STEERING COMMITTEE

AGENDA

Wednesday April 26, 2017
10:00 am – 2:30 pm
Hilton Garden Inn
1800 Powell Street
Emeryville, CA 94608

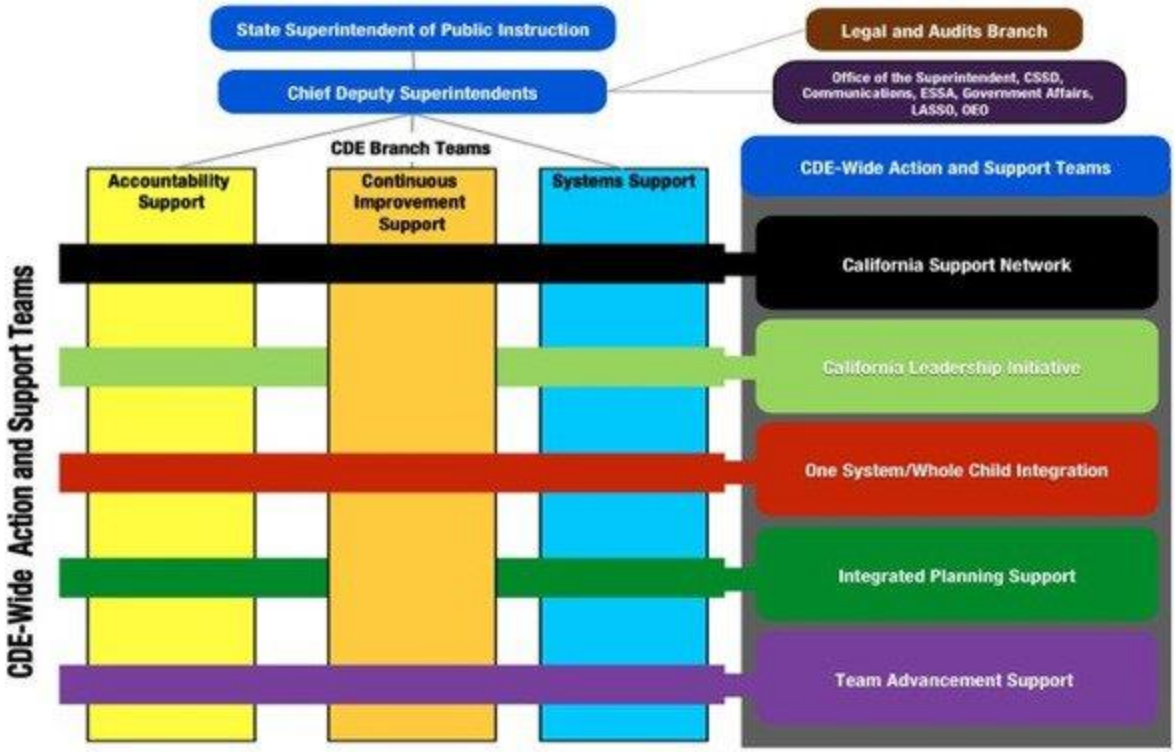
AUTISM AWARENESS MONTH

	SPEAKER
Welcome & Introductions	Group
TEAMS Project – Effectiveness of a Multi-Level Implementation Strategy for ASD Interventions	UC Davis - Aubyn Stahmer, Education Director, CPRT
Federal and State News	
• CDE Reorganizes Into Teams*	SELPA Leadership
• Special Ed State Monitoring: Two Decade Battle Over SpEd*	
• Endrew F. V. Douglas County School District Update*	
• OSEP Letter*	
• Ninth Circuit Reiterates Procedural Requirements, Warns Against ALJ's Reframing*	Janelle Mercado
• CA Public Records Act Update*	Kirstin Comstock
• Dyslexia Guidelines Update	
• Office of Administrative Hearing Filings*	
• Fiscal Update*	Robert Steponovich
SELPA Updates	
• Caseload Overages	Ginese Quann
• CCSESA Grant	
• 2017-18 Steering Dates*	
• Leadership Academy*	
• Professional Learning Update*	Kevin Schaefer
• Teacher Academy*	
• Suicide Prevention Manual	Crystal Keith & Katelyn James
• Frequency and Duration for Services	Kirstin Comstock
• CAASPP Update*	Christina French, Janelle Mercado & Moises Buhain
• SEIS and CASEMIS Data Management Best Practices*	Sharon Smit
• Plan Type 30*	
• CASEMIS to Calpads Transition	
• Personnel Data Report	
Lunch	
Program/Fiscal Workshop	Robert Steponovich & Ginese Quann

*Denotes a handout included in the packet
During and after the Steering meeting, participants will have time to connect with colleagues and program specialists.

Calif. Ed Department Reorganizes Into Teams

By Contributing Blogger
Education Week
April 10, 2017



The California Department of Education is reorganizing, cutting the number of educational support branches from four to three and integrating them with department-wide teams. Here's a conceptual illustration of CDE's *Teaming Up for Success* structure. (Graphic: CDE)

By Tom Torlakson and Glen Price

Previously, we have written about California's approach to continuous improvement...to becoming a learning state. We noted that this requires rigorous cycles of inquiry and stakeholder engagement for success. Subsequently, we described the CDE's developing approach to professional learning that supports continuous improvement, building on our team's internal resources. This brief looks at the kinds of internal organizational changes CDE is undertaking to support our state's progress meeting Local Control Funding Formula (LCFF) priorities. We call this, "Teaming Up For Success."

Changing Almost Everything

Six years ago California began a transformative journey in public education, traveling on what has become known as the "California Way."

Our ultimate destination: Successful implementation of the California Standards and the ongoing improvement of student learning. To reach that destination, the work by necessity touches on the entirety of California's education spectrum, including: standards, funding, accountability, and continuous improvement supports. As State Board of Education (SBE) President **Michael Kirst** wrote in a 2013 article, "This changes almost everything."

That same year, the Legislature adopted, and Gov. Jerry Brown signed into law, the most fundamental overhaul of public education funding in decades, the Local Control Funding Formula (LCFF).

With LCFF, the state returned more funding control and decision-making to local school districts, and focused revenues on students who most need support, including English learners, low-income students, and foster youth. Along with their increased autonomy, LCCF requires the development and implementation of Local Control Accountability Plans (LCAPs) by school districts and charters working with their key local stakeholders. LCAPs articulate goals and actions designed to improve student outcomes and align spending decisions with those goals.

The LCFF legislation also directed the SBE to adopt new accountability systems. Parents and educators understand that a single number can't possibly describe district and school progress, achievements, and areas for improvement. California needs and deserves a better system.

Now it is here: the **"California School Dashboard,"** now available for field testing, provides an easy-to-use, online accountability tool reporting on school and district performance and supporting improvements.

At the same time that California's state systems have been undergoing radical change, federal supports for education have been equally transformed. The Federal Every Student Succeeds Act (ESSA) gives California the opportunity to streamline local, state, and federal requirements into a single, coherent system for planning, accountability, and continuous improvement and support.

The Challenge

While change has touched nearly every other aspect of California's education system, our statewide **organizational systems** still look, for the most part, the same as they did pre-LCFF and ESSA.

These structures are typically vertically organized in top-down systems reflecting the categorical nature of **previous** state and federal funding support for education. Yet, the LCFF vision calls for new forms of integration, service delivery, and continuous improvement systems that cut across these structures. Effective services for foster youth, for example, should draw upon curriculum, instruction, expanded learning, early education and other supports, all delivered in an integrated fashion.

While LCFF prioritized funding for student populations that need it most, it did not increase overall education funding levels. This means that every dollar allocated to education is precious and must be used as efficiently as possible. This is especially true for the CDE, which has yet to have its funding restored to pre-Recession levels.

And, at CDE, we believe strongly in a team approach. Dialogue and effective collaboration should guide all decision-making and support systems.

To deliver on the promise of LCFF and ESSA, maximize the use of precious resources, and support continuous improvement through effective teamwork, we must look to a future where we rethink **how** CDE is organized and structured to serve districts, schools and educators. That future must be now.

The CDE Response: ***Teaming up for Success***

CDE's fundamental department organization chart has remained similar for decades.

We have more than 20 divisions with about 1,400-Sacramento based employees and another 1,000 at other sites in the state. It's a big team, and six years ago CDE began tapping into the deep reservoirs of knowledge, expertise and experience of all staff members.

This included initial work with "Integrated Action Teams," which combined staff resources across branches and divisions, focused on outcomes. Key learnings from this work have led to current initiatives with CDE-wide action teams.

One of the best examples is the LCAP Support Team, which includes members from relevant divisions throughout CDE with expertise regarding the ten LCFF priorities. Key accomplishments to date of the LCAP Support Team include supporting the revision of the LCAP Template, adopted by the State Board of Education (SBE) in November 2016. This work reflected the collaborative efforts of SBE staff, the LCAP Support Team, California County Superintendents Educational Services Association (CCSESA), WestEd, and stakeholders throughout the state.

In another example, the 2015 report of **California's Special Education Task Force** called for a unified education system in which all children, including students with disabilities, are considered general education students first and foremost. The report envisions general education and special education working seamlessly together as one system designed to address the needs of all students. In order to realize these far-reaching recommendations, CDE formed the One System Action Team, drawing together members with diverse skills and expertise from throughout the department.

With the successful implementation of the California Standards and the improvement of student learning as our ultimate goal, CDE is realigning itself to move from its current structure of five vertical branches to four including accountability support, continuous improvement support, and systems support. The legal and audit branch will remain as currently structured. This change moves "like-to-like" elements together to foster building communities of practice within CDE (see table below).

Branch Team	Primary Responsibility
Accountability Support	Continue development and ongoing continuous improvement of the California School Dashboard and related accountability systems
Continuous Improvement Support	Evaluate CDE Continuous Improvement Support Systems, focusing on effective standards
Systems Support	Provide strong and innovative support systems; charter schools, and state special schools

The work of these branches will be supported by five networked CDE-wide teams: *California Support Network, California Leadership Initiative, Integrated Planning Support, One System/Whole Child, and Team Advancement* (see table below).

CDE-Wide Team	Primary Responsibility
California Support Network	*Integrated state and federal support systems*
California Leadership Initiative	*Educator Capacity Building Support*
One System/Whole Child Integration	*Continue building CDE-wide integration of the "one system" concept serving the whole child*
Integrated Planning Support	*Supports for LEA and school-level planning and evaluation*
CDE Team Advancement	*CDE internal capacity building support*

We're working now to realize full implementation of the new *Teaming Up For Success* structure by July 1, 2017. It is hard work, but we're confident that it will propel us to more effective

21st century systems that are more responsive to educators, schools, and districts working to realize the potential of the LCFF.

California as National Lighthouse

California can, and should, serve as a lighthouse for the nation as we continuously improve our public schools. To make this progress, we must organize each of our organizations to meet the challenge of this new era, to support our own constituencies and each other. It is simply not realistic to expect systems and organizational structures organized for different needs and times to meet 21st century expectations.

CDE has started by looking inward to identify the resources, find the ways, and build the teams necessary to support continuous improvement. We encourage all County Offices of Education (COEs), LEAs, intermediaries, statewide associations, and others to join us to reflect and act on our how we should all be best organized and best serve our state's children.

We know that the need for continuous improvement activity in our schools and districts far outstrips the available financial resources. Our ability to successfully implement the California Standards, California's education success, hinges on new forms of networked support systems. It's an old story in public education, too few dollars stretched thin, but today's solutions must involve new approaches. Let's start with a focus on our most available resource—ourselves.

New educational systems require new thinking and new forms of organization. California has already redesigned finances, standards, accountability, and more. But our new systems will function best when we support each other effectively at all levels. Ultimately, we envision a California Support Network, comprised of organizations and networks statewide that provides ready access to the supports and resources needed for ongoing continuous improvement in districts and schools. This is the kind of *Teaming Up For Success*, our children need and deserve.

(Tom Torlakson is California's superintendent of public instruction. Glen Price is a chief deputy of the California Department of Education.)

EdSource
HIGHLIGHTING STRATEGIES FOR STUDENT SUCCESS

Two-decade old legal battle over special education oversight nears resolution, brings major changes

Author: JANE MEREDITH ADAMS

The California Department of Education said last week that it will comply with a federal court order to improve significantly its system for monitoring special education, after years of legal maneuvering to block the changes.

The department said it would end its legal challenges and follow a "corrective action plan" for special education monitoring issued in 2014 by the U.S. District Court of Northern California in San Francisco. On March 9, the Ninth Circuit Court of Appeals issued a mandate upholding its December decision that the state must comply with the district court order to follow the corrective action plan. The department had sought a rehearing, after losing its appeal to overturn

the order. Legal recourse would be an appeal to the high court, which the department said it had rejected.

“We are not considering an appeal to the U.S. Supreme Court,” Cynthia Butler, a spokeswoman for the California Department of Education said in an email Monday. “We are continuing to work on the corrective action plan imposed by the court monitor.”

Advocates for students who receive special education services welcomed the news. “The California Department of Education must now comply with the corrective action plan and reform its dysfunctional state-level monitoring system,” said William Koski, an attorney from Stanford Law School’s Youth & Education Law Project. Koski is one of several public advocacy attorneys representing the plaintiffs in a 1996 class action lawsuit, Emma C. et al. v. Delaine Eastin et al., that led to the corrective action plan.

“The corrective action plan requires reforms to the design of CDE’s state-level monitoring system that will benefit all concerned about CDE’s responsibilities to monitor and enforce special education laws,” said Larisa Cummings, a staff attorney at the Disability Rights Education and Defense Fund who is representing the plaintiffs in the Emma C. lawsuit.

The changes in monitoring come as California is taking steps to address a root concern about special education services statewide: why many students with disabilities, about 85 percent of whom have no intellectual disability, are not receiving the supports that would allow them to achieve at the same high level as their peers, according to the Statewide Special Education Task Force final report in 2015. Achievement levels for students with disabilities in California are among the lowest in the nation, the report found. Changes in credentialing requirements for special education and general education teachers, urged by the task force, now are underway as part of a strategy to bring all students — those with or without disabilities — into a unified teaching and administrative system to improve outcomes.

The corrective action plan emerged from a long running 2003 consent decree that settled the Emma C. lawsuit and continues to govern special education services in East Palo Alto’s K-8 Ravenswood City School District. The lawsuit, brought by eight students in the Ravenswood district, alleged

erratic or nonexistent special education services in the district, as well as poor oversight by the California Department of Education.

Under the terms of the consent decree, the California Department of Education agreed to monitor improvements in special education in Ravenswood in areas including staff training, student assessments, the creation of individualized education plans and the integration of students with disabilities into general classrooms.

And the department agreed to submit its monitoring system to a court monitor, appointed by Judge Thelton Henderson of the U.S. District Court, who would determine whether the system is "capable of ensuring continued compliance with the law" to serve children with disabilities in Ravenswood. Both the Ravenswood plaintiffs and the California Department of Education agreed in the consent decree to grant the court "broad authority" to review and improve the state monitoring system, the Ninth Circuit Court of Appeals noted.

While the consent decree concerns the corrective action plan only as it applies to the monitoring of the Ravenswood district, changes to the monitoring system would likely affect oversight of special education in other districts, said Karli Eisenberg, a deputy attorney general representing the California Department of Education. Eisenberg argued before the Ninth Circuit Court of Appeals in San Francisco in November that changes to its monitoring system should not apply to how the department monitors districts across the state.

"The parties to this action signed a consent decree outlining an agreed-upon remedy, the Ravenswood corrective action plan," Eisenberg said to a panel of three judges. "Over 10 years later, the district court has imposed an entirely new remedy, a statewide corrective action plan, affecting not just the 400 (special education) students in Ravenswood but the 600,000 students statewide receiving special education services."

The judges – Chief Judge Sidney Thomas and Judges Michelle Friedland Alex Kozinski – quickly got to the heart of the state's approach to monitoring special education.

Friedland asked Koski: "Am I understanding that basically it's the state who said if you're challenging Ravenswood's monitoring, you're really challenging

the whole state because it's a uniform system? Is it the state that said we just have one system so it is the whole state?"

Koski: "The state has offered only one system, so that's exactly right."

The plan requires the California Department of Education to create a monitoring system that uses more rigorous data collection, program evaluation and intervention to ensure that a district is in compliance with the federal Individuals with Disabilities Education Act. It calls for the state to explain precisely how it determines, among other measures, that a district is identifying children in need of services and providing students with disabilities who are suspended with behavioral supports that could allow them to remain in class.

The California Department of Education has been taking steps to comply with the corrective action plan since it was first ordered in 2014, after losing its motion in district court to stay the order while the department worked to overturn it. Maureen Burness, co-executive director of the Statewide Special Education Task Force said the Emma C. consent decree already has spurred changes in special education policy.

"I have been in several different meetings over the last few years where the ongoing status of that (Emma C.) case has been claimed as the reason for the increase in monitoring from the state department of education," Burness said.

In the Ravenswood district, the termination of the consent decree depends on two factors: evidence that Ravenswood has met its improvement goals and proof that the state has a monitoring system that will keep Ravenswood improvements in compliance with federal law.

"We are on the verge of having Ravenswood come into full compliance with the Ravenswood self-improvement plan," Koski said. But before that can happen, he said, "the state must have in place a system to ensure compliance with the law."

He added, "The federal court has looked at the state-level special education monitoring system and found it lacking under the Individuals with Disabilities Education Act and under the consent decree."

Fagen Friedman & Fulfrost LLP

F3 NewsFlash®

No. 17-06 MARCH 2017

U.S. Supreme Court: Adequacy of IEP Depends on "Unique Circumstances of the Child"

In a unanimous decision, the U.S. Supreme Court ruled that in order to meet their substantive obligations to provide a free appropriate public education ("FAPE") under the Individuals with Disabilities Education Act ("IDEA"), school districts must offer an individualized education program ("IEP") "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." (*Endrew F. v. Douglas County School Dist. RE-1* (No. 15-827, March 22, 2017).)

The Court agreed with the approach established in its 1983 decision in *Rowley v. Board of Education of the Hendrick Hudson Central School District* that "any review of an IEP must appreciate that the question is whether the IEP is reasonable, not whether the court regards it as ideal." It added that "*Rowley* sheds light on what appropriate progress will look like in many cases: For a child fully integrated in the regular classroom, an IEP typically should be 'reasonably calculated to enable the child to achieve passing marks and advance from grade to grade.'"

What Does This Decision Mean for School Districts?

For California school districts, the *Endrew F.* decision underscores the importance of thorough assessments—and reassessments—to ensure an understanding of the student's "circumstances" when developing or revising his or her IEP.

Districts should also take steps to improve their record-keeping and reporting on the child's progress toward his or her IEP goals throughout the year and should reconvene the IEP team as necessary to review the goals and progress "in light of the child's circumstances."

Noting that *Rowley* did not provide concrete guidance with respect to a child who is not fully integrated in the general classroom and not able to achieve on grade level, the Court explicitly rejected the "merely more than *de minimis*" test for educational progress applied by the 10th Circuit. It stated that "it cannot be right that the IDEA generally contemplates grade-level advancement for children with disabilities who are fully integrated in the regular classroom, but is satisfied with barely more than *de minimis* progress for children who are not."

Declining to establish any "bright-line" rule, the Court stated that "the adequacy of a given IEP turns on the unique circumstances of the child for whom it was created." It added that the absence of such a bright-line rule should not be mistaken for "an invitation to the courts to substitute their own notions of sound educational policy for those of the school authorities which they review. At the same time, deference is based on the application of expertise and the exercise of judgment by school authorities."

The Court declined to embrace the argument by the parents that the IDEA requires districts to provide students with educational opportunities that are substantially equal to the opportunities afforded children without disabilities: "Mindful that Congress has not materially changed the statutory definition of a

FAPE since *Rowley* was decided, this Court declines to interpret the FAPE provision in a manner so plainly at odds with the Court's analysis in that case."

The Court vacated the underlying decision of the 10th Circuit and returned the case for further proceedings consistent with its opinion.

If you have any questions regarding this matter, please call one of our six offices.

F3 NewsFlash® prepared by Jonathan P. Read, Jan E. Tomsky, Jordan I. Bilbeisi and John W. Norlin.

This F3 NewsFlash® is a summary only and not legal advice. We recommend that you consult with legal counsel to determine how this legal development may apply to your specific facts and circumstances. Information on a free NewsFlash subscription can be found at www.f3law.com.

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High Court Rules Public Schools Must Do More To Educate Special-Needs Kids

By: Caitlin Emma
Politoco
March 22, 2017

The Supreme Court ruled Wednesday that school districts must go the extra mile to accommodate students with disabilities in a unanimous decision that could dramatically expand the rights of special education students.

All eight justices sided with the Colorado student in the case, *Endrew F. v. Douglas County School District*, in one of the most significant special education cases in decades. Endrew was diagnosed with autism and his parents feel his public school and individualized education program had failed him. They sought reimbursement for the cost of sending him to private school.

The ruling is a major victory for special education advocacy groups. The higher standard has been endorsed by the Obama administration, more than 100 current and former Democratic members of Congress and a host of special education advocates. However, school officials have warned that imposing higher standards could be prohibitively expensive for some districts.

In 1982, the Supreme Court ruled that an individualized education program should provide students with "some educational benefit. Since then, several lower court rulings have essentially adopted that standard, including one written by Supreme Court nominee Neil Gorsuch, holding that a child must show minimal gains from an individualized education plan for a school to have complied with the law.

Questioned about the high court ruling handed down during his confirmation hearing, Gorsuch said his own opinion was "wrong" and "I'm sorry" for it — but that he had been bound by precedent.

"If anyone is suggesting that I like a result where an autistic child happens to lose, that's a heartbreaking accusation to me," Gorsuch said. "Heartbreaking."

The Individuals with Disabilities Education Act requires public schools to provide students with disabilities a "free appropriate public education" — commonly called the FAPE requirement. But lower courts have split on what that means.

Chief Justice John Roberts wrote for the court that a "child's education program must be appropriately ambitious in light of his circumstances, just as advancement from grade to grade is appropriately ambitious for most children in the regular classroom."

"The goals may differ, but every child should have the chance to meet challenging objectives. This standard is more demanding than the 'merely more than de minimis' test applied by the Tenth Circuit."

Roberts declined to interpret that FAPE provision or elaborate on “appropriate" -- "mindful that Congress has not materially changed the statutory definition of a FAPE since Rowley was decided."

But he said the requirement must be “an educational program reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”

The Council of Parent Attorneys and Advocates, an advocacy group, hailed the decision as “transformative in the lives of the students and families for whom the law is intended to benefit.”

Endrew’s parents told the Douglas County School District in Colorado they were withdrawing him from public school where he had gone through kindergarten through fourth grade, and sending him to a private school that specializes in teaching children with autism. They sought reimbursement for his private education. The school district countered that because Endrew made some progress in an individualized education program, he had received a free appropriate public education under the scope of federal law.

During oral arguments in January, Roberts and Justice Samuel Alito both asked about the potential financial burden that a higher bar might place on schools and districts. But an attorney representing Endrew’s parents contended that high-cost instances, such as districts footing private school tuition, would be a rarity.

Francisco Negrón, chief legal officer at the National School Boards Association, said school districts will likely have to reexamine their educational programs in light of the decision. He said he hoped the ruling doesn’t create undue costs and confusion.“

Special education is very expensive for school districts to provide,” Negrón told POLITICO last month. If the court sets a higher bar, "districts would have to potentially look at every student’s individual plan and modify it.”

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

February 27, 2017

Mr. Patrick J. Zacchini
Chief Compliance Officer
Sonoran Schools Inc.
2430 West Ray Road, Suite 3
Chandler, Arizona 85224

Dear Mr. Zacchini:

This letter responds to your June 27, 2016 correspondence to the U.S. Department of Education's (Department's) Family Policy Compliance Office. Your inquiry was forwarded to the Office of Special Education Programs for response. We apologize for the delay in responding.

In your correspondence, you requested clarification regarding when and how parents must be notified before records containing personally identifiable information are destroyed under Part B of the Individuals with Disabilities Education Act (IDEA). Specifically, you asked whether, under 34 CFR §300.624, the school district must specifically notify parents at the time the district intends to destroy the records or whether such notice must be provided at the time the records are no longer needed.

Under 34 CFR §300.624 of the IDEA Part B regulations, a public agency must inform parents when personally identifiable information collected, maintained, or used under Part B of the IDEA is no longer needed to provide educational services to the child. 34 CFR §300.624(a). Additionally, personally identifiable information must be destroyed at the request of the parents once it is no longer needed. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 34 CFR §300.624(b).

As discussed in the Analysis and Comments accompanying the 1999 IDEA Part B regulations, the notice required in 34 CFR §300.624(a) would normally be provided to the parent and student when the student graduates (typically the earlier of when the student receives a regular high school diploma or at age 21) or otherwise leaves the public agency. See: Assistance to States for the Education of Children With Disabilities and the Early Intervention Program for Infants and Toddlers With Disabilities, Final Rule, 64 Fed. Reg. 12406, 12642 (March 12, 1999). Therefore, we do not believe it is necessary to also provide this notice at the point in time when the district meets its record retention requirement and intends to destroy the special education records.[1]

[1] IDEA records must be retained consistent with the record retention requirements in 2 CFR §200.333, and when actually applied, this record retention time period is at least five and a half years. The provision in 2 CFR §200.333 requires "Financial records, supporting documents, statistical records, and all other non-Federal entity records

We also note that in informing parents about their rights under this section, it would be helpful if the public agency reminds them that the education records (such as the individualized education program) may be needed by the student or parents for other purposes, such as accommodations for employment or higher education, public benefits and insurance, and private insurance. In instances in which an agency intends to destroy personally identifiable information that is no longer needed to provide services to the student (such as after the student has graduated from, or otherwise leaves the agency's program), and informs parents of that determination, the parents may want to exercise their right to access those records and request copies of the records that they will need to acquire post-school benefits in the future. 64 Fed. Reg. 12406, 12643.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation of the IDEA by the Department in the context of the specific facts presented.

If you have any further questions, please do not hesitate to contact Lisa Pagano at 202-245-7413 or by email at Lisa.Pagano@ed.gov.

Sincerely,

/s/

Ruth E. Ryder
Acting Director
Office of Special Education Programs

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pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report." This three-year period runs from when the final expenditure report is submitted (and it is due generally 90 days from the end of the performance period, which is typically when Federal fiscal year (FFY) funds are no longer available for obligation). Under 34 CFR §76.709, if a State does not obligate all of its IDEA grant funds by the end of the fiscal year for which Congress appropriated the funds, it may obligate those funds during a carryover period of one additional year. For example, under an IDEA Part B grant for FFY 2014 awarded on July 1, 2014, a State could obligate such FFY 2014 funds during the period July 1, 2014 through September 30, 2016. The final expenditure report for that FFY 2014 award would then be due, and typically submitted, on December 30, 2016, and thus, all records created during that period pertinent to that FFY 2014 grant would need to be retained until December 30, 2019, regardless of whether the record pertained to an obligation entered into on the first or the last day those funds are available for obligation. Given that a State generally submits its final expenditure report two and a half years after it receives its IDEA grant, the record retention period can extend to five and a half years from the date an IDEA record was created and the minimal record retention period is thus five and a half years. A number of States have adopted a six-year record retention timeline for IDEA records given that State and Federal fiscal years do not always align and such a timeline is consistent with these requirements.

Differentiated Destruction: OSEP Issues Guidance on Destroying Special Education Records

March 28, 2017

Author: Heather Edwards, Attorney at Law

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The Office of Special Education Programs ("OSEP") recently issued guidance clarifying when and how parents must be notified before records containing personally identifiable information ("PII") are destroyed under the Individuals with Disabilities Education Act ("IDEA"). *Letter to Zacchini*, 69 IDELR 188 (February 27, 2017).

Federal regulations require local educational agencies ("LEAs") to (1) inform parents of children with disabilities when PII collected, maintained, or used under IDEA is no longer needed to provide educational services to the child; and (2) destroy PII at the request of the parent once it is no longer needed. 34 CFR §§ 300.624(a), (b). However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. 34 CFR § 300.624(b), *see also*, 5 C.C.R. § 430 et seq. [state regulations governing classification, retention, and destruction of pupil records].

Typically, LEAs provide the required notice to the parent and student when the student graduates (i.e., receives a regular high school diploma or ages out) or otherwise leaves the LEA. OSEP has clarified that an LEA is not required to also provide this notice to parents when it actually destroys a student's special education records that are no longer needed or deletes them from its database. Rather, it is sufficient if the LEA informs parents that the records are unnecessary at the time that the LEA makes that determination.

OSEP explained that LEAs should also remind parents that they may require the records, such as an IEP, for other purposes, including college or employment accommodations, public benefits, or insurance. As a result, parents may want to exercise their right to access those records and request copies of the records that they will need to acquire post-school benefits in the future before they are destroyed.

While OSEP's guidance is informal and is not legally binding, it represents an interpretation of the IDEA by the U.S. Department of Education in the context of the specific facts presented. In addition, this guidance serves as an important reminder for LEAs to ensure their policies and procedures for retention and destruction of student records meet the state and federal legal requirements for students with disabilities.

Special Education
April 3, 2017

AALRR Alert

The Ninth Circuit Reiterates Procedural Requirements, Warns Against ALJ's Reframing of Hearing Issues, and Identifies Consequences for a School District's Failure to Timely Respond to Due Process Complaints

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On March 27, 2017, the Ninth Circuit Court of Appeals issued a decision in *M.C. v. Antelope Valley Union High School District* that touches on several issues significant to special education practice and procedures.

The Student at issue in *Antelope Valley* was eligible for special education under the Individuals with Disabilities Education Improvement Act ("IDEA") as a result of a genetic disorder that rendered him blind. He was provided services on an Individualized Education Program ("IEP") with parent consent, although parents did not agree the IEP provided him a free appropriate public education ("FAPE"). Student's parents challenged the IEP for, among other reasons, failing to adequately document the services provided by a teacher of the visually impaired ("TVI") and failing to specify the Assistive Technology ("AT") devices provided. The IEP signed by the parents included an offer of 240 minutes per month, but, according to the District, this was a mistake and the offer was in fact 240 minutes per week. Although the District realized the mistake a week later, it did not notify the parents for more than a month and "unilaterally amended the IEP by changing the offer of TVI services to 240 minutes per week." Parents were not notified of this change or provided a copy of the IEP Amendment. Similarly the AT devices that were to be provided to Student were not specified.

In finding that these actions amounted to a procedural violation of the IDEA, at least one of which resulted in a denial of a FAPE to the Student, the Ninth Circuit reiterated the parents' right to meaningfully participate in the IEP process and the need for school districts to provide clear, accurate written offers of placement. In so ruling, the court rejected the district court's conclusion that the parents had waived their right to raise the issue of TVI services because the due process complaint filed by the parents was superseded by the Administrative Law Judge's ("ALJ's") restatement of the issues, which omitted the adequacy of the TVI services.

Rather, the Ninth Circuit noted that the parents were not aware that the District had unilaterally changed the IEP until after the ALJ had restated the issues, and, therefore, could not have raised this procedural violation. Further, not even the IEP Amendment provided an accurate statement of the services, which were intended to be offered as 300 minutes of TVI services per week. Finally, the court found that the parties had presented evidence on the issue at hearing, such that the issue has not been waived and should have been treated as raised. Significantly, the court questioned the wisdom of ALJ's restating or reorganizing issues presented by parents, especially when they are represented by counsel and the issues are stated intelligibly in the

--> "The Ninth Circuit reminds school districts that they must file a timely answer to a due process complaint, or else the Administrative Law Judgment must not go forward with the hearing, and the district will be responsible for costs, including any prejudice to the student, as a result of the delay."

complaint, as parties bringing a due process complaint are entitled to frame their own issues.

Finally, the court chided the school district for not having responded to the parents' due process complaint. Had the district done so, the Ninth Circuit believed it was possible the conflict and litigation that followed could have been avoided. Here, the court noted that the school district did not just miss the 10-day response deadline, it failed to ever respond at all to the complaint. After explaining the value of responses to complaints, the Ninth Circuit stated: "When a school district fails to file a timely answer, the ALJ must not go forward with the hearing. Rather, it must order a response and shift the cost of the delay to the school district, regardless of who is ultimately the prevailing party." The court then remanded the case back to the district court to determine both the prejudice the Student suffered as a result of the District's failure to respond and the award of appropriate compensation as a result.

Significance/Impact on School Districts and County Offices of Education

The Ninth Circuit's decision serves as a strong reminder of the need to accurately capture the offer of FAPE in the IEP document so that parents understand the services and placement offer to which they are consenting. Language in the court's decision concerning the importance of parental participation in the IEP process is consistent with a long line of cases that have highlighted the significance of this procedural right. School districts and other local educational agencies ("LEAs") responsible for offering/providing a FAPE must be careful to accurately document the placement and services offered in the IEP and, if mistakes are identified, must notify parents of the error right away, reconvene the IEP team and amend the IEP to correct the mistake. If parents are comfortable with correcting the IEP via an IEP Amendment without convening the IEP team, the school district may do so with parent consent.

Given the consequences outlined by the court for a district's failure to timely respond to a parents' due process complaint, LEAs must be vigilant about staying on top of the 10-day response timeline and not allow due process complaints to go without response. To do otherwise will result in costs being assessed against the district as a result of the delay and any harm the student experienced as a result.

If you have any questions regarding the issues discussed above please contact an attorney in our special education department.

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Fagen Friedman & Fulfrost LLP

F3 NewsFlash®

No. 17-05 MARCH 2017

California Supreme Court: Personal Emails and Texts May be Subject to PRA Requests

On March 2, 2017, the California Supreme Court unanimously held that when a public employee or official uses a personal account to communicate about the conduct of public business, the communication may be subject to disclosure under the California Public Records Act ("PRA"). (*City of San Jose v. Superior Court of Santa Clara County* (S218066, March 2, 2017).) In effect, this means that if an agency employee or official discusses public agency business on his or her personal email account, cell phone, computer or other electronic means, the agency may be required to disclose those communications.

Practical Pointers

Q. What does this decision mean for school districts?

A. The decision by the California Supreme Court means that if a district employee or official is conducting district business on his or her personal email account, cell phone, computer or by other electronic means or devices, such records might be responsive to a PRA request.

This is a significant decision that likely raises many questions for public agencies, including:

When does a communication on a private account become a "public record"?
A key aspect of the Court's holding was that, when determining whether a writing constitutes a "public record," what matters most is the *content* of the writing, and not necessarily how and where the writing is stored. The Court stated that incidental mentions of agency business are insufficient to make a writing a public record. At a minimum, the writing must relate in some substantive way to the conduct of the public's business. The Court acknowledged that this will not always be clear, and it is not so broad as to include "every piece of information the public may find interesting." For example, this generally does not include communications that are primarily personal.

Whose personal accounts could contain "public records"?
The Court clarified that *any* employee or official may create a "public record," even if the writing is prepared and maintained on his or her private account. For public school districts, for example, this would include school board members, administrators, teachers, classified employees and any other employee who prepares a writing that substantively relates to the district's business.

How should public agencies search for records not in their possession?
Perhaps the most difficult question raised by this decision is how agencies should search for public records on private accounts. The Court noted that a public record retained by a public employee or official is "retained by" the agency itself, even if located on the employee's or official's personal account. In other words, the agency has "constructive" possession of the record. Must the agency then search an employee's or official's personal account to comply with a PRA request?

In short, no. The Court clarified that the agency need only make a "reasonable effort" to locate public records on a private account, and each agency may develop its own policies that respect individual privacy. The Court did not go further by providing a legal standard for addressing privacy concerns, instead stating that these issues should be considered on a case-by-case basis.

The Court also provided guidance on how agencies may search for records. For example, the Court indicated that, after communicating the request to the employees in question, an agency may reasonably rely on those employees to search their own personal accounts for responsive material. Agencies could also require employees to submit an affidavit confirming that any material withheld was not responsive to the request.

What should public agencies do in response to this decision?
At a minimum, public agencies should immediately review—and if necessary revise—their policies and practices related to employees' and officials' use of electronic communication to conduct agency business, as well as records retention policies and PRA response protocols. Agencies should also ensure all employees and officials are trained on these policies, including how to distinguish personal records from public records.

Agencies may also consider adopting policies that require employees and officials to use their public agency accounts when conducting agency business, thereby reducing the likelihood that public records will be on private accounts.

Finally, when reviewing these policies and procedures, agencies should keep in mind the Court's underlying policy consideration, that public agencies may not evade the PRA by communicating through personal accounts. To do so, the Court explained, could allow employees and officials to "hide their most sensitive, and potentially damning, discussions in such accounts."

If you have any questions regarding this decision and how it affects your agency, please call one of our six offices.

F3 NewsFlash® prepared by Gretchen Shipley, Kaley Lichtman, Jordan Bilbeisi, and John Norlin.
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California Supreme Court Expands Access for Public Records Act Requests

March 13, 2017

Author: Michael Tucker, Attorney at Law

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Summary

The California Supreme Court ruled that government officials are required to search personal devices and accounts for documents related to government business and disclose that information when a Public Records Act request is made.

Facts

In *City of San Jose v. Superior Court of Santa Clara County*, an individual requested documents related to government activity located in a government official's personal email account with a Public Records Act request. The request also included emails and text messages from the official's private cell phone. The City denied the request as to the private email accounts and cell phones as traditionally privately maintained accounts and devices were not subject to Public Records Act requests.

Discussion

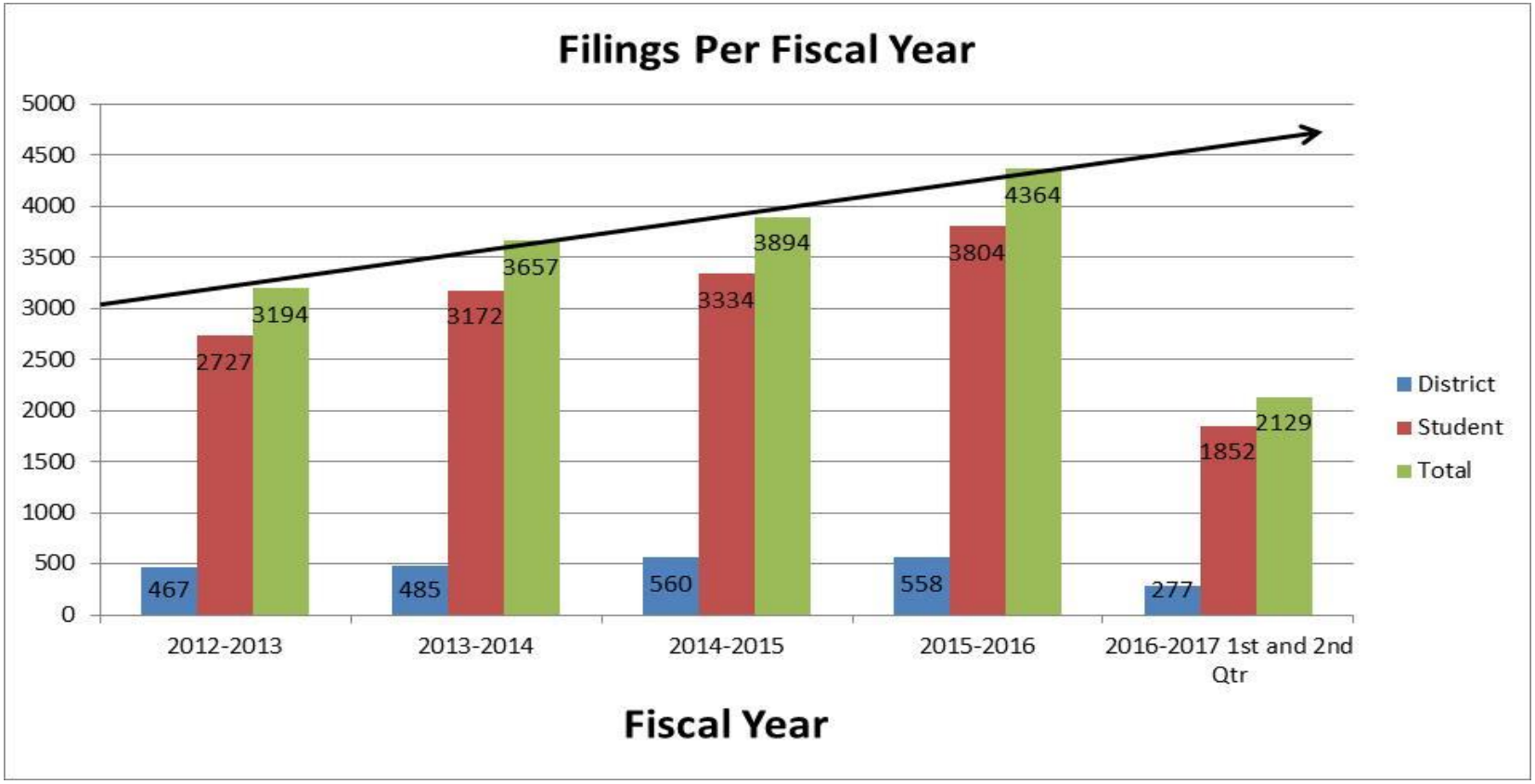
The Court summarized the issue as "Are writings concerning the conduct of public business beyond CPRA"s reach merely because they were sent or received using a nongovernmental account?" Considering the intent of the Public Records Act, the court determined that allowing a government official to conduct government business using private accounts and devices would essentially create an exception to the Public Records Act.

The Court found that documents containing "information relating to the conduct of the public's business" is subject to the Act even if maintained on an officials private account or device.

Conclusion

The law, like the Public Records Act, is slowly catching up to the popularity of personal electronic devices. As such, the Court here essentially ruled that the intent of the Public Records Act to ensure openness in government prevents officials from preventing the disclosure of government information by using personal accounts and devices.

This case also serves as a valuable reminder of the public's broad power to request information from government agencies. Therefore, government employees should take special care when using personal accounts and devices for government purposes.


Filings Per Fiscal Year
5000
4500
4000
3500
3000
2500
2000
1500
1000
500
0
467
2727
3194
485
3172
3657
560
3334
3894
558
3804
4364
277
1852
2129
2012-2013
2013-2014
2014-2015
2015-2016
2016-2017 1st and 2nd Qtr
Fiscal Year
District
Student
Total

*District Filings by Quarter		1st	2nd	3rd	4th
2012-2013		105	108	119	135
2013-2014		122	109	119	135
2014-2015		124	121	158	157
2015-2016		102	120	161	175
2016-2017		137	140		

1st + 2nd	3rd + 4th	% Increase over 1st half of Fiscal Year
213	254	19.25%
231	254	9.96%
245	315	28.57%
222	336	51.35%
277		

Mental Health Filings By Quarter	1st	2nd	3rd	4th
2012-2013	35	35	48	39
2013-2014	59	51	52	54
2014-2015	54	59	67	68
2015-2016	56	43	42	82
2016-2017	50	49		

1st + 2nd	3rd + 4th	% Increase over 1st half of Fiscal Year
70	87	24.29%
110	106	-3.64%
113	135	19.47%
99	124	25.25%
99		

Office of Admnistrative Hearings - Special Education
Summary of Data Trends

Trend Item		2012-2013	2013-2014	2014-2015	2015-2016	2016-2017 Through 12/31/2016
Case Filings		3,194	3657	3894	4364	2129
	District	467	485	560	558	277
	Student	2727	3172	3334	3806	1852
Decisions Issued		114	121*	83	118*	63
Number of Mediations Held		1859	2025	2186	2286	1093
Mediation Success Rate		65%	64%	63%	61%	57%
Average Hearing Days		4	4	4	4	3.5
Filings with non-English Speaking Students		418	806	843	1022	697
Issues and Remedies						
	ABA	113	224	232	226	164
	Assessment	1500	1950	1933	2200	1023
	Compensatory Education	1374	1688	1865	2365	1227
	Designated Instruction	1823	2387	2658	3094	1225
	Discipline	76	81	68	53	19
	Eligibility	251	400	313	330	143
	Extended School Year	245	363	330	358	159
	Goals and Objectives	412	587	392	343	187
	Mental Health	157	216	248	223	99
	Occupational Therapy	684	850	815	977	438
	One-to-One Aide	569	724	634	925	439
	Placement	1712	2244	2277	2315	1067
	Private Services	183	284	292	287	102
	Procedural	246	503	433	430	202
	Reimbursement	1128	1323	1468	1704	914
	Speech and Language	1013	1265	1147	1382	601
Prevailing Parties						
	Student	8	13	9	29	10
	District	66	64	42	47	23
	Split	40	44	32	41**	27

*These Fiscal Years had the following no. of decisions resulting in case closings: FY 2013-2014: 115; FY 2014-2015: 79; FY 2015-2016: 111; FY 2016-2017: 60.
**These total 117 decisions - one decision resulted in no prevailing party

SELPA ADMINISTRATORS OF CALIFORNIA

FINANCE COMMITTEE
April 2017

1. State News

- In the Governor's Budget Proposal, he lowered the State Revenue projections by 1.6 billion due to revenue shortfalls through December. Even after the lowered revenues, the state has continued to fall short of projections. In February, the revenues were below by 4.9% or $256 million dollars. This shortfall saw all three of the major taxes falling below forecast. Inflation was up to 2.5% and the Feds raised short-term interest rates by .25%. Housing prices dropped 3.8% from December 2016. This information reinforces beliefs that the Governor's May Revise may be even more conservative than usual.
- The Legislative Analyst's Office (LAO) provided an analysis regarding Governor Brown's 3.8 billion dollar proposal for childcare and preschool. Half would go to childcare programs and half to preschool, including increased Transitional Kindergarten (TK) funding. His proposal also contains several policy modifications including licensing requirements, program length and staffing. The LAO has a concern that this will just make the system even more complicated. The LAO recommends that the Legislature reject most of the alignment proposals, including the proposal to allow part-day State Preschool Programs to serve special needs children whose families exceed the income threshold. They feel this might take spots needed by low income children. The LAO thinks there should be a much more holistic approach to serving preschoolers.
- After months of discussion, the California Dashboard has been released and is being introduced as "a work in progress". This release will show LEA performance on four state and four local indicators.
- Two Special Education Funding Bills have been submitted. The Coalition for Adequate Funding is working closely with the authors on these bills.
  - AB 312 (O'Donnell – Long Beach) – The bill proposes to equalize funding for SELPAs to the 90th percentile and also establishes a funding stream for preschoolers with disabilities. These provisions would begin once the LCFF reached full funding. The bill is consistent with recommendations from the Task Force, as well as the Legislative Analyst's Office. It is sponsored by the Coalition for Adequate Funding and the California Association of School Business Officials (CASBO).
  - AB 1449 (Muratsuchi – Manhattan Beach) would require a grant add on that would be based on the percentage of students with exceptional needs. Work on details of this bill is ongoing.

2. Federal News

- Continuing Budget Resolution until April 28.
- Federal Budget Proposal contains a 13% cut for education. Not sure what would be cut. It also contains the following increases:

  $1.4 billion for school choice (vouchers)

  $250 million for private schools

$168 million for charters (this doubles the amount for charters)

- Currently there is much uncertainty at the Federal level. Congress has invoked the Congressional Review Act (CRA) for Title II and ESSA Title I Regulations. This allows Congress to go back 60 legislative days to overturn regulations. President Trump is expected to sign and to overturn the regulations.
- Priorities of the Administration seem to be centered around state autonomy and parental choice.

EL DORADO CHARTERSELPA

THE MASTER CONTRACT: DID YOU KNOW ?

SECURING THE CONTRACT

- Prior to a master contract commencing, the following should be provided to the School/LEA:
  - Copies of teacher/provider credentials
  - Insurance documentation
  - CDE certification letter
  - TB test results
  - CDOJ and FBI clearance

ATTENDANCE AT MEETINGS

- Attendance at an IEP meeting is part of NPA/S's professional responsibility and is not a billable service under the contract.

RECORDS

- The SCHOOL/LEA may choose to give the NPA/S access to SEIS, however is not required to do so.
- NPA/Ss will maintain all records for at least five (5) years after the termination of the master contract.

COMMUNICATION REQUIREMENTS

- All problems and/or concerns reported to parents, both verbal and written, shall also be provided to the SCHOOL/LEA.
- NPA/Ss must notify the SCHOOL/LEA within five school days after NPA/S becomes aware of a student's change of residence.

ASSESSMENTS

- All assessments resulting from an assessment plan shall be provided by the LEA unless the LEA specifies in writing a request that CONTRACTOR perform such additional assessment.
- SCHOOL/LEA will neither execute an ISA nor amend an existing ISA for a student when a recommendation for special education and/or related services is based on assessment(s) or reports provided by NPA/S.

CONTINUED ON BACK

HOME-BASED SERVICES

- Unless the NPA/S is an LCI, all services not provided in the school setting require the presence of a parent, guardian or adult caregiver during the delivery of services.

PROGRESS REPORTS

- Unless SCHOOL/LEA requests in writing that progress reports be provided on a monthly basis, NPA/Ss shall provide to parents at least four (4) written progress reports/report cards per year.
- The NPA/S will provide supporting documentation used to determine progress or lack of progress on approved goals, objectives, transition plans or behavior intervention plans.

RESTRAINT

- Upon the use of any type of physical or mechanical restraint or seclusion of a District student, NPA/S shall complete a Behavioral Emergency Report, which shall go to the parents and SCHOOL/LEA within 24 hours. NPA/S shall also schedule with SCHOOL/LEA an IEP meeting within two (2) days.

INDIVIDUAL SERVICE AGREEMENT (ISA)

- There will be one ISA per student that is served by the NPA/S.

NPS AND RESIDENTIAL

- Total student enrollment should be listed on the CDE certification letter and the NPA/S is limited to that enrollment number.
- Total student enrollment is also limited to the following:
  - NPS class size should not exceed a ratio of 1:12 (one teacher per twelve (12) students), unless the NPS and SCHOOL/LEA agree otherwise in writing
  - With written approval, class size may be temporarily increased to 1:14
- NPA/S will not admit a student on a private pay or tuition free “scholarship” basis and advise the parent(s) to pursue funding for the placement from the SCHOOL/LEA through due process proceedings.

2017-18 Charter SELPA Steering Meetings

Participants:
A Steering Representative has direct oversight of the day-to-day special education operations of the charter school. The representative is designated by the CEO for each charter LEA member. Organization partners that operate more than one charter school may have a single representative for all schools operated. Participation by charter LEAs at steering meetings is strongly encouraged.

Meeting Information:
We strongly encourage physical attendance at these meetings. If you are unable to attend, the steering meetings are also available via the Adobe Connect web-conferencing platform. Participants are able to hear/participate in the meeting. No special software/equipment is required – just a computer with audio capability and an internet connection. Log-in information to participate, along with the meeting agenda and supporting documents, will be made available one week prior to each meeting.

WEDNESDAY, SEPTEMBER 13, 2017

10:00 a.m. – 2:30 p.m.

Online only via Adobe Connect Webinar

WEDNESDAY, OCTOBER 11, 2017

10:00 a.m. – 2:30 p.m.

Oakland Marriott City Center
1001 Broadway
Oakland, CA 94607

WEDNESDAY, NOVEMBER 15, 2017

10:00 a.m. – 2:30 p.m.

Mission Valley DoubleTree
7450 Hazard Center Drive
San Diego, CA 92108

WEDNESDAY, JANUARY 31, 2018

10:00 a.m. – 2:30 p.m.

Hilton Garden Inn San Francisco/Oakland Bay Bridge
1800 Powell Street
Emeryville, CA 94608

WEDNESDAY, APRIL 25, 2018

10:00 a.m. – 2:30 p.m.

Oakland Marriott City Center
1001 Broadway
Oakland, CA 94607

WEDNESDAY, MAY 23, 2018

10:00 a.m. – 2:30 p.m.

Mission Valley DoubleTree
7450 Hazard Center Drive
San Diego, CA 92108

NOTE:

All Steering Committee Meetings will take place from 10 a.m. to 2:30 p.m.

You will receive an email invitation prior to the meeting with further details.

LUNCH IS PROVIDED

Leadership Academy

2017

The Leadership Academy is a week-long, in-depth training focusing on critical skill-development for successful administration of special education programs.

The training brings together a cohort of current or new special education administrators. The focus of the training is to build essential skills to provide special education support and services tailored to your unique charter school's mission, community, and student population. The Leadership Academy focuses on five core special education modules:

- Leadership
- Finance and Resource Management
- Program Design and Implementation
- Student Performance and Outcomes
- Compliance and Legal Responsibilities

***A three-day in-depth academy will also be occuring for past graduates July 25th through 27th.**

July 24-28th
Long Beach, CA

Hotel Maya
Doubletree by Hilton

700 Queensway Drive
Long Beach 90802

Applications available at:
https://goo.gl/AkVrgn

Sponsored by:

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Adriana San Millan
Special Education Services

Professional Learning Opportunities

April – May 2017

CPI Recertification: Half Day	April 27 8:00am – 12:00pm	Fortune School 2890 Gateway Oaks Drive Sacramento, CA
Supporting the Use of Evidence Based Practices for Autism	April 27 8:30am – 3:30pm	SELPA Office 4355 Golden Center Drive Placerville, CA
CPI Certification: Full Day	May 3 8:00am – 4:00pm	Valiente College Prep 8691 California Ave. South Gate, CA
CPI Recertification: Half Day	May 4 8:00am – 12:00pm	Barack Obama Charter School 1726 E 117th Street Los Angeles, CA

For any questions about upcoming professional learning offerings, contact our Professional Learning team at **selpapd@edcoe.org | 530.295.2462**

SAVE THE DATE

2017 TEACHER ACADEMY

A TRAINING FOR SPECIAL EDUCATION TEACHERS

This two-day institute is designed for both new and experienced special education teachers and will incorporate research-based content and activities that will deepen participant knowledge and enhance their educational practices leading to improve outcomes for students with disabilities.

DATE	TIME	LOCATION
August 16 – 17, 2017	9:00 a.m. – 3:30 p.m.	San Diego
August 22 – 23, 2017	9:00 a.m. – 3:30 p.m.	Bay Area

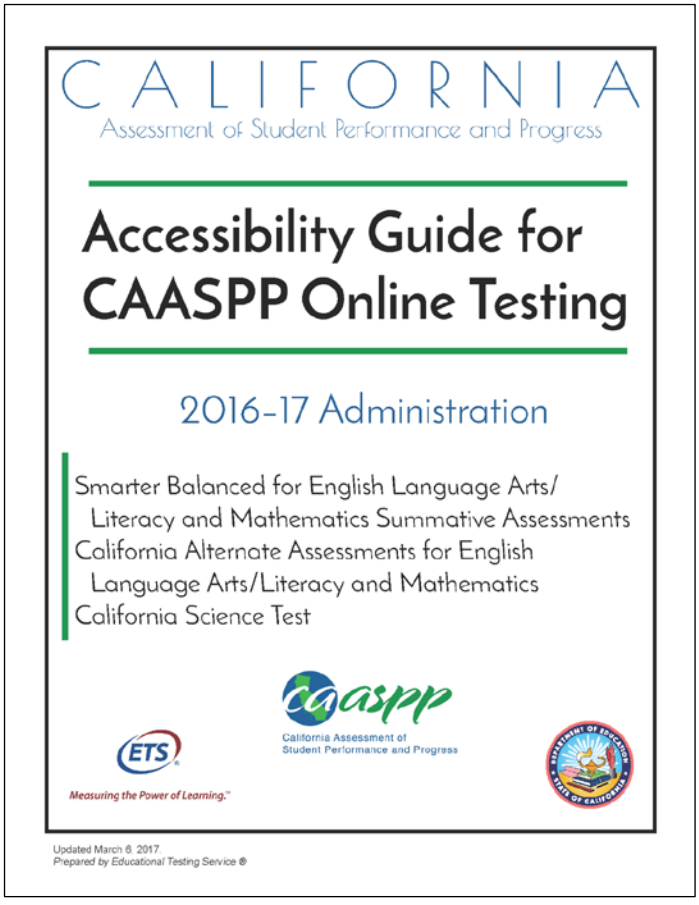
Location, application process and registration information will be forthcoming. Costs for materials is $50.

Participant Outcomes:

- Ensure educational benefit for students with disabilities through the development of a reasonably calculated, compliant IEP when determining FAPE in the LRE.
- Design and deliver specialized academic instruction, including classroom adaptations, based on assessment information.
- Identify and implement positive, preventative behavior management techniques.
- Practice and improve communication and facilitation skills.
- Understand qualifying disability categories and implications for individualized program design.
- Identify the continuum of placement/support options and review a variety of inclusive practices including co-teaching, Universal Design for Learning (UDL), differentiated instruction, site/classroom climate (including students with moderate/severe disabilities).
- Explore general education initiatives and structures that directly impact special education such as Response to Instruction and Intervention (RTI2), Positive Behavioral Interventions (PBIS), Student Study Team (SST) meetings, 504 Plan development.

For more information, email selpapd@edcoe.org

Chapter 1. Accessibility Features for CAASPP Assessments



http://www.caaspp.org/rsc/pdfs/CAASPP.accessibility-guide.2016-17.Chapter-1.pdf

Types of Supports

Additional Resources:

- *Smarter Balanced Usability, Accessibility, and Accommodations Guidelines (UAAG)*—linked on the California Department of Education (CDE) Student Accessibility Supports Web page at http://www.cde.ca.gov/ta/tg/ca/accesssupport.asp
- *Smarter Balanced Resources and Practices Comparison Crosswalk*—linked on the CDE Student Accessibility Supports Web page at http://www.cde.ca.gov/ta/tg/ca/accesssupport.asp
- CDE Matrix One: California Assessment of Student Performance and Progress (CAASPP) Web page—http://www.cde.ca.gov/ta/tg/ai/caasppmatrix1.asp
- CAASPP Smarter Balanced Accessibility Resources documents—linked on the CDE Student Accessibility Supports Web page at http://www.cde.ca.gov/ta/tg/ca/accesssupport.asp
- Embedded Universal Tools, Designated Supports, and Accommodations Video Tutorials Web page—http://www.caaspp.org/training/caaspp/uaag.html
- *Test Operations Management System (TOMS) Pre-Administration Guide for CAASPP Testing*—http://www.caaspp.org/rsc/pdfs/CAASPP.TOMS-pre-admin-guide.2016-17.pdf

The California Assessments for Student Performance and Progress (CAASPP) provides English language arts/literacy (ELA), mathematics, and science assessments that permit students to demonstrate their achievement of the Common Core State Standards and the California Next Generation Science Standards. Assessments are made accessible through a variety of universal tools, designated supports, and accommodations. Students whose individualized education program (IEP) teams designate the use of an alternate assessment take the California Alternate Assessments (CAAs).

To help identify similarities between the assessment resources and classroom practices, Smarter Balanced has developed a *Resources and Practices Comparison Crosswalk*. The *Crosswalk* lists the resources that are currently included in the *Guidelines* document and assists educators and decision-makers by providing a description of both the resource and its classroom equivalent.

Available Accessibility Supports

The summative assessments and practice and training tests contain universal tools, designated supports, and accommodations. Embedded resources are those that are part of the online administration system, whereas non-embedded resources are provided outside of that system.

The following accessibility supports and test settings for CAASPP testing are described in the next sections. Note that usage and description information is adapted from the *Smarter Balanced Usability, Accessibility, and Accommodations Guidelines*. Note also that samples provided are screen captures made using the Smarter Balanced practice tests.

Universal Tools

Embedded

- Breaks
- Calculator (Mathematics)
- Calculator (Science)
- Digital Notepad
- English Dictionary (Writing)
- English Glossary
- Expandable Passages
- Expandable Items
- Global Notes (Writing)
- Highlighter
- Keyboard Navigation
- Mark for Review
- Mathematics Tools
- Science Charts
- Spell Check
- Strikethrough
- Writing Tools
- Zoom

Non-Embedded

- Breaks
- English Dictionary (Writing)
- Scratch Paper
- Thesaurus

Designated Supports

Embedded

- Color Contrast
- Masking
- Permissive Mode (Setting)
- Print Size (Setting)
- Stacked Translations (Mathematics—Spanish)
- Text-to-Speech
- Translated Test Directions (Mathematics—Spanish)
- Translation Glossaries
- Turn Off Any Universal Tools

Non-Embedded

- Bilingual Dictionary
- Color Contrast
- Color Overlays
- Magnification
- Noise Buffers
- Read-Aloud Items
- Read-Aloud in Spanish
- Science Charts
- Scribe Items
- Separate Setting
- Simplified Test Directions
- Translated Test Directions
- Translation Glossary

Accommodations

Embedded

- American Sign Language
- Braille
- Closed Captioning
- Streamline
- Text-to-Speech Passages

Non-Embedded

- 100s Number Table (Grades Four and Above)
- Additional Instructional Supports for Alternate Assessments
- Abacus
- Alternate Response Options
- Calculator, Mathematics
- Calculator, Science
- Mathematics Tools
- Multiplication Table (Grades Four and Above)
- Print-on-Demand
- Read-Aloud Passages
- Scribe (Writing)
- Speech-to-Text

California Assessment of Student Performance and Progress (CAASPP) 2016–17 Post-Test Workshop Registration Form

In preparation for the conclusion of your local educational agency's (LEA) 2016–17 California Assessment of Student Performance and Progress (CAASPP) test administration, Educational Testing Service (ETS), in partnership with the California Department of Education (CDE), is pleased to announce the **2016–17 CAASPP Post-Test Workshops: Using Assessment Results to Inform Teaching and Learning.**

The purpose of these in-person workshops is to inform local educational agencies (LEAs) of the various components of the 2016–17 CAASPP assessment student results and reports and how this information might be used to inform instruction.

Topics that will be covered in the workshops include the following:

- Principles of scoring (including high-level information on the scoring of the Smarter Balanced Online Summative Assessments);
- Using the Online Reporting System (ORS);
- Understanding how to access, use, and interpret the 2016–17 Student Score Reports and results to improve classroom instruction; and
- Providing supplementary resources and reference materials to assist LEA CAASPP coordinators with their local training efforts to improve teaching and learning.

***Attendees are encouraged to bring a computer, although it is not required.

Check-in for these workshops will begin at **8 a.m.**, and the workshop presentation will take place from **8:30 a.m. to 4:30 p.m**. Participants will be released for lunch at noon and the presentation will continue at 1 p.m. Participants are on their own for lunch.

If you require accommodations, please contact the California Technical Assistance Center (CalTAC) at 855-955-2954 or caltac@ets.org to request these services.

Please note the following locations are now closed:

- Fresno COE **(May 12)**

1. **Select the Post-Test Workshop date/location you wish to attend (select one option).** *

- ◯ Tuesday, May 2, 2017: Sheraton Grand Sacramento
- ◯ Tuesday, May 23, 2017: Shasta County Office of Education (Redding)
- ◯ Wednesday, May 31, 2017: University of California, Riverside Extension Center
- ◯ Thursday, June 1, 2017: San Diego County Office of Education (National City)
- ◯ Wednesday, June 7, 2017: Los Angeles County Office of Education (Downey)
- ◯ Thursday, June 8, 2017: Ventura County Office of Education (Camarillo)
- ◯ Tuesday, June 13, 2017: Santa Clara County Office of Education (San Jose)

http://www.surveygizmo.com/s3/3219953/Post-Test-Workshop

EL DORADO COUNTY CHARTERSELPA

ED MANANSALA, Ed.D. County Superintendent of Schools
DAVID M. TOSTON, Associate Superintendent

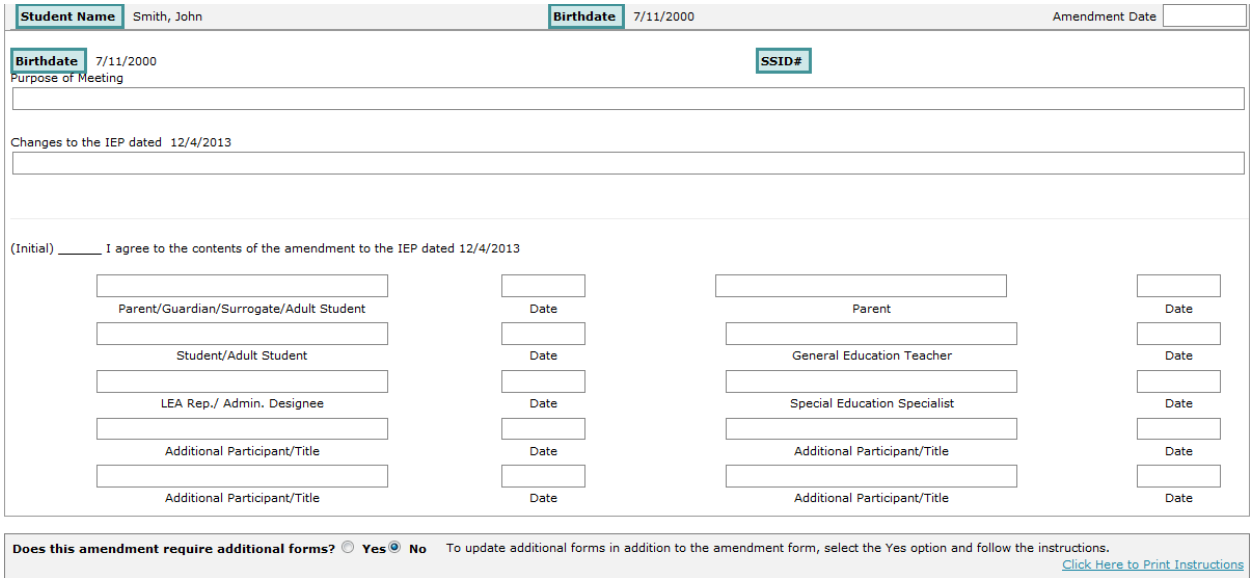
SEIS and CASEMIS Data Management Best Practices

Unaffirmed Amendments

It is the recommendation that all IEPs be Affirmed and Attested (A&A) within seven (7) days of the IEP date.

An Unaffirmed Amendment is an Amendment that has been created in SEIS but has yet to be affirmed. As it is rather easy to accidentally create an Amendment in SEIS, many Unaffirmed Amendments are empty forms without dates or content. If your District Level User (DLU) encounters a blank Unaffirmed Amendment, they should contact the case manager to alert them to the status of the Amendment. It should either be deleted or A&A.

Example of a blank, Unaffirmed Amendment:



Student Name Smith, John **Birthdate** 7/11/2000 Amendment Date

Birthdate 7/11/2000 **SSID#**

Purpose of Meeting

Changes to the IEP dated 12/4/2013

(Initial) _____ I agree to the contents of the amendment to the IEP dated 12/4/2013

Parent/Guardian/Surrogate/Adult Student	Date	Parent	Date
Student/Adult Student	Date	General Education Teacher	Date
LEA Rep./ Admin. Designee	Date	Special Education Specialist	Date
Additional Participant/Title	Date	Additional Participant/Title	Date
Additional Participant/Title	Date	Additional Participant/Title	Date

Does this amendment require additional forms? Yes No To update additional forms in addition to the amendment form, select the Yes option and follow the instructions.

Click Here to Print Instructions

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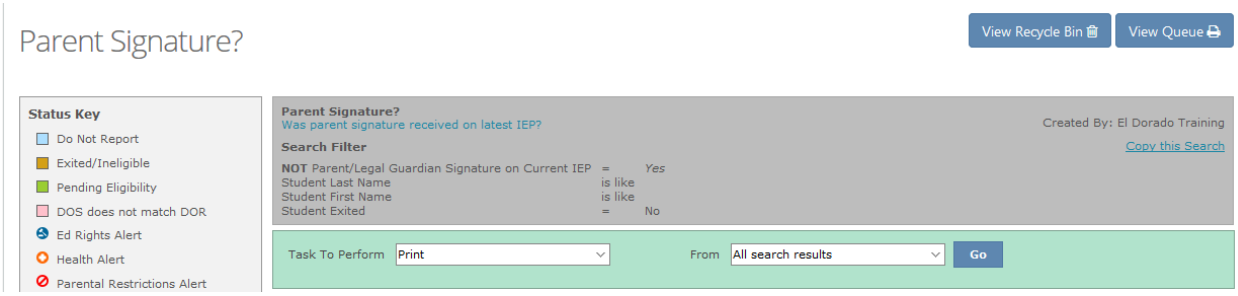
DAVID M. TOSTON, Associate Superintendent

Unsigned IEPs

The IEP has been A&A in SEIS, but the parents have yet to provide consent to implement the IEP. What SEIS Search can I run? Please use the following search to determine A&A IEPs without parental consent:



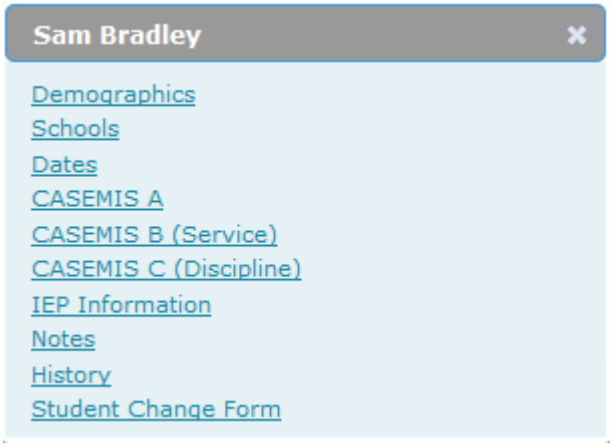
Once the parents provide consent and sign the IEP, the case manager may change the Signature from "No" to "Yes" in the Student Record portion of the IEP.

Please follow the step-by-step directions to change parent consent in the Student Record:

Type Student Name

Click on Person Icon

Click on "Dates" Link



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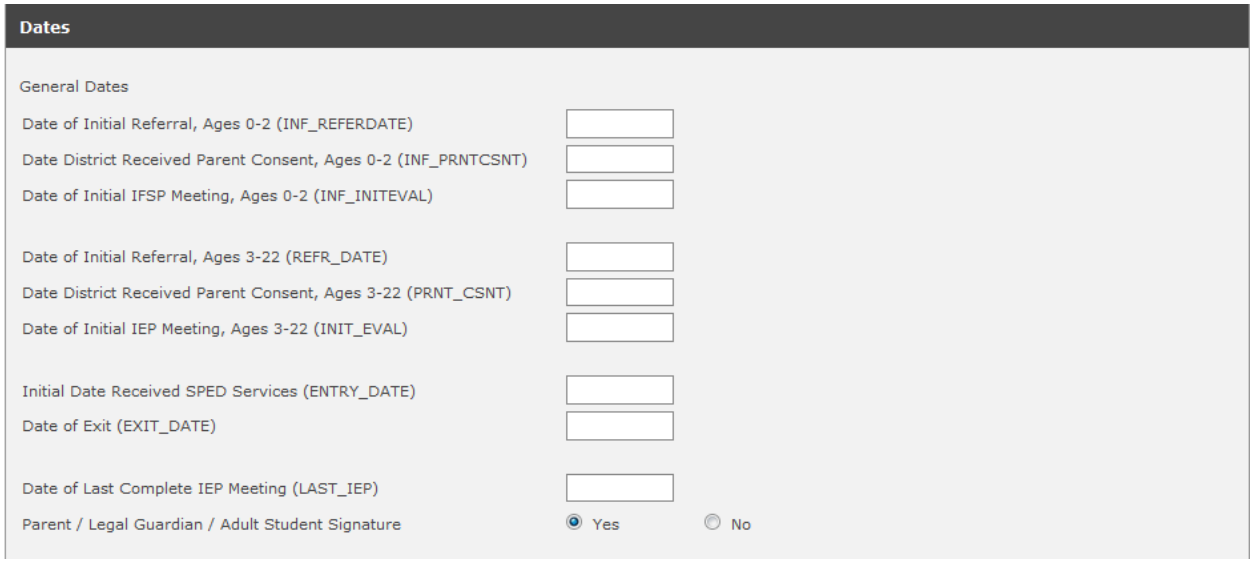
On Dates Page, Change "No" to "Yes" on Signature



Save the Page

Once Saved, the student will disappear from the Unsigned IEP list.

SELPA Recommendations:

1. The SELPA recommends that signature pages are uploaded onto the SEIS IEP as an Attachment.
2. If an IEP has been completed and consent has not been provided by the parent/guardian, it is incumbent upon the LEA to address the parental concerns by using the Amendment process.

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Parent Input Not "Yes"

This is an important CASEMIS field as it is the only data field for the State Performance Plan (SPP) Indicator 8. The possible choices for this field are as follows: Yes, No, or No Response Given. The State of California has established a target percentage for parental involvement of greater than 90%. The percentage is also targeted to increase 1% annually. Please be mindful that any blanks must be resolved prior to the CASEMIS reporting period. You may run the following Searches to check for Parental Input – No:

Search for Students

Search Filter Copy this Search Redefine Search

School of Attendance	is in	
Student Last Name	is like	
Student First Name	is like	
Parent Input	=	*No*
Student Exited	=	No

You may run the following Searches to check for Parental Input – No Response Given:

Search for Students

Search Filter Copy this Search Redefine Search

School of Attendance	is in	
Student Last Name	is like	
Student First Name	is like	
Parent Input	=	*No Response*
Student Exited	=	No

The information gleaned from these searches can help your team determine how they can support families in feeling they are actively participating in the IEP process.

English Learner Designation but Native Language English

If a student is classified as an English Learner, but their Native Language is listed as English, a CASEMIS error will result. Conduct the following search to determine if you have students who fall under this category:

Search for Students

Search Filter Copy this Search Redefine Search

School of Attendance	is in	
Student Last Name	is like	
Student First Name	is like	
English Language Status	=	*Yes*
Native Language	is in	*00 English*
Student Exited	=	No

If you have students noted, their status must be corrected. Please note that EL status is an official designation given as a result of scores from the CELDT Assessment. It is also important to ensure data integrity between CALPADS and SEIS. If a student is designated as EL, the status cannot be simply removed. Please consult with your site administrator and District Office personnel regarding incorrect EL status noted in CALPADS and SEIS.

Plan Type 30 Pending Initial Evaluation Flowchart

Add Student into SEIS

↓

Create Assessment Plan in SEIS

↓

Send Assessment Plan to Parent for Signature

↓

Receive Signed Assessment Plan

↓

Input Parent Consent Date in SEIS on CASEMIS A Page

↓

Change Plan Type to 30 – Pending Initial Evaluation

↓

Hold Initial IEP to Determine Eligibility

If the student is found eligible at the initial IEP:

1. Change Plan Type to 10
2. Change Eligibility to Eligible
3. Affirm and Attest

If the student is found ineligible at the initial IEP:

1. Change Plan Type to 90
2. Change Eligibility to DNQ
3. DO NOT Affirm and Attest

If the student moves before the initial IEP:

1. Change **Eval** Delay to 30
2. Change Plan Type to 80
3. Change Eligibility to DNQ
4. DO NOT Affirm and Attest

If the parent revokes consent before initial IEP:

1. Change Plan Type to 80
2. Change Eligibility to DNQ
3. DO NOT Affirm and Attest