

STEERING COMMITTEE AGENDA

January 15, 2020



**Online
via Zoom**

10:00 am – 12:30 pm

TOPIC

SPEAKER

Welcome & Introductions

Federal and State News

- Fiscal Update
- Legislative Update*
- Legal Update*
- Quality Assurance Process (QAP) Update
- Student Safety and Well-Being Youth Mental Health First Aid*

Robert Steponovich
Ginese Quann

Moises Buhain

SELPA Updates

- Educationally Related Mental Health Services (ERMHS) Guidelines
- Professional Learning Offerings*
- Symposium
- CALPADS Update*
- Legal Forum
- Leadership Academy 2020

Moises Buhain

Jeff Illingworth
Ginese Quann

Date: January 6, 2020

Subject: Official Message from the State Director of Special Education

State Laws Related to Special Education Going Into Effect on January 1, 2020

During the 2019 legislative year, several bills related to special education will become law on January 1, 2020. Three bills make changes specifically to special education statute. They are Assembly Bills (ABs) 1172, 605, and 947. Several other bills do not change special education statute but could have implications for students with disabilities.

Changes to Special Education Statutes

The AB 1172 amends several sections of Education Code pertaining to nonpublic, nonsectarian schools and agencies. The new law requires that local educational agencies (LEAs) that send students to nonpublic, nonsectarian schools (NPSs) conduct onsite monitoring visits; requires that NPSs notify the California Department of Education (CDE) of any student-involved incident in which law enforcement is contacted; requires the CDE, if an investigation conducted by the CDE results in a finding that student health or safety has been compromised, to immediately suspend or revoke the school's certification; requires that an NPS serving students with significant behavioral needs to have a person onsite who is qualified to implement behavior interventions; requires that administrators of NPSs hold or be working toward specified credentials or licenses; and requires that NPSs train specified staff in evidence-based practices and interventions specific to students' unique behavioral needs. Further, the new law requires NPSs to submit documentation as a part of their application for certification by the CDE that the NPS will train staff who will have contact or interaction with students during the school day in the use of specified evidence-based practices and interventions specific to the unique behavioral needs of the students it serves and require LEAs to verify compliance with this requirement. The full text of AB 1172 is available at

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1172.

The AB 605 adds Section 56040.3 to the Education Code pertaining to the use of assistive technology devices. The new law makes LEAs, including charter schools, responsible for providing a student with disabilities who requires the use of an assistive technology device with continued access to that device, or to a comparable device, when the student, because of enrollment in another LEA, ceases to be enrolled in that LEA. This responsibility is in force until alternative arrangements for providing the student with continuous access to the assistive technology device, or to a comparable device, can be made or until two months have elapsed from the date that the student ceased to be enrolled in that LEA, whichever occurs first. The full text of AB 605 can be found at

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB605.

The AB 947 adds Education Code sections 56353 and 56354 to law. The new law authorizes school districts, county offices of education (COEs), and charter schools to consider elements of the expanded core curriculum, as defined, when developing individualized education programs (IEPs) for students who are blind, have low vision, or are visually impaired. If an orientation and mobility evaluation is needed for a student who is blind, has low vision, or is visually impaired, the new law would require that these evaluations be conducted by appropriately certified specialists and occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate to ensure that students receive necessary related services. The full text of AB 947 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB947.

Statutory Changes Having Implications for Students with Disabilities

The AB 34 amends the Education Code by requiring each LEA to ensure that specified information on bullying and harassment prevention is readily accessible in a prominent location on the LEA's existing Internet web site in a manner that is easily accessible to parents or guardians and pupils. The full text of AB 34 can be found at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB34.

The AB 189 amends the Penal Code by adding qualified autism service providers, qualified autism service professionals, and qualified autism service paraprofessionals, as defined, to the list of individuals who are mandated reporters of child abuse or neglect. The full text of AB 189 can be found at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB189.

The AB 413 amends both Education Code and Penal Code by deleting references to "at-risk" and replacing that term with the term "at-promise." The full text of AB 413 can be found at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB413.

The AB 988 amends the Education Code by authorizing the Commission on Teacher Credentialing to allow applicants for an education specialist credential to demonstrate their area of concentration based on two years of experience in California, while the candidates hold the preliminary credential. The full text of AB 988 can be found at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB988.

The AB 1354 amends the Education Code by requiring a COE, as part of the joint transition planning policy, to assign transition oversight responsibilities to existing COE personnel who will work with the county probation department, as needed, and relevant LEAs to ensure that specified transition activities are completed for a student and to facilitate the transfer of complete and accurate education records and a student's IEP when a student enters the juvenile court school. In addition, AB 1354 would require a student detained for more than 20 consecutive schooldays to have an individualized transition plan to be developed by the COE in collaboration with the county probation department, as needed, and to have specified items accessible to the holder of the educational rights of the student on the student's release. The AB 1354 also requires the COE, in collaboration, as needed, with the county probation department, to establish procedures for the timely, accurate, complete, and confidential transfer of educational records, as specified. The full text of AB 1354 can be found at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1354.

Senate Bill (SB) 223 amends Education Code by authorizing the governing board of a school district, a county board of education, or the governing body of a charter school maintaining kindergarten or any of grades one to twelve, inclusive, to adopt, at a regularly scheduled meeting of the governing board or body, a policy that allows a parent or guardian of a student to possess and administer medicinal cannabis at a school site to the student who is a qualified patient entitled to the protections of the Compassionate Use Act of 1996, excluding cannabis in a smokeable or vapeable form. The full text of SB 223 can be found at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB223.

The SB 419 amends Education Code by extending the permanent prohibition against suspending students enrolled in kindergarten through grade three for disruption or willful defiance to include students in grades four and five. This prohibition is also being expanded to include student in grades six through eight, until July 1, 2025. The new law also applies these prohibitions to charter schools. Please note that this law will go into effect July 1, 2020. The full text of SB 419 can be found at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB419.

If you have any questions regarding this subject, please contact Allison Smith, Special Education Consultant, Special Education Division, by telephone at 916-319-0377 or by email at asmith@cde.ca.gov

Date: January 9, 2020

Subject: Official Message from the State Director of Special Education

The January 6, 2020, memo summarizing Assembly Bill (AB) 1172 incorrectly reported that the new statute “**requires** the CDE, if an investigation conducted by the CDE results in a finding that student health or safety has been compromised, to immediately suspend or revoke the school’s certification.”

In fact, the new statute reads as follows: “If an investigation conducted by the department results in a finding that pupil health or safety has been compromised or is in danger of being compromised at a nonpublic, nonsectarian school or agency, the department **may** immediately suspend or revoke the certification of the nonpublic, nonsectarian school or agency.”

The Special Education Division regrets this error and wishes to publish this correction.

If you have any questions regarding this subject, please contact Allison Smith, Special Education Consultant, Special Education Division, by telephone at 916-319-0377 or by email at asmith@cde.ca.gov.

FISCAL REPORT

New Oversight of Nonpublic Schools by LEAs

 BY JAMIE METCALF

 BY DEBBIE FRY

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posted January 9, 2020

Many local educational agencies (LEAs) are already performing regular visits of nonpublic schools (NPSs) and monitoring the progress of students placed there. Beginning with the 2020–21 school year, Assembly Bill (AB) 1172 (Chapter 454/2019) requires the following:

- An NPS must notify the California Department of Education (CDE) of any student-involved incident in which law enforcement is contacted.
- If an investigation conducted by the CDE results in a finding that student health or safety has been compromised, the CDE must immediately suspend or revoke the school's certification.
- An NPS serving students with significant behavioral needs must have a person on-site who is qualified to implement behavior interventions.
- Administrators of NPSs must hold, or be working toward, specified credentials or licenses.
- NPSs must train specified staff in evidence-based practices and interventions specific to students' unique behavioral needs.

LEAs are required to conduct both of the following for any nonpublic, nonsectarian school with which they have entered into a master contract:

1. An on-site visit to the school, before placement of a pupil, if the LEA does not have any pupils enrolled at the school at the time of placement
2. At least one on-site monitoring visit during each school year to the school at which the LEA has a pupil attending

LEAs must also report the findings resulting from the monitoring visit, which must be provided to the CDE within 60 calendar days of the on-site visit

The monitoring visit shall include a review of the services provided to the pupil, a review of the progress that the pupil is making toward the goals set forth in the pupil's Individualized Education Program, a review of the progress that the pupil is making toward the goals set forth in the pupil's Behavioral Intervention Plan (if applicable), an observation of the pupil during instruction, and a walk-through of the facility.

LEAs should designate a position to conduct NPS on-site visits, report to the CDE on those visits, and ensure certification when entering into a master contract with an NPS. We recommend that LEAs include the NPS's obligations for training and reporting in the master contract, and that the master contract further contain language regarding the LEA's obligation to provide oversight and on-site monitoring. When determining if your LEA is meeting AB 1172, seek assistance from your Special Education Local Plan Area or legal counsel.



CHARTER SCHOOLS DEVELOPMENT CENTER

Key Legislation of Interest to Charter School Leaders

2019 Legislative Session

This document summarizes the status and content of key bills of interest to California charter schools from the 2019 legislative session—the first year of the 2019-20 legislative biennium. The first list starts with charter school bills that were signed by the Governor and later summarizes bills that either died or are still pending in the second year of the biennium. The second list is a catch-all of bills related to all public schools – some have passed, some have been vetoed and some are pending further action.

Unless otherwise noted, bills listed below go into effect on January 1, 2020.

Charter School-Specific Legislation Bill/Author What Does the Bill Do?	Status & CSDC's Take
AB 1505 (O'Donnell, D-Long Beach) Charter Schools Omnibus This measure makes various draconian changes relating to charter school authorizations, appeals, and renewals. It also increases the teacher credentialing requirements for charter schoolteachers and places a two-year moratorium on nonclassroom-based charter schools. <u>See CSDC's detailed summary.</u>	After much debate with the Governor's staff and other stakeholders, and over CSDC's objections, this measure was signed by the Governor on 10/03/19. Chapter 489, Statutes of 2019.
AB 1507 (Smith, D-Santa Clarita) Charter School Location This bill eliminates most laws allowing charter schools to locate schools and resource centers outside the boundaries of their authorizing district, with limited-term grandfathering provisions. <u>See CSDC's detailed summary.</u>	Although the author continued to take amendments to this measure, the bill in its final form still contained restrictive language and was opposed by CSDC. Despite that opposition, the bill was signed by the Governor on 10/03/19. Chapter 487, Statutes of 2019.

SB 126 Leyva (D- Chino) Charter School Transparency	
Requires a charter school and any entity managing a charter school to comply with complex governmental “transparency” laws including the Brown Act (open meetings), the Public Records Act, the Political Reform Act, and Government Code section 1090 (conflicts-of-interest).	<p>CSDC objected to this bill in part because it goes far beyond what is required of traditional school boards. Other stakeholders and charter advocates worked with the Governor’s office to develop this language and supported this measure in hopes of staving off further charter reform.</p> <p>Signed by the Governor on 3/05/19.</p> <p>Chapter 3, Statutes of 2019.</p>
Vetoed and Two-Year Bills	
AB 967 (Smith, D-Santa Clarita) Charter School LCAPs	
This bill would have imposed extensive additional requirements to charter schools’ Local Control Accountability Plan (LCAP) process, including additional public hearings, advisory committee meetings, written responses to public comments, Internet postings, school district review and approval of charter school LCAPs.	CSDC met with the author’s office and testified against this bill in both the Senate and the Assembly. This measure was vetoed by the Governor on 10/07/19 noting that the budget trailer bill had already imposed new requirements on charter LCAPs.
AB 1506 (McCarty D-Sacramento) Charter School Caps	
If passed in the second year of the two year session, this bill would establish a local school district cap on the number of charter schools allowed to operate within each school district.	CSDC opposed this measure and had several conversations with the author’s office. This measure is currently a “two-year bill” and CSDC will continue to watch for amendments or other actions in the coming year.
AB 1508 Bonta (D-Alameda) Charter School Fiscal & Operational Impact	
As introduced by the author, this bill expressed the intent of the Legislature to enact legislation permitting authorizers to consider—in determining whether to approve a new charter school petition—the financial, academic, and facilities impact the new charter school would have on neighborhood traditional public schools.	<p>This bill was gutted and amended to establish the “Breakfast After the Bell” program.</p> <p>CSDC worked diligently to make sure that the original language in this measure never became law. Unfortunately, similar provisions are included in AB 1505.</p>

SB 756 Durazo (D- Los Angeles) Charter Moratorium	
This bill would prohibit the approval of new charter schools until January 1, 2022.	After much protesting by CSDC and other lobbyists, this measure was held in the Senate and may not be heard again until 2020. Unfortunately, similar provisions placing a moratorium on nonclassroom-based schools are contained in AB 1505.

General K-12 Education Legislation of Interest to Charter School Leaders	Where Are They Now?
What Did They Do?	
AB 5 Gonzalez (D-San Diego) Independent Contractors	
Limits employers' ability to outsource services to independent contractors by codifying the decision of the California Supreme Court in the <i>Dynamex</i> case (2018) that presumes a worker is an employee unless a hiring entity satisfies a three-factor test, and exempts from the test certain professions and business to business relationships.	Signed by the Governor on 9/18/19. Chapter 296, Statutes of 2019
AB 34 Ramos (D-Highland) Bullying/Harassment Prevention	
Requires local educational agencies, including charter schools to provide bullying and harassment prevention information in a prominent location on their existing website, commencing with the 2020-21 school year.	Signed by the Governor on 10/07/19. Chapter 530, Statutes of 2019
AB 48 O'Donnell (D-Long Beach) State School Facilities Bond Measure	
This bill makes changes to the existing School Facility Program, a complex state bond-financed program to provide matching grants for facilities construction and reconstruction. It places the Public Preschool, K-12, and College Health and Safety Bond Act on the March 3, 2020 primary ballot. The measure would provide up to \$500 million for charter school facilities matching grants.	CSDC advocated for a larger share of funding for charter schools. Though the \$500 million set-aside for charter schools is welcome, it represents a smaller proportion of the total funding relative to similar prior bond measures. Signed by the Governor on 9/12/19. Chapter 282, Statutes of 2019. The bond measure will appear on the March 2020 ballot as Proposition 13.

AB 197 (Weber, D - San Diego) Full-Day Kindergarten Mandate	
Would have required all schools, including charter schools, to offer at least one full-day kindergarten program.	Governor Newsom vetoed the bill on 10/13/19, citing mandated cost concerns and noting a new facilities incentive program for school districts.
AB 221 Garcia (D- Bell Gardens) Teach for America	
This bill would prohibit a local education agency, including a charter school, from entering into a contract with a third-party organization to employ teachers who 1) commit to teaching in the organization for less than five years, 2) employ teachers to teach at any school serving at least 40% of pupils from low-income families, or 3) pay the organization any fee associated with interviewing or hiring a teacher candidate.	This bill is meant to be a direct hit on the Teach for America program and was opposed by CSDC. It failed passage and became a "two-year bill." CSDC will continue to monitor this measure in the coming year.
AB 272 Muratsuchi (D-Torrance) Student Smartphones	
This bill provides that a student shall not be prohibited from possessing or using a smartphone under specified circumstances and authorizes governing bodies to adopt a policy to limit or prohibit the use of smartphones by students while at school.	Signed by the Governor on 7/01/19. Chapter 42, Statutes of 2019
AB 314 Bonta (D-Alameda) Union Release Time	
Would have repealed, recast and established expanded uniform and minimum requirements for the exercise of statutory release time rights for employees to participate in various union-related activities.	Vetoed by the Governor on 10/12/19, who suggested these matters should be decided in local contract negotiations.
AB 354 Quirk Silva (D- Fullerton) Expanded Meal Program Monitoring	
This bill would have required a charter school that does not participate in a federal school meal program to provide adequate space for pupils to consume meals and to report to the California Department of Education (CDE) data regarding the alternative meal program each of its school sites will follow to ensure that each needy pupil is provided with a free or reduced-price meal. The bill would have required the CDE to conduct onsite reviews of those schools to verify compliance with specified laws.	CSDC opposed this bill throughout the process. Vetoed by the Governor on 10/12/19, noting that there is no evidence of abuse of recently imposed meal mandates on charter schools nor long-standing mandates on districts and objecting to the related costs for the additional oversight.

AB 500 Gonzalez (D- San Diego) Expanded, Paid Pregnancy Leave	
This bill would have required that school districts, charter schools, and community colleges provide at least six weeks of full pay for pregnancy-related leave of absence taken by certificated, academic, and classified employees.	CSDC opposed this measure and is concerned regarding the potentially large, unreimbursed costs. Vetoed by the Governor on 10/13/19, citing cost concerns and suggesting such matters be negotiated locally.
AB 543 Smith (D-Santa Clarita) Sexual Harassment Policies	
Requires public schools, including charter schools, serving pupils in grades 9-12 to create and display a poster that notifies its pupils of the school's sexual harassment policy, and extends the existing requirement to provide a written copy of its sexual harassment policy, to continuing students.	Signed by the Governor on 10/02/19. Chapter 428, Statutes of 2019.
AB 605 Maienschein (R-San Diego) Assistive Technology	
Extends local education agencies', including charter schools' obligations to provide special needs students who require assistive technology by requiring provision of such technology for up to two months after disenrollment.	Signed by the Governor on 9/05/19. Chapter 228, Statutes of 2019.
AB 711 Chiu (D-San Francisco) Pupil Records	
Requires a local educational agency, including a charter school, to update and reissue a former pupil's records if it receives government-issued documentation that a former pupil's legal name and/or gender has been changed.	Signed by the Governor on 8/30/19. Chapter 179, Statutes 2019.
AB 982 (Holden, D - Pasadena) Homework for Suspended Students	
Requires teachers in schools, including charter schools, to provide homework assignments, upon request, to parents/guardians of students who have been suspended for two or more schooldays.	Signed by the Governor on 10/12/19. Chapter 779, Statutes of 2019.
AB 1097 (Holden D- Pasadena) Credit Recovery Programs Study	
Requires CDE to conduct a study and report to the Governor and Legislature regarding credit recovery programs in schools.	Signed by the Governor on 10/02/19. Chapter 451, Statutes of 2019.

AB 1219 Jones-Sawyer (D- Los Angeles) Teacher Credentials Monitoring	
AB 1219 requires the Commission on Teacher Credentialing to develop and implement a statewide automated State Assignment Accountability System (CalSAAS) for annual monitoring of teacher credentialing misassignment in schools, including charter schools, and revises local responsibilities for the monitoring of teacher misassignments.	The bill was amended on September 6, 2019 to clarify that it did not impose credentialing requirements on charter school administrators. As a result, CSDC changed its position from “oppose” to “neutral.” Signed by the Governor on 10/12/19. Chapter 778, Statutes of 2019.
AB 1240 (Weber, D - San Diego) College and Career Instruction Mandate	
Expands the definition of “student achievement” for purposes of the Local Control Accountability Plans and the California Dashboard to include completion of <i>both</i> (1) courses meeting state university “a-g” admission requirements <i>and</i> career-technical (CTE) course sequences, thereby significantly expanding high school achievement expectations.	Signed by the Governor on 10/12/19. Chapter 783, Statutes of 2019.
AB 1595 Annual Education Code “Clean-Up” Bill	
Amends law mandating schools offering athletic programs to have automated electronic defibrillators to specify that the AEDs are required only at those sites offering the specified athletic programs and not at all sites.	Signed by the Governor on 10/07/19. Chapter 543, Statutes of 2019.
AB 1613 (O’Donnell, D - Long Beach) “Prevailing Wage”	
Would have applied “prevailing wage” laws to charter school facilities projects financed through conduit revenue bonds.	CSDC opposed this measure. The Governor vetoed the measure noting he generally supports prevailing wage laws when paid with public funds, but that conduit bonds are not public funds.
AB 1767 Ramos (D- Highland) Suicide Prevention Policies	
Requires local educational agencies, including charter schools, serving students in grades K-6 to adopt and periodically update a policy on student suicide prevention that is appropriate for that age group.	This law builds on a 2017 mandate to adopt similar policies for grades 7-12. Signed by the Governor on 10/09/19. Chapter 694, Statutes of 2019

SB 75 (Committee on the Budget) Annual Education Omnibus Budget Trailer Bill	
One provision of the bill prohibits a charter school from discouraging a student from enrolling for any reason and prohibits a charter school from encouraging a student currently attending a charter school to disenroll or transfer to any other school. The bill also prohibits charter requiring applicants for admission to submit records. It also requires charter school governing boards to conduct a public hearing prior to approving a Local Control Accountability Plan and requires posting the plan to charter school websites. It also requires CDE to determine the feasibility of using CALPADS and state testing data to examine whether charter schools “cream” high-scoring students.	Signed by the Governor on 7/01/19. Chapter 51, Statutes of 2019
SB 223 Hill (D-San Mateo) Medical Cannabis	
Authorizes the governing board of a school district, a county board of education, or the governing body of a charter school, to adopt a policy that allows a parent or guardian of a pupil to possess and administer non-smokeable and non-vapeable medicinal cannabis to the authorized pupil at a schoolsite.	Signed by the Governor on 10/09/19. Chapter 699, Statutes of 2019.
SB 265 (Hertzberg, D – Van Nuys) Meal Mandate For Non-Payers	
Extends existing laws prohibiting schools, including charter schools, from denying meals for students who have not paid for their meals to students who do <i>not</i> qualify for free- or reduced-price meals (existing law prohibits denying meals to students who do qualify for subsidized meals).	Signed by the Governor on 10/12/19. Chapter 785, Statutes of 2019.
SB 276 Pan (D- Sacramento) and SB 714 Pan (D- Sacramento) Vaccination	
SB 276 restricts granting of medical exemptions from the state’s student vaccination mandate, requiring exemptions meet more stringent standards by January 1, 2021. The bill also requires the California Department of Education to review individual students’ exemptions and monitor schools and physicians with high levels of exemptions. SB 714 requires resubmission of vaccination or exemption documentation at specified grade spans (K-7 and 7-12) and amends corresponding school admission laws.	Signed by the Governor on 9/09/19. Chapter 278, Statutes of 2019 and Chapter 218, Statutes of 2019.
SB 316 Rubio (D-Los Angeles) ID Cards: Domestic Violence Hotline	
Requires charter schools serving pupils in grades 7 to 12 that issue pupil identification cards to have printed on the identification cards the telephone number for the National Domestic Violence Hotline beginning 10/1/20.	Signed by the Governor 9/06/19. Chapter 270, Statutes of 2019.

SB 328 Portantino (D- La Cañada Flintridge) School Start Time	
This bill, starting July 1, 2022, prohibits high schools, including those operated as charter schools, from beginning their school day before 8:30AM and middle schools from beginning their school day before 8:00AM. The bill exempts “rural school districts” and allows schools to offer limited classes an activities prior to the start of the schoolday.	CSDC opposed this measure. Governor Brown vetoed a similar measure last year. Signed by the Governor on 10/13/19. Chapter 868, Statutes of 2019
SB 390 (Umberg (D-Orange County) School Security Guard Training	
Imposes specified training requirements for school security officers/guards and imposes other new, related requirements on charter schools.	Signed by the Governor on 10/02/19. Chapter 475, Statutes of 2019.
SB 419 Skinner (D-Berkeley) Pupil Discipline-Willful Defiance	
This bill prohibits schools, including charter schools, from suspending students in grades K-5 permanently, and grades 6 to 8 until July 1, 2025. It prohibits expelling students in all grades K-12 for having disrupted school activities or for willful defiance of school personnel.	This bill was opposed by CSDC. Signed by the Governor on 09/09/19. Chapter 279, Statutes of 2019
SB 541 (Bates D- Berkeley) Safety Drill Reporting	
This bill requires local education agencies, including charter schools, to provide CDE with data on lockdown or multioption response drills conducted at schoolsites.	Signed by the Governor on 10/12/19. Chapter 786, Statutes of 2019.

Charter School Renewal Post AB 1505: Tiers

5-7 Year Renewal

EC§ 47607(c)(2-6)
Shall renew if...

For two consecutive years immediately preceding renewal decision, **EITHER***
(i) On all indicators for which it receives colors, the charter school has received

Blue or Green

OR (ii) On all academic indicators (CAASPP and ELPAC-based indicators and CCI), the charter school has received performance levels schoolwide** that are

the same or higher than the state

AND (i) Among subgroups performing statewide below the state average, a majority of the charter school's subgroups received performance levels*** that are **higher than the state average**

BUT: The charter school shall **not** qualify for renewal under this section if:

- If it also meets the 2-year renewal criteria
- OR
- It is eligible for technical assistance pursuant to EC§ 47607.3

*If the Dashboard has not been released, the authorizer shall consider verifiable data provided by charter school related to the Dashboard indicators

**Must receive colors on 2+ academic indicators in each year

***Must receive colors on 2+ academic indicators for 2+ subgroups

A charter that satisfies this criteria shall only be required to update the petition to address new requirements enacted into law and as necessary to reflect the current program.

May deny renewal of any charter school upon a finding that the school is:

- **Not serving all pupils who wish to attend**, based on data provided by CDE related to student disenrollment, lower CASSPP scores of disenrolled students, and/or substantiated claims school has failed to follow suspension/expulsion procedures in the charter petition OR
- **Demonstrably unlikely to successfully implement the petition due to substantial fiscal or governance factors.**

2 Year Renewal

EC§ 47607.2(a)
Shall not renew if...

For two consecutive years immediately preceding renewal decision, **EITHER***
(i) On all indicators for which it receives colors, the charter school has received

Red or Orange

OR (ii) On all academic indicators (CAASPP and ELPAC-based indicators and CCI), the charter school has received performance levels schoolwide** that are

the same or lower than the state average

AND (i) Among subgroups performing statewide below the state average, a majority of the charter school's subgroups received performance levels*** that are **lower than the state average**

BUT: The authorizer *may renew if...*

The authorizer makes findings that the charter school is taking meaningful steps to address the underlying cause or causes of low performance, and those steps are reflected in a written plan adopted by the charter school board. Through 2025, the authorizer must also find:

There is clear and convincing evidence showing **EITHER:**

- The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school OR
- Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers, using "verified data," defined as data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced.

This section only applies through January 1, 2026.

5 Year Renewal

EC§ 47607.2(b)
May deny only if...

The authorizer makes findings that:

- The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils;
- Closure of the charter school is in the best interest of pupils; and
- Its decision provided greater weight to academic performance.

The authorizer shall consider performance on state and local indicators on the Dashboard. "Verified data," as described in the box below, shall be considered by the authorizer through 2025.



DASS Renewal

EC§ 47607(c)(7)

May deny only if ...

The authorizer makes findings that the closure of the charter school is in the best interest of pupils.

The authorizer shall consider performance on:

- State and local indicators, and
- Alternative metrics applicable to the charter school based on the pupil population served.

Technical Assistance Criteria

EC§ 47607(c)(7)

CDE makes determination annually

2019-2021: For 3 out of 4 years, 3+ student groups (or all groups, school has <3) receive Red on one or more Dashboard indicators. In ELA and Math, the student group must receive Red/Orange or Red/Red to count. Authorizer must provide TA

2022+: For 2 years, one student group receives colors as specified above in 2+ priority areas. Priority 4=ELA and math, EL (for 2019, "Very Low" Status on ELPI counts), Priority 5=Graduation and Chronic Absence, Priority 6=Suspension, Priority 8=CCI). County Board must provide TA.

Can lead to revocation if CCEE determines problems persist or charter is unwilling. Also called Differentiated Assistance.

Charter School Renewal Post AB 1505: All Tiers

Per EC§ 47607(e), the authorizer may deny renewal of any charter school upon a finding that the school is:

- Demonstrably unlikely to successfully implement the petition due to substantial **fiscal or governance factors** OR
- **Not serving all pupils who wish to attend.** (See detail below)

The authorizer may deny renewal only after it has provided the charter school:

- At least 30 days notice of the alleged violation AND
- A reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school.

The chartering authority may deny renewal by making either of the following findings:

- The corrective action proposed by the charter school has been unsuccessful or
- The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

Denial findings based on "not serving all pupils who wish to attend" must be documented based on the following:

Before the final year of the charter school's term, the charter school authorizer may request the California Department of Education to provide the following data for each school year of the charter school's term:

- The charter school's cumulative enrollment, including the total number of pupils, disaggregated by race, ethnicity, and pupil subgroups, who enrolled in school at any time.
- The percentage of pupils enrolled before census day who were not enrolled at the conclusion of that year, and the average results on the CAASPP assessments for any such pupils who were enrolled in the charter school the prior school year.
- The percentage of pupils enrolled the prior school year who were not enrolled as of census day for the school year and the average results on the CAASPP assessments for any such pupils.

When determining whether to grant a charter renewal, the chartering authority shall review the above data and any substantiated complaints that the charter school has not complied with the "Suspension and Expulsion" charter petition section.

CLIENT NEWS BRIEF

School District Cannot Avoid Responsibility For Residential Placement Despite Availability Of Financial Assistance From A Non-Educational Agency

In a significant special education case published earlier this year, the California Court of Appeal ruled that a school district was responsible for funding the costs of residential placement for an adopted former foster child, despite funding assistance provided for the placement by the Department of Children and Family Services (DCFS).

Background

B.H., a former foster child with significant disabilities, lived with his adoptive parents within the boundaries of the Manhattan Beach Unified School District (MBUSD). B.H.'s parents arranged for his placement at a residential treatment facility and its affiliated nonpublic school in Sonoma County. MBUSD offered this placement to B.H. in an individualized education program (IEP) upon B.H. qualifying for special education. As adoptive parents of a child formerly under DCFS's supervision, B.H.'s parents applied for and received financial assistance for his residential placement through the Adoptive Assistance Program (AAP), administered through DCFS. Given this financial assistance from DCFS, MBUSD refused to fund the IEP placement. MBUSD's reasoning was two-fold: DCFS had placed the student—not the school district—and so MBUSD was not responsible for the costs of B.H.'s education; and, as DCFS was funding the placement, MBUSD had no need to do so.

The parents initiated a due process hearing, with the sole issue being whether MBUSD was responsible for implementing B.H.'s IEP and paying the parents' travel expenses related to B.H.'s placement at the residential treatment center. The administrative law judge (ALJ) ruled in favor of MBUSD, finding that MBUSD was not responsible for the costs of B.H.'s education. In reaching this conclusion, the ALJ relied on Education Code sections 56155 and 56156.4, which provide that if a child with disabilities is placed in a licensed children's institution (LCI) . . . *by a public agency, other than an educational agency*, then the special education local plan area (SELPA) shall be responsible for providing special education to the child residing in the LCI, and not the district of parents' residence. (Ed. Code, § 56156.4, subd. (a); emphasis added.) The ALJ concluded that DCFS was a "public agency other than an educational agency" for purposes of Sections 56155 and that DCFS had placed B.H. in the residential treatment center.

On appeal, the trial court agreed with the ALJ's finding that MBUSD was not responsible for the costs of B.H.'s residential placement.

Analysis

The Court of Appeal reversed the trial court's decision, holding that because DCFS is not a "public agency, other than an educational agency" under Education Code section 56155 and that because DCFS did not in fact "place" B.H. in the residential facility but rather only offered AAP funding assistance, Education Code section 56156.4, subdivision (a), did not provide MBUSD with an exception to the rule that the school district of the parents' residence is responsible for the costs of education for a student with disabilities.

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As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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In reaching these conclusions, the court first pointed out that B.H.'s educational placement was to be determined under the Individuals with Disabilities Education Act (IDEA), which required MBUSD to provide a free appropriate public education (FAPE), including placement, to B.H. Further, regardless of any other agency involvement, the statutory schemes of the IDEA and related provisions of the California Education Code do not provide an exception to a school district's obligation to provide residential placement services solely on the basis that such services or placement may be available through another agency.

Next, the court explained that for purposes of Education Code sections 56155 and 56156.4, subdivision (a), a "public agency" is defined, in part, as "... any other public agency under the auspices of the state or any political subdivisions of the state providing special education or related services to individuals." (Ed. Code, § 56028.5.) Because DCFS did not provide "special education or related services" to B.H. it was not a "public agency, other than an educational agency," and thus the exception under Education Code section 56156.4, subdivision (a) did not apply.

The court found that the purpose of AAP funding is to ease financial burdens on adoptive families in addressing a child's serious mental health or emotional problems that pre-existed the child's adoption. The court emphasized that the law does not authorize DCFS to facilitate a residential placement for the purposes of providing special education, noting that such authority arises only when a student is a dependent of the juvenile court, and the court orders or permits DCFS to make educational decisions on behalf of the child.

Takeaways

Under *B.H. v. Manhattan Beach Unified School District*, a residential placement financially facilitated by DCFS for a child no longer under DCFS's jurisdiction did not constitute "placement" by a non-educational public agency for purposes of determining the agency responsibility for funding the student's FAPE. As school districts take stock of the recent legislative season and evaluate their practices midway through the school year, they should bear the *B.H.* case in mind. Education Code provisions concerning residential placements and licensed children's institutions are nuanced, and legal counsel should be consulted when these issues arise.

For more information on this decision or to discuss any questions related to special education, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#). Over the next few weeks our housing experts will also be developing materials in response to the 2019 housing laws including sample checklists and preliminary applications to assist local governments in complying with SB 330. Keep an eye out for these resources.

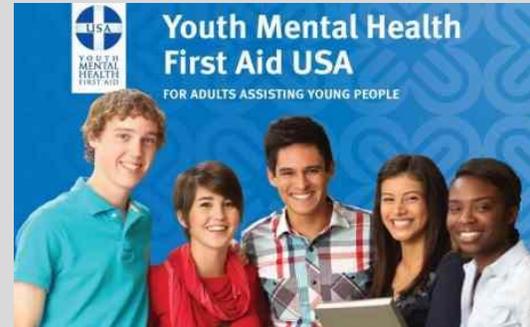
Professional Development



Student Safety and Well-Being Youth Mental Health First Aid

Sometimes, first aid isn't a bandage, or CPR, or the Heimlich or calling 911.

Sometimes, first aid is
YOU!



**A young person you know could be experiencing a mental health challenge or crisis.
You can help them.**

You are more likely to encounter a young person—friend, family member, student, neighbor, or member of the community—in an emotional or mental crisis than someone having a heart attack. Learning how to help them is critical.

Participants Will Learn

Youth Mental Health First Aid (YMHFA) teaches a 5-step action plan to offer initial help to young people showing signs of a mental illness or in a crisis, and connect them with the appropriate care.

Intended Audience

YMHFA is designed for adults who work with young people, ages 12–18, and who do **NOT** have a mental health background: administrators, teachers, nurses, counselors, coaches, secretaries, campus monitors, yard supervisors, registrars, lunch staff, bus drivers, and leaders of faith communities, law enforcement, parents, and other caring citizens. Mental health professionals are encouraged to attend to learn

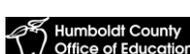
Content from this training supports Local Control and Accountability Plan —
Priority Area: Student Engagement and School Climate

The trainings (one 8-hour or two consecutive 4-hour trainings) are delivered to your site(s), at no cost.

SPACE IS LIMITED TO 35 PARTICIPANTS PER TRAINING. PLEASE NOTE MULTIPLE TRAINING CAN BE DELIVERED SIMULTANEOUSLY. TO SCHEDULE A TRAINING, PLEASE SEND A MESSAGE TO YMHFA@CDE.CA.GOV

Sponsored by the California Department of Education (CDE), Educator Excellence and Equity Division. This training is made possible through funding from the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) through the Project Advancing Wellness and Resilience in Education State Educational Agency (AWARE-SEA) and the U.S. Department of Justice's Stop School Violence Act Program. California's Project AWARE-SEA (Project Cal-Well) is a consortium of the CDE and three grantee LEAs: Humboldt County Office of Education (HCOE) and Del Norte Unified School District (DNUSD); Sacramento County Office of Education (SCOE) and Paradise Unified School District (PUSD); and Stanislaus County Office of Education (Stan COE).

Participant manuals generously donated by the local chapters of the American Foundation for Suicide Prevention (AFSP) and stipends generously donated by Blue Shield of California (BSC).



Dear LEA representatives,

This is a reminder that the Fall 1 amendment window **closes on Friday, January 24, 2020** at 10:00 p.m. There will be no extension to the Amendment Window deadline. Local educational agencies (LEAs) should work with their Special Education Local Plan Areas (SELPA) to ensure that special education reports are reviewed and approved by this deadline. It is important for the Fall 1 data submission to be certified on or before this deadline in order to report Census Day enrollment counts and Unduplicated Pupil Counts (UPC) for the Local Control Funding Formula (LCFF). After the close of the amendment window, there will be no further opportunity to amend these data except through the LCFF audit process.

CALPADS will implement Release 12 on January 7, 2020 in preparation of the Fall 2 submission. The Fall 2 snapshots will first run Tuesday night for all LEAs. A new file type has been added to Fall 2 for capturing survey information on students that graduated the previous year. The Postsecondary Status (PSTS) file is required for all LEAs that have grade 12 in order to report the postsecondary status (previously known as Perkins E2) of Career Technical Education (CTE) pathway completers who were part of the 2018–19 4-year Adjusted Cohort Graduate Rate (ACGR).

Fall 2 Training

Fall 2 training will begin this week. The following table lists available Fall 2 courses for the CALPADS 2019–20 academic year, along with the recommended target audience for each course, and the training format:

Course Title	Recommended Target Audience	Live training and Videos Available to CALPADS Data Coordinators/Admins in Bridge	Available on YouTube to All Users	PowerPoint available on CSIS Resource page
Fall 2 Data Population	New staff and experienced staff	Yes, beginning week of January 13	Yes Available January 13	No
Fall 2 Reporting and Certification	New staff and experienced staff needing a refresher	Yes, beginning week of January 22	Yes, following live training	Yes Available January 22
Fall 2 Advanced – Reporting & Certification Overview and Changes	Experienced staff who completed Fall 2 submissions previously	Yes, beginning January 9	Yes, following live training	Yes Available January 9

The live training sessions of *Fall 2 Advanced – Reporting & Certification Overview and Changes*, for experienced users, will be available this week, and the *Fall 2 Reporting and Certification* sessions will begin January 22. There will not be a live training session for the *Fall 2 Data Population* course; this course will be available on YouTube and Bridge on January 13.

Bridge Accounts

Bridge is the new Learning Management System (LMS) used for CALPADS training. Only LEA Administrators or their designee are issued a Bridge account. Our training model is to train the data coordinator so that they can train local users.

For those who do not have a Bridge account, the courses will be recorded and published on CSIS CALPADS YouTube channel, which can be found here: <https://www.youtube.com/CSISCALPADSTrainingChannel>. The CSIS CALPADS YouTube Channel can be used to watch the *Fall 2 Data Population* course beginning the week of January 13th. The *Fall 2 Reporting and Certification* and *Fall 2 Advanced Reporting & Certification and Overview and Changes* will be posted on the YouTube Channel following the initial live training sessions.

If you are the CALPADS Data Coordinator/LEA Admin and you do not have a Bridge account established, please follow the steps on the next page and establish a Bridge account in order to register for live training sessions and take advantage of some "pre-work" activities.

To activate your Bridge account, follow the steps below. You may also view a quick video entitled "CSIS Bridge Login Process" on the CSIS CALPADS Training Channel for further instruction: <https://youtu.be/o2bkJ1EFex4> (YouTube; 6 mins 44 seconds)

To activate your Bridge account:

Go to the new CSIS website: <https://csis.fcmat.org/>

1. Go to CALPADS >Learning >LMS and choose "Request an LMS Account" and select "Access to Learning" as the reason for the account.
2. If you are an LEA Admin for more than one LEA, just choose one of your LEAs.
3. Fill out the required information in the modal and click "Submit."

Within 24-48 hours, a CSIS Service Desk agent will follow up with the remaining instructions via a service desk ticket. Your new user name will be provided in the "Full Description of your request" section of the service desk request ticket.

If you need to reset your Bridge password, follow the steps below:

1. On the Bridge login page, enter your user ID.
2. Select "Next."
3. On the password screen, select "Forgot My Password."
(These steps continue on the next page)

4. Choose a contact method (email address is the default method.)
5. Complete the CAPTCHA prompt.
6. Select “Next.”
7. Select “email” (the blue button).
8. Check your email account for further instructions.
9. Enter the code supplied in the email.
10. Proceed to change your password.

Oh Snap

If at any time you are sent to the “Oh Snap” web page while on the CSIS website, please clear your cache and cookies in your browser (usually in your internet browser’s settings or preferences), close and restart the browser, and try again.

Thank You,

CALPADS Team