



## **2019 LEGISLATIVE SHARING DAY** **SELPA Administrators Association of California**

California must ensure students with disabilities have meaningful access to a quality education to acquire the skills needed to go on to higher learning, secure stable employment, and live independently as adults. SELPA administrators believe our legislators need to know that the serious gap in special education funding is hampering our mission. SELPA Administrators are pleased to share our top state legislative priorities as the following:

- Provide dedicated special education preschool funding
- Provide funding equalization for students with disabilities
- Provide a better funding mechanism for students with high cost needs
- Address the special education teacher/provider shortage crisis.

### **Special Education Finance: Preschool, Equalization, and High Cost Disabilities:**

**Background:** There is no dispute that special education is insufficiently and inequitably funded. Since 2013, the Legislative Analyst's Office (LAO) has recommended special education (AB 602) base rates be funded at the 90th percentile. Currently, Special Education Local Plan Area (SELPA) base rates vary from \$480.62 to \$928.06, without logical justification. The 2017-2018 Local Educational Agency (LEA) expenditure data revealed special education costs grew to \$14.9 billion while state and federal revenues decreased overall. In 2017-2018, special education programs were primarily funded via Local General Fund contribution, on average 65.88% of total expenditures. State resources decreased to 25.71% of special education costs, and Federal funds accounted for 8.40% of expenditures. Clearly, costs for special education services require increased resources, putting undue pressure on LEAs and general education programs.

Early intervention and preschool programs, especially for children with disabilities, provide significant educational and social benefits, and result in substantial future cost savings to the state and LEAs during the students' remaining educational career. Under the Individuals with Disabilities Education Act (IDEA), LEAs must provide preschool services for students with disabilities beginning at age three. In California, the only funding designated specifically for preschool-age children with disabilities are small federal grants, which amounted to \$133M in 2017-2018. During this same period LEAs reported expenditures in excess of \$693M to pay for services provided to preschool-age children with disabilities, an increase of about \$300M since 2013-2014. Additionally, students ages birth to 5 are the fastest growing population of students with disabilities (SWDs) in California schools. Data shows that between 2016-17 and 2017-18, SWDs ages birth to five grew by 4.25% and ages three to five year grew by 2.91%. As California provides no direct funding for services for preschoolers with disabilities, LEAs have paid these program costs with general funds allocated for K-12 programs, which has additional impact on local budgets. Governor Newsom has reinforced through his proposed budget the need for cradle to career alignment in funding, services, data collection and accountability among all of our systems serving students with disabilities. We know early intervention creates longitudinal cost savings for all systems. SELPA Administrators are committed to this same message and preschool/early intervention services and funding for our preschool students with disabilities are an integral part to our legislative platform.

**Ask: Support AB 428 (Medina)** Special education funding. AB 428 would implement key fiscal recommendations, including addressing special education funding equity by:

- Establishing funding within AB 602 for programs serving preschoolers with disabilities
- Providing additional funding for students with significant high-cost disabilities.
- Leveling up base AB 602 funding rates to the 95<sup>th</sup> percentile, equalizing funding for all students with disabilities
- Amending AB 602 to allow use of either current school year ADA or prior school year ADA, whichever is greater, in the aggregation of total SELPA ADA for multiple district SELPAs.

### **Teacher Shortage**

**Background:** In California we are experiencing a teacher shortage crisis in the area of special education. 9 out of 10 LEAs currently report a shortage in special education teachers. LEAs further report that 64% of all special education teachers were working on an emergency credential, doubling in number since 2013. This indicates that many of our most vulnerable children in California have the least experienced teachers or substitutes when no teacher is available. Additionally, due to systemic barriers in the California credentialing system, qualified out of state educators often face costly and time intensive hurdles to obtaining their clearance to teach in our local classrooms. California needs to do all it can to clear the path of experienced and qualified educators to provide quality services to our students with disabilities.

**Ask: Support AB 988 (Berman)** Teacher credentialing: out-of-state prepared teachers: education specialist credential. California has the opportunity to remove an existing barrier in order to respond to the teacher shortage that specifically impacts low-income, minority special education students. AB 988 would:

- Allow out-of-state special education teachers who choose to teach in California to use two years teaching in California, while the teacher holds a Preliminary credential, to demonstrate the teaching experience requirement needed to obtain a “Clear” credential.

**Focus on Teacher Shortage:** Many SELPAs provide targeted professional development and special education teacher training to their member LEAs, in addition to supporting and monitoring the compliance activities assigned by California Department of Education. The recent analysis from the Assembly Committee on Education Bill relayed the following: According to the Learning Policy Institute (LPI), “Over 1,700 underprepared special education teachers in 2015–16 were hired on emergency-style permits, which are issued to teachers with little to no preparation to teach. Substandard credentials and permits are growing in every special education subspecialty, with the greatest increases since 2012 in the areas of moderate/severe disabilities, where they have more than doubled, and mild/moderate disabilities, where they increased by more than 60%. These types of special education authorizations are needed to teach students with complex learning needs, including students diagnosed with autism, intellectual disabilities, and serious emotional disturbance. Shortages in special education are most likely to disproportionately affect English Learners, who are overrepresented in special education by nearly 30%, and Black students, who are overrepresented in special education by nearly 50%.” When there are not enough appropriately credentialed teachers to provide the services mandated by IDEA, teachers, parents and service providers are stressed. Eliminating barriers to the teacher shortage would positively impact students with disabilities and LEAs. SELPA Administrators fully support these efforts.



## **Other Positions of Support from SELPA Administrators of California**

### **Accountability and Transparency**

**Background:** Family Empowerment Centers (FECs) help families navigate the special education system, assist parents in understanding their children's disabilities, and facilitate the formation of peer-support communities. FECs are a partner and link between families, Community Advisory Committees (CAC), and SELPAs. Enhanced FEC networks would complement the efforts of SELPAs seeking to build partnerships and collaborative relationships that support accountability and transparency.

**Ask: Support AB 236 (Garcia)** Special education programs: Family Empowerment Centers on Disability. AB 236 would provide the following:

- Revise the base grant for FECs from \$150,000 to \$237,000
- Prioritize creation of new FECs in areas of high need
- Improve coordination between California Department of Education and FECs by developing a uniform and rigorous data collection, monitoring and reporting system.

### **Focus on Accountability and Transparency**

As California embraces major education reforms in funding and accountability, focus remains on students with disabilities. SELPAs are critical partners in the work utilizing the California Dashboard, differentiated assistance and the continuous improvement model for LEAs in need of improvement. Current efforts for transparency and accountability include:

- Partnerships with parents and CACs remain an ongoing priority in SELPAs.
- Preserving relationships with parents through the use of Alternative Dispute Resolution models to prevent and resolve special education disputes.
- SELPA Administrators and the California Department of Education (CDE) worked together to develop a graphical Annual Budget Plan for communication with parents, the community, and LEA members, which will increase transparency of LEA expenditures for students with disabilities.
- SELPAs training in the continuous improvement model and partnering with County Offices of Education to offer technical assistance related to improvement needs for students with disabilities. SELPAs are committed to continuing this training on an ongoing basis and be the leaders in supporting member LEAs.
- Partnerships with the CDE focused on aligning accountability and monitoring requirements in one system of support for all students.

### Other Positions of Support from SELPA Administrators of California

**AB 598 (Bloom):** Hearing aids: minors: This bill would require a health care service plan contract or a health insurance policy issued, amended, or renewed on or after January 1, 2020, to include coverage for hearing aids, as defined, for an enrollee or insured under 18 years of age, as specified.

**AB 1546 (Kiley):** Pupil health: mental health. This bill would authorize a county mental health plan to contract with a local educational agency (LEA) to provide Early and Periodic Screening Diagnosis, and Treatment (EPSDT) services, including mental health assessments, and mental health, social work, and counseling services, to Medi-Cal eligible pupils. The bill would require the department to permit an LEA to make claims for federal financial participation directly to the department for EPSDT services, to examine methodologies for increasing LEA participation in the Medi-Cal program, and to seek federal approval to implement these provisions.

**AB 1322 (Berman):** School-based health programs: This bill would require the State Department of Education to, no later than July 1, 2020, establish an Office of School-Based Health Programs for the purpose of, among other things, administering health-related programs under the purview of the State Department of Education and advising on issues related to the delivery of school-based Medi-Cal services in the state. The bill would require the office to be supported through an interagency agreement with the State Department of Health Care Services and by federal matching funds available through the Administrative Claiming process for eligible staff time, and would authorize the office to receive additional funds from grants and other sources. The bill would increase the annual funding limit for the activities of the State Department of Health Care Services that support the LEA Medi-Cal billing option to \$2,000,000, and would require that \$500,000 of that amount be available for transfer to the State Department of Education to support the office pursuant to that interagency agreement.