. Due to the configuration of secondary

education programs, secondary special education programs are designed to provide blended support as needed.

CUSD has an agreement with the Orange County Department of Education (OCDE) to provide special education and related services to students. These are students whose needs require more specialized programs. Currently there are 102 students attending a special education program operated by OCDE or two percent of the total special education population.

A non-public school (NPS) placement is a more restrictive option on the placement continuum. These schools typically have limited access to typical peers and are located outside of the CUSD boundaries. Currently there are twenty-seven CUSD students in an NPS placement or .5 percent of the total special education population. Seven of the placements are a result of a settlement agreement or informal dispute resolution agreement.

Residential Treatment Centers (RTC) are the most restrictive placement along the continuum. These students attend school and live at the RTC. The District is now responsible for the cost of board and care, along with the education costs. Currently there are ten students in a residential placement or .2 percent of the special education population.

## **SPECIAL EDUCATION PROGRAMS/SERVICES**

The District provides special education programs and services for eligible students from infant through age twenty-two. Information will be shared at the Board Study Session regarding the program and services available district-wide, as well as a focus on special programs, including autism and transition.

### **Infant –Toddler Program:**

- **Early Start**– The early intervention program for children birth to 36 months with a solely low incidence disability, such as, vision, hearing, and mild to severe orthopedic impairments. Early Intervention services are provided in the child’s natural environment.

### **Preschool Programs:**

- **Pre-STEPS (Structured Teaching, Educationally based, Promoting Independence and Students centered instruction)**- The goal of the Pre-STEPS program is provide a small class structure that focuses on developing early academic readiness, language, social-emotional and self-help skills through a positive, nurturing environment.
- **Building Language Academics and Social Skills through Structured Teaching (BLASST Off)**– BLASST Off is an intensive, highly structured, language-based preschool classroom model offering intensity through the concentrated number of quality opportunities for learning engagement. It offers a comprehensive program utilizing Applied Behavioral Analysis in a developmental approach to address the needs of children with autism.

- **Supporting Early Academic and Language Skills (SEALS)**- The SEALS program is an early academic and language based intervention preschool class that focuses on remediating learning deficits and/ or identifying strategies to offset the impact of educational disabilities in young children.
- **Language Builders**- Small group setting designed to provide preschool aged students with a language rich therapeutic environment. The program's focus is on remediation of receptive, expressive and pragmatic language skills.
- **Leaps and Bounds**- A program designed to work on motor development for preschoolers.
- **Friendship Builders**- Intensive Behavior Intervention (IBI) group that provides direct instruction on social and behavior development for students with autism.

### Elementary Programs:

- **Elementary STEPS (Structured Teaching, Educationally based, Promoting Independence and Students centered instruction)**- The goal of the elementary STEPS program is to provide a small structured class setting that focuses on developing functional academic, readiness, and self-help skills.
- **Elementary Behavior Intervention Class (BIC)**- The BIC classes are designed to meet the needs of elementary special education students whose social/emotional needs require a smaller, more structured and individualized environment.
- **Launch for Success**- Launch for Success is an intensive, highly structured, language and social skills based classroom model offering intensity through the concentrated number of quality opportunities for learning engagement. Each classroom utilizes IBI strategies throughout the course of the day in addition to other empirically demonstrated strategies for success with children with autism.
- **Friendship Connections**- IBI group that provides direct instruction on social and behavior development for kindergarten students with autism.

### Secondary Programs:

- **Secondary STEPS (Structured Teaching, Educationally based, Promoting Independence and Students centered instruction)**- The goal of the secondary STEPS program is to: promote independent living skills in students with more severe disabilities, foster vocational competency, create opportunities for social interaction in the community and assist with forming a healthy lifestyle.
- **Secondary Behavior Intervention Class (BIC)**- Secondary BIC classes are designed to meet the needs of secondary Special Education students whose social/emotional needs require a smaller, more structured and individualized environment.

- **Bridges Community Day School**– Bridges provides a structured, individualized program for students with significant emotional and behavioral needs off of the comprehensive campus sites.
- **Secondary Social Skills Support**- Support is provided in middle school (weekly) and in high school (daily) to students in need of support for the development of social skills.

### **Post-Secondary Programs:**

- **Adult Transition Program (ATP)**– The ATP is a full-time program designed to prepare students (ages 18-22) with moderate to severe disabilities for independent living and employment.
- **Continued Learning, Adult Special Services (CLASS)**– CLASS provides support to students (18-22) with mild to moderate disabilities. The program is part time and focuses on areas including: academic growth, social skills development, vocational support and access to community resources.
- **Employment Related Social Skills**– This is once component of the CLASS program. The focus is on developing the skills needed to obtain and keep a job.

### **Across Grade Level Programs:**

- **Specialized Academic Instruction (SAI)**– SAI is a service, formally known as Special Day Class (SDC mild/moderate) or Resource Specialist Program (RSP) that may occur in a separate special education classroom or the general education environment.
- **Deaf or Hard of Hearing Program (D/HH)**– Through intensive multi-sensory academic and social guidance students are taught strategies for accessing information and to communicate effectively with their families, hearing and D/HH peers, and community members.
- **Intensive Behavior Intervention (IBI)**– The IBI program utilizes a range of Applied Behavioral Analysis strategies and techniques to support students with autism.

## **SPECIAL EDUCATION COMPLIANCE OFFICE**

The Special Education Compliance Office oversees the Informal Dispute Resolution (IDR) process and special education due process filings. In addition, the Compliance office provides comprehensive support and trainings to District Special Education staff while supporting school sites through representation at IEP team meetings, staffing meetings, and troubleshooting complex cases. The Compliance staff meets with District Program Specialists on a weekly basis, with the utilization of problem solving models, in order to effectively address concerns arising out of the IEP process. A Teacher on Special Assignment (TOSA) spends over eighty percent of her time working directly with school staff and parents to implement settlement agreements and support school sites in re-building relationships through communication, assessment, data collection and goals analysis for future IEP development.



**SPECIAL EDUCATION FUNDING**

There are three main revenue sources for special education within California: Federal, State, and Local. The Special Education Funding Resources (Attachment B) lists the Federal and State revenue for special education. CUSD received \$7,963,491 from the Federal Local Assistance Grant for 2011-2012. The bulk of money provided by the State is provided in an AB 602 allocation. The State allocation deducts the Federal Local Assistance Grant. The base rate was established in 1998-1999 and each year a supplement to the base, cost of living adjustment, average daily attendance (ADA) growth or decline factor into the base rate for each SELPA. ADA growth is funded at \$465 while ADA decline is penalized at the base rate established for each SELPA. The base rate for CUSD for 2010-2011 was \$633.31 per ADA. The total AB 602 allocation for 2010-2011 was \$25,400,896.

**Special Education 2010-2011 P1 Funding Comparison**

District	Capistrano USD	Santa Ana USD	Garden Grove USD	Irvine USD	South Orange County	Orange USD
Base Rate per ADA	\$633.31	\$644.48	\$669.98	\$647.09	\$644.75	\$652.56
Special Disability Adjustment	0	0	\$5,827,638	\$1,406,254	0	\$933,605
Program Specialist	\$12.19	\$14.06	\$14.93	\$14.69	\$12.18	\$15.13

Due to a funding inequity among the Orange County SELPAs when the statewide funding formula shifted in 1998-1999, funding was allocated to CUSD instead of the North Orange County SELPA. Per a settlement agreement between CUSD and OCDE, CUSD pays the North Orange County SELPA \$389,000 annually through 2014, at which time the annual rate will drop to \$214,000. Payment will continue until a new funding formula is developed statewide.

**LOCAL GENERAL FUND CONTRIBUTION/ENCROACHMENT**

State and Federal special education revenue do not cover the cost of special education. Each district is required to provide a local general fund contribution toward special education. In 2010-2011 the CUSD general fund contributed \$27,625,788 for special education. A preliminary draft of a Local Funding to Support Special Education Data Project examined special education expenditure data from unaudited actual Standardized Account Code Structure year-end financial reports for each SELPA in California in order to quantify the level of the general fund local contribution.

**Special Education Expenditure Percentages for 2004-2010**

Year	Federal		State		Local	
	CA %	CUSD %	CA %	CUSD %	CA %	CUSD %
2004-2005	11.80%	13.57%	48.48%	48.59%	39.72%	37.84%
2005-2006	12.23%	10.76%	49.23%	41.77%	38.54%	47.48%
2006-2007	11.47%	9.97%	48.70%	40.87%	39.83%	49.16%
2007-2008	10.98%	10.41%	47.17%	43.06%	41.85%	46.53%
2008-2009	10.60%	11.34%	44.57%	41.09%	44.82%	45.17%
2009-2010	15.30%	11.75%	43.11%	38.86%	41.58%	45.67%

**SPECIAL EDUCATION COSTS**

Several factors contribute toward the cost of special education. Typically special education students require a lower class size with more adult support and related services. Special education students often require supplemental learning materials, assistive technology, health support and transportation to be able to access their education. Special education is required to provide extended school year services to eligible students. Due to the complexity of special education, there are significant legal costs. An IEP team is not allowed to consider cost when determining an appropriate program for a student. The more specialized the program, the more costly it is. Placement in an OCDE program averages \$40,730 per student, annually, plus the cost of transportation and aide support. Placement in a NPS averages \$42,546 per student, annually, plus the cost of transportation. Placement in an RTC averages \$127,578 per student, annually, plus the cost of student travel and parent visitations (Attachment C)

The fiscal impact of providing educationally related mental health services, including board and care costs will become even more substantial to CUSD if the State provides revenue for this service based on ADA as proposed in the Governor’s 2012-2013 budget.

**BEST PRACTICES/SPECIAL EDUCATION COST CONTAINMENT**

Maintenance of Effort (MOE) requires the District to spend the same amount of state and local money on special education each year, with limited exceptions. 2010-2011 expenditures paid from state and local sources totaled \$67,565,529, which sets the amount that must be spent from state and local sources for 2011-2012.

There are best practices in special education which utilize cost containment strategies to keep costs down and maintain quality programs and services. These strategies include:

- Collaboration with general education to keep students in general education to the extent appropriate.
- Administration of thorough, quality evaluations and reports.

- Placement of students in the least restrictive environment.
- Monitor class size and aide support.
- Ensure programs, services, and IEP meetings are data-driven.
- Evaluation of student progress and transition students out of special education as appropriate.
- Provision of quality programs with good instruction and data keeping.
- Pool services and resources when possible.
- Review NPS and RTC placements and return appropriate students.
- Provide educationally related mental health services through District staff.
- Reduction of cumbersome mandates at the State and Federal level. (Attachment D)
- Seek legislative relief from high legal costs.

### Special Education Annual Data Comparison Report

SELPA: 3021 Capistrano USD SELPA CAPISTRANO UNIFIED (3066464)

Disability	MR	HH	DEAF	SLI	VI	ED	OI	OHI	SLD	DB	MD	AUT	TBI	Total
De2003	225	73	7	1,494	28	145	121	232	1,975	0	19	365	19	4,703
De2004	210	56	21	1,459	28	150	112	278	1,928	0	7	426	23	4,698
De2005	215	57	19	1,570	18	152	112	335	1,855	1	2	480	22	4,838
De2006	212	76	18	1,468	17	135	121	340	1,611	1	4	555	17	4,575
De2007	212	80	20	1,439	19	151	125	391	1,573	1	4	656	18	4,689
De2008	207	69	20	1,448	24	154	134	411	1,570	1	6	784	16	4,844
De2009	203	61	21	1,364	18	145	122	423	1,565	1	8	809	16	4,756
De2010	208	75	28	1,329	15	146	127	476	1,508	1	7	853	15	4,788
De2011	203	78	22	1,301	17	121	126	509	1,514	1	12	902	15	4,821

% -2.40 4.00 -21.42 -2.10 13.33 -17.12 -0.78 6.93 0.39 71.42 5.74 \*\*\*\* \*\* \* \*\* \* \*\* \* \*\* \* \*\* \*

Grade	Inf	Pres	Kndr	1	2	3	4	5	6	7	8	9	10	11	12	Ung	Oth	Total
De2003	19	462	188	280	264	365	370	415	364	333	370	370	317	294	252	1	39	4,703
De2004	18	396	223	270	322	391	370	322	423	345	289	403	358	295	226	8	39	4,698
De2005	18	378	237	272	313	417	424	401	324	366	342	349	336	334	280	45	2	4,838
De2006	27	396	231	255	302	329	423	383	338	303	332	329	306	291	266	1	63	4,575
De2007	35	426	234	247	302	361	366	409	339	338	283	337	335	307	283	0	87	4,689
De2008	29	512	279	243	273	361	389	377	386	322	319	274	347	330	281	1	121	4,844
De2009	18	510	259	262	249	313	383	396	343	370	310	310	271	308	311	0	143	4,756
De2010	26	493	255	274	296	310	353	398	361	334	352	303	313	276	315	0	129	4,788
De2011	28	477	289	258	293	369	350	372	369	330	312	351	311	301	255	0	156	4,821

% -2 -16 -34 -16 -16 -3 -59 59 -3 -26 8 -4 -40 48 -60 27 7.69 -3.24 13.33 -5.83 -1.01 19.03 -0.84 -6.53 2.21 -1.19 -11.36 15.84 -0.63 9.05 -19.04 \*\*\* \*\* \* \*\* \* \*\* \* \*\* \*

- MR- Mental Retardation/Intellectual Disability
- HH- Hard of Hearing
- SLI- Speech and Language Impairment
- VI- Visual Impairment
- ED- Emotional Disability
- OI- Orthopedic Impairment
- OHI- Other Health Impairment
- SLD- Specific Learning Disability
- DB- Deaf/Blind
- MD- Multiple Disabilities
- AUT- Autism
- TBI- Traumatic Brain Injury

\* Circles indicate a change of nomenclature that needs to be examined and explained

## Special Education Funding Resources

Resource	Resource Description	Grant Award Amount
6500	<b>Special Education Apportionment – (State apportionment for Special Education)</b>	*25,108,165
6510	<b>Special Education Early Ed Individuals with exceptional needs (Infant Program) – Federal</b>	* \$202,956
6515	<b>Special Education Infant Discretionary Funds program - State funding appropriated for the Special Education Infant Program.</b>	* 4,436
6512	<b>Special Education: Mental Health Services - Must be used for educationally related mental health services, including out-of-home residential services for emotionally disturbed pupils, required by the federal IDEA</b>	\$2,138,734
6520	<b>Special Education: Project Workability I LEA - Funding for the purpose of vocational training and job placement for special education pupils through Project Workability I pursuant to Article 3 (commencing with Section 56470) of Chapter 4.5 of Part 30 of the Education Code.</b>	\$325,590
6530	<b>Special Education Low Incidence Entitlements</b>	\$11,861
6535	<b>Personnel Development for Special Education Local Plan Areas Program</b>	\$17,726
3310	<b>Special Education: IDEA Basic Local Assistance Entitlement, Part B, Section 611 - IDEA, Part B, federal funds are combined with local assistance state general funds to provide revenue to support the expense of educating identified students with disabilities</b>	\$7,963,491
3315	<b>Special Ed: IDEA Preschool Grants, Part B, Section 619 (Age 3-4-5) - Federal Preschool Grant Program provides funding for special education and services to children with disabilities ages three - five.</b>	* \$200,658
3320	<b>Special Ed: IDEA Preschool Local Entitlement, Part B, Section 611 (AGE 3-4-5) - Federal</b>	\$491,170
3327	<b>Special Ed: IDEA Mental Health Allocation Plan, Part B, Sec 611 -</b>	\$1,082,725
3345	<b>SPECIAL ED: IDEA PRESCHOOL STAFF DEVELOPMENT, PART B, SEC 619 -</b>	\$6,503
3385	<b>SPECIAL ED: IDEA EARLY INTERVENTION GRANTS, PART C - This money is federal but flows to CDE via an interagency agreement with Department of Developmental Services. Grant recipients are subject to federal requirements. This resource is also funded with some state money; see PCA 24314 for state money, which requires Object code 8590.</b>	* \$124,000
3410	<b>Department of Rehabilitation: Workability II, Transitions Partnership Program - Collaborative projects with Adult Ed/ROCP/COEs.</b>	\$746,322

\*2010-2011 Funding Results, similar funding anticipated for 2011-2012





## Special Education Local Plan Area Administrators

November 7, 2011

This position paper serves to provide a consensus description of our organization's opposition to the current Individuals with Disabilities Education Act (IDEA) monitoring practices from the Office of Special Education and Rehabilitation Services (OSERS). These practices were initiated in 2007 during the George W. Bush administration and were escalated in 2009 during the Barack Obama administration. They have become onerous and counterproductive causing an intolerable level of dissatisfaction and it has become necessary for us to obtain support from our federal legislators to assist us in seeking relief from OSERS burdensome expectations. The monitoring requirements appear to be created by OSERS with little consideration for student outcomes or increased taxpayer expense and create unnecessary stress for thousands of special education teachers and service providers. The requirements are in complete opposition to the statement made by Alexa Posney, Assistant Secretary of Education, in the Part C Regulations video of September 20, 2011, that OSERS is "committed to reduce burdens on states".

The California SELPA Administrators Organization is supportive of accountability measures that improve outcomes for students and ensure compliance in a manner that is reasonable and sustainable. OSERS' trend to scrutiny that exceeds its authority and that required by the IDEA law and regulations concerns the organization. The excessive requirements and underground regulations that do not result in improved achievement for students are costly at a time when the State and Federal economies are still struggling and Federal revenues are being cut for IDEA.

Examples that illustrate our concern:

- OSERS requires the California Department of Education (CDE) to go back in time to monitor compliance of LEAs due to a change in OSERS practice that was obliquely stated in Office of Special Education Programs Memo 09-02. The specific requirement was not made clear until the 2010 Mega-Conference and only articulated in a Power Point presentation. As a result of this new interpretation, the CDE must require LEAs to pull special education records for students who had noncompliance items from 2007-08 (corrected in 2008-09) and 2008-09 (corrected in 2009-10) to determine if those items are currently compliant. This requirement is time-intensive, costly to taxpayers, and prevents LEAs and CDE from moving forward.
- OSERS requires that every LEA have 100 percent compliance for every item monitored (See attached letter of findings to California). Each IEP document contains multiple elements that could potentially be noncompliant; the CDE compliance table specifies over 700 compliance items. Every student-level

### 2011-12 Officers

#### **Chairperson:**

Penny Valentine  
Marin County SELPA  
1111 Las Gallinas  
San Rafael, CA 94903  
415-499-5850

#### **Chairperson Elect:**

Sue Balt  
Riverside County SELPA  
975 W. Morgan St. Bldg G  
Perris, CA 92571  
951-490-0375

#### **Treasurer:**

Trina Frazier  
Fresno County SELPA  
1111 Van Ness Towers  
Fresno, CA 93721  
559-265-3049

#### **Secretary:**

Jill Heuer  
San Luis Obispo SELPA  
8005 Morro Road  
Atascadero, CA 93422

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## Special Education Local Plan Area Administrators

- noncompliance finding must be corrected and then verified by a subsequent record pull to demonstrate 100 percent compliance. This level of expectation is not reasonable and does not ensure improved achievement for students. This practice has a likelihood of resulting in an interminable cycle of noncompliance with little hope of resolution.
- OSERS requires that CDE develop a formula and require an early intervening services plan (with a 15 percent use of IDEA funds) for every LEA that is significantly disproportionate in its identification of racial and ethnic groups in special education. The State SELPA Organization is supportive of the initiative to close any achievement gap and ensure equity of educational programs. OSERS, however, requires that every ethnic group in every disability be proportionate regardless of the appropriate application of LEA assessment and identification procedures. This level of requirement and monitoring is unsupported by research, onerous, unresponsive to the varying needs of children and counter to civil rights concerns. The situation is exacerbated by OSERS' changing rules by which States makes their calculations, leaving districts not able to plan their budgets.

The California SELPA Administrators Organization believes that compliance requirements should be directly connected to student achievement outcomes rather than to procedural errors that do not have any substantive affect on student progress. Based on that premise, the following should be considered in creating reasonable standards of compliance that ensure state and LEA accountability for the tenets of IDEA:

1. Developing a cycle of compliance monitoring that focuses on areas that are directly tied to student achievement, are meaningful, and will result in resolution of noncompliant findings leading to improvement in educational benefit;
2. Sponsoring research on the relationship of student performance and outcomes to compliance standards, including those related to racial and ethnic proportionality for students with disabilities;
3. Establishing a compliance benchmark standard that addresses the specific finding that is only generalized more broadly to the extent reasonable, and generally accepted as achievable while still supporting student success;
4. Evaluating whether any findings of noncompliance are affecting the LEA's annual yearly performance (AYP) for students with disabilities prior to determining required corrective actions; and
5. Evaluating whether any findings of noncompliance have resulted in any denial of a free and appropriate public education (FAPE) prior to determining required corrective actions.

We are seeking a compliance monitoring process that is reasonable and allows special educators to focus their time and attention on student achievement rather than on procedural detail that does not relate to improved outcomes for students or deny any student their right to a free, appropriate public education and entitlements to services.