EL DORADO CHARTER SELPA
Special Education Local Plan Area

January 15, 2020

Steering Committee Meeting

Online

Federal and State News

Fiscal Update

Governor's January Budget Proposal

- 15% Boost in Prop 98 contribution to AB 602 base = Higher Statewide Target Rate!!!
- SpEd base funding calculated on 3-yr rolling average of ADA
- COLA = 2.29%
- Retains current SELPA funding model
- $4M for dyslexia research, training & statewide conference
- One-time funding to study:
  - the current SELPA governance and accountability structure; and
  - improved accountability for SpEd service delivery and student outcomes.
- Proposing a multiyear approach (w/no specific timeframes), the Administration plans to:
  - create a new funding formula to support equity, more inclusive practices, and early intervention;
  - make changes to governance and accountability;
  - pursue reforms related to family and student engagement; and
  - incorporate recommendations from the Master Plan.

ERMHS Funding Timeline

September

- Level 3 Budget for Continuing Placements Due ASAP
- Initial Level 2 per service rate set
- Preliminary Level 2 SEIS Service Count #1

October

- Level 2 Annual Mental Health Plan Due Nov. 1
- Level 3 Site-Based Annual Mental Health Plan & Budget Due Nov. 1
- Preliminary Level 2 SEIS Service Count #2

November

- Preliminary Level 2 SEIS Service Count #3

December

- Final Level 2 SEIS Service Count
- Audit Reports
- Dec 17

January

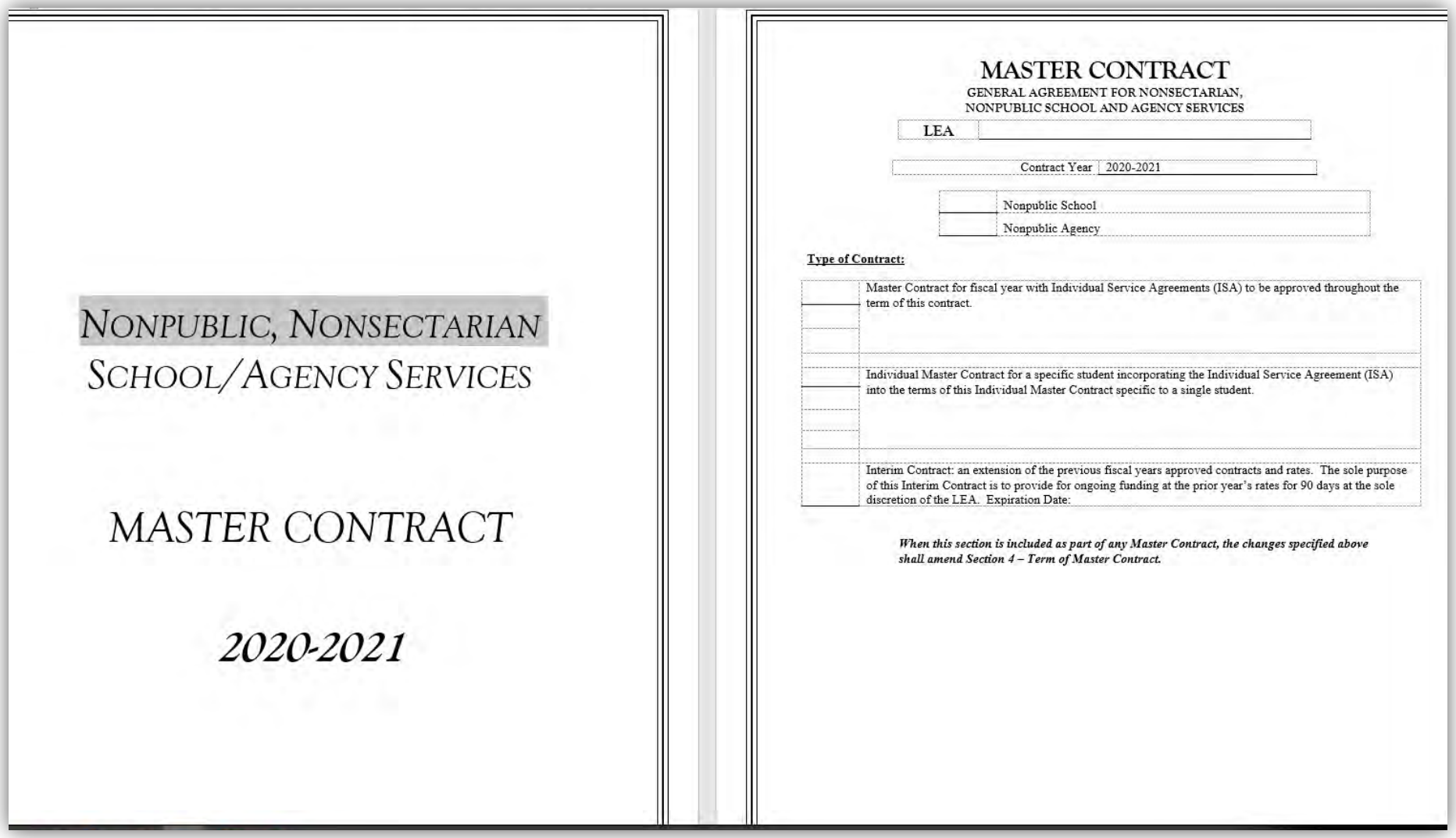
- Level 2 Budget Due Jan. 15
- Mid-Year Exp Report Jan. 17

** New Level 3 NPS & Residential Requests (budget, Master Contract & ISA) due within 30 days of placement. **

By May

- Final rates and funding %.

Fiscal Update



NONPUBLIC, NONSECTARIAN
SCHOOL/AGENCY SERVICES

MASTER CONTRACT

2020-2021

MASTER CONTRACT
GENERAL AGREEMENT FOR NONSECTARIAN,
NONPUBLIC SCHOOL AND AGENCY SERVICES

LEA	

Contract Year	2020-2021

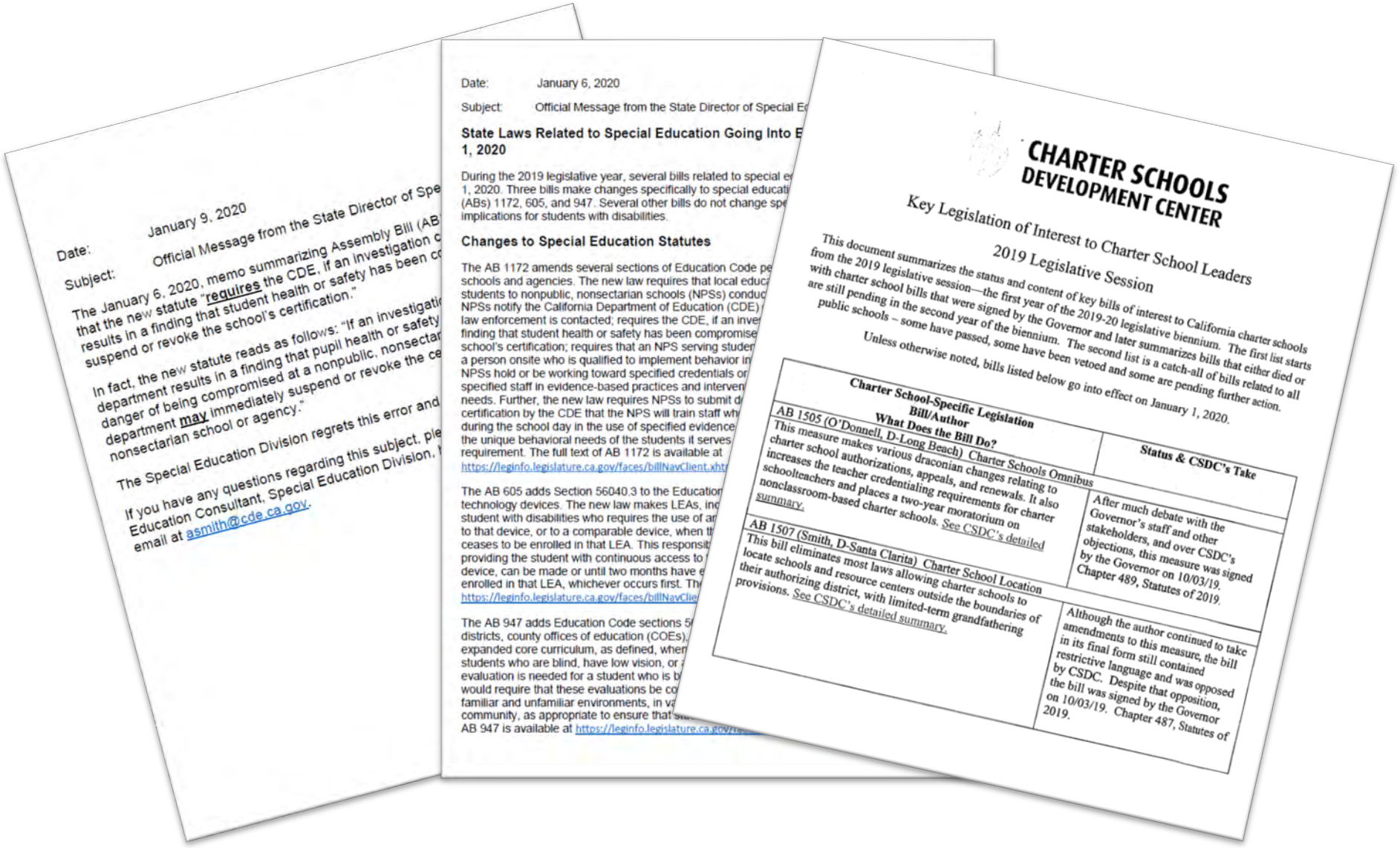
	Nonpublic School
	Nonpublic Agency

Type of Contract:

	Master Contract for fiscal year with Individual Service Agreements (ISA) to be approved throughout the term of this contract.
	Individual Master Contract for a specific student incorporating the Individual Service Agreement (ISA) into the terms of this Individual Master Contract specific to a single student.
	Interim Contract: an extension of the previous fiscal years approved contracts and rates. The sole purpose of this Interim Contract is to provide for ongoing funding at the prior year's rates for 90 days at the sole discretion of the LEA. Expiration Date:

When this section is included as part of any Master Contract, the changes specified above shall amend Section 4 – Term of Master Contract.

Legislative Update*



Date: January 9, 2020

Subject: Official Message from the State Director of Spe

The January 6, 2020, memo summarizing Assembly Bill (AB
that the new statute "**requires** the CDE, if an investigation c
results in a finding that student health or safety has been co
suspend or revoke the school's certification."

In fact, the new statute reads as follows: "If an investigati
department results in a finding that pupil health or safety
danger of being compromised at a nonpublic, nonsectar
department **may** immediately suspend or revoke the ce
nonsectarian school or agency."

The Special Education Division regrets this error and

If you have any questions regarding this subject, ple
Education Consultant, Special Education Division,
email at asmith@cde.ca.gov.

Date: January 6, 2020

Subject: Official Message from the State Director of Special Ed

State Laws Related to Special Education Going Into E
1, 2020

During the 2019 legislative year, several bills related to special e
1, 2020. Three bills make changes specifically to special educati
(ABs) 1172, 605, and 947. Several other bills do not change spe
implications for students with disabilities.

Changes to Special Education Statutes

The AB 1172 amends several sections of Education Code pe
schools and agencies. The new law requires that local educa
students to nonpublic, nonsectarian schools (NPSs) conduc
NPSs notify the California Department of Education (CDE)
law enforcement is contacted; requires the CDE, if an inve
finding that student health or safety has been compromise
school's certification; requires that an NPS serving studer
a person onsite who is qualified to implement behavior in
NPSs hold or be working toward specified credentials or
specified staff in evidence-based practices and interven
needs. Further, the new law requires NPSs to submit d
certification by the CDE that the NPS will train staff wh
during the school day in the use of specified evidence
the unique behavioral needs of the students it serves
requirement. The full text of AB 1172 is available at
https://leginfo.legislature.ca.gov/faces/billNavClient.xht

The AB 605 adds Section 56040.3 to the Education
technology devices. The new law makes LEAs, inc
student with disabilities who requires the use of ar
to that device, or to a comparable device, when th
ceases to be enrolled in that LEA. This responsibi
providing the student with continuous access to
device, can be made or until two months have e
enrolled in that LEA, whichever occurs first. Th
https://leginfo.legislature.ca.gov/faces/billNavClie

The AB 947 adds Education Code sections 5
districts, county offices of education (COEs),
expanded core curriculum, as defined, when
students who are blind, have low vision, or
evaluation is needed for a student who is b
would require that these evaluations be co
familiar and unfamiliar environments, in va
community, as appropriate to ensure that
AB 947 is available at https://leginfo.legislature.ca.gov/

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. See CSDC's detailed summary.	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. See CSDC's detailed summary.	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.

*Denotes a handout

Legal Update*

CLIENT NEWS BRIEF

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

December 2019
Number 78

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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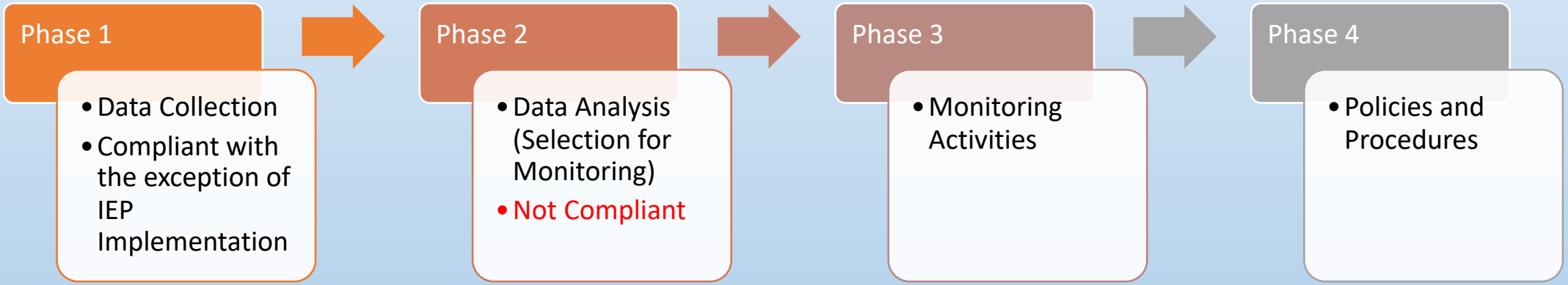
*Denotes a handout

Quality Assurance Process (QAP) Update

Emma C. Court Order Requirements

Are we making progress?



https://edsource.org/2017/two-decade-old-legal-battle-over-special-education-oversight-nears-resolution-brings-major-changes/576675

Phase 2 Deficiencies-Data Analysis

- Addressing Small LEAs
- Comprehensive Review Selection
- Preschool Review Selection
- Unambitious targets
- Mediation

Issue 1: Small LEAs

- 1500 LEAs and Charters with fewer than 100 SWDs
- Ways the CDE and USDOE has addressed the issue of smalls in the past
  - In monitoring selection LEAs were not included if their size was to small to be considered for individual indicators
  - In the dashboard LEAs with less than 30 were did not receive a dashboard
  - In the Significant Disproportionality Regulation Small LEAs that do not meet the minimum N size and cell size requirement are excluded

So what happens for small LEAs in the selection process?

- An LEA is excluded because they have too few students
- If included, students account for more of the calculation:

1.19% of the calculation

LEA with 84 SWDs

.012% of the calculation

LEA with 7,719 SWDs

Some ways to address this: Aggregation

- Aggregating students by SELPA
  - Concerns Single District SELPAs with one small charter school
- Aggregating students by county
  - What about Charter LEAs
- Hybrid
  - By County
  - By Charter SELPA

Issue 2: Comprehensive Review Selection

- Did not select the lowest performing LEAs
- Did not select enough LEAs

- Result: Complete overhaul of the CR Selection

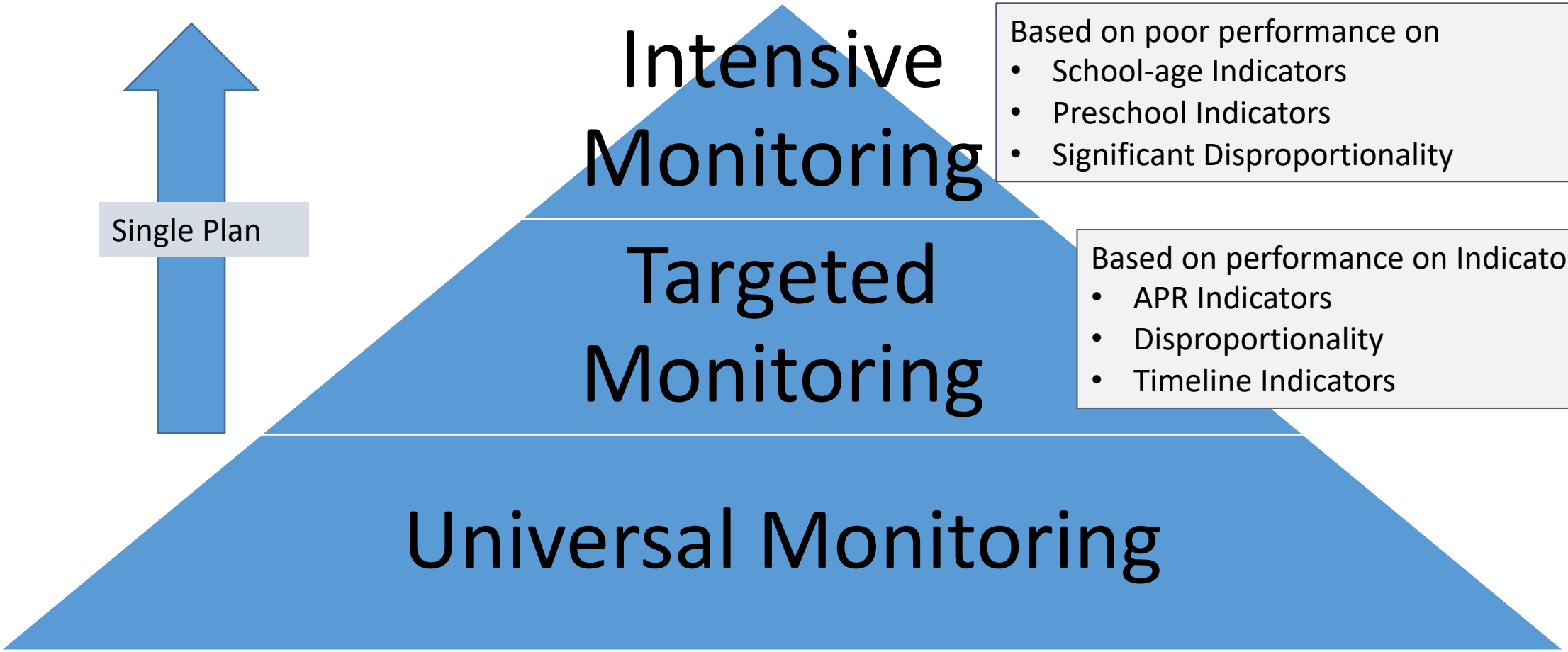
Comprehensive Review will now be called Intensive Review

School Age Intensive Review

Indicators most closely aligned with FAPE in LRE

- Academic Achievement (ELA and Math)
- Suspension Rates
- Chronic Absenteeism Rates
- Placement in A Regular Class Greater than 80% of the day
- Placement in a Separate School or Placement

CDE's Monitoring Structure



Scoring Methodology

- For each indicator the CDE plots all LEAs on a scale from highest to lowest scores then separates them by deciles. The bottom 10% are given a score of 1, the next 10% are given a score of 2 and so on.

Decile	>10 percentile	11-20 percentile	21-30 percentile	31-40 percentile	41-50 percentile	51-60 percentile	61-70 percentile	71-80 percentile	81-90 percentile	91-100 percentile
Score	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**
ELA Rate	x									
Math rate		x								
Suspenion Rate	x									
Chronic Absenteeism Rate	x									
In a regular class 80% rate		x								
In a separate placement rate	x									
LEA Sub Score	**8**									

Final Score

The scores are then added together and divided by the total possible score (60).

Decile	>10 percentile	11-20 percentile	21-30 percentile	31-40 percentile	41-50 percentile	51-60 percentile	61-70 percentile	71-80 percentile	81-90 percentile	91-100 percentile
Score	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**
ELA Rate	x									
Math rate		x								
Suspenion Rate	x									
Chronic Absenteeism Rate	x									
In a regular class 80% rate		x								
In a separate placement rate	x									
LEA Sub Score	**8**									
LEA Final Score	**13%**									

Selection of LEAs for School Age Intensive Review

- The CDE felt that it was important to include approximately 10% of the groups in the analysis.
- In the final model there were 729 LEAs and Small LEA groups. Ten percent of this model would be 72. The 72nd LEA scored 30% using the decile ranking methodology on all indicators. There were an additional 10 LEAs that also scored 30%.
- This method and selection resulted in 81 LEAs identified for Comprehensive Review in 2019-2020.
- The selected LEAs included 2 Small LEA Groupings, 1 County Office of Education, 10 Elementary School Districts, 23 High School Districts, and 45 Unified School Districts. The total number of students with disabilities served by the selected LEAs is 107,415 or 15% of the Students with disabilities ages 6-22 in California.

Intensive Monitoring

- 81 LEAs Identified for School Age Intensive Review
- 18 Identified for Preschool Only Intensive Review
- 120 Identified for Significant Disproportionality only

What's Next?

- Mega-Letter to be sent out Friday, January 24th
- Timeline of activities included in the letter
- SELPA team members will continue to provide support through the corrective action processes

SELPA Updates

*CDE Youth Mental Health First Aid Trainings**

- The California Department of Education is offering Mental Health First Aid Trainings to LEAs as part of the continued federally-funded Project Cal-Well efforts.
- YMHFA is an 8-hour training that can be delivered in one session or two 4-hour consecutive sessions for all school staff, parents, and community members.
- *Training is also available on the weekends, in the evenings and in Spanish*.
- If you are interested in hosting a YMHFA Training, send an email to YMHFA@cde.ca.gov

*Denotes a handout

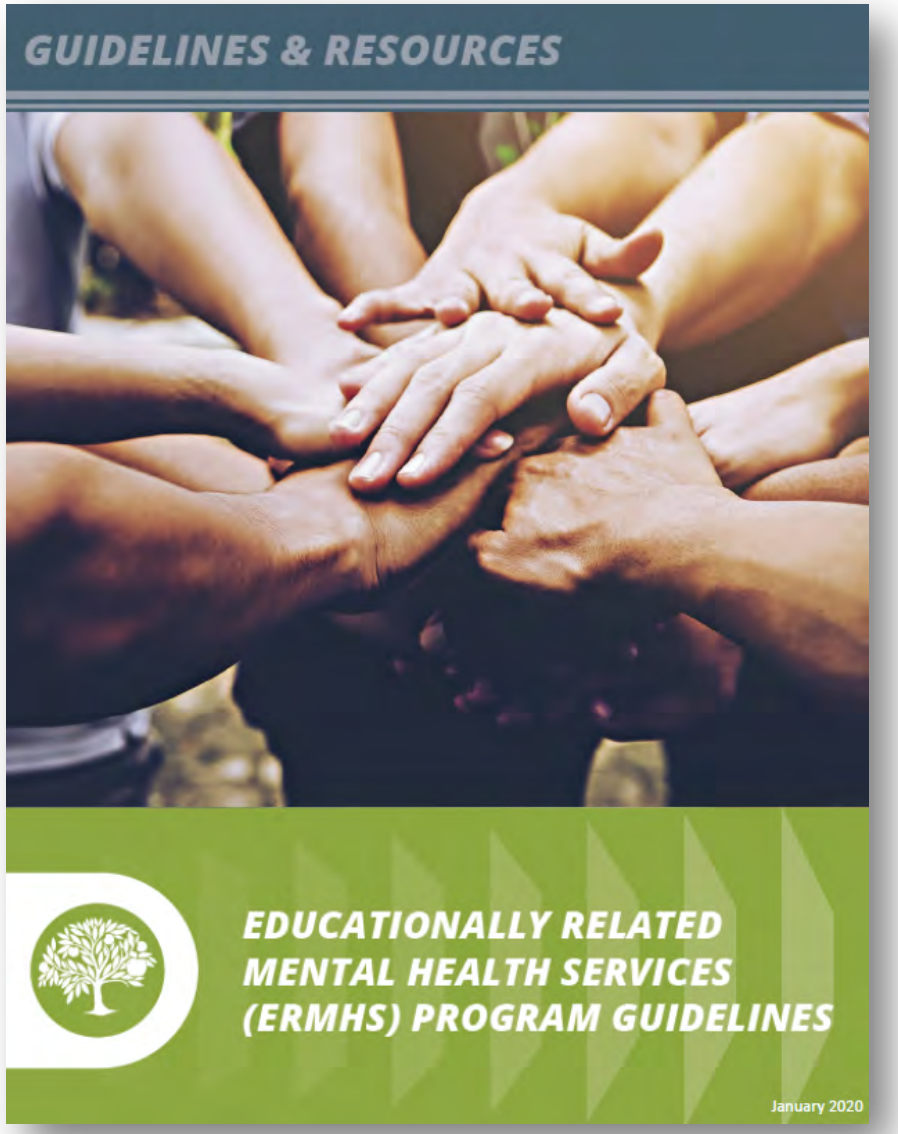
K-12 CDE Mental Health Listserv

- To receive information about the K-12 Mental Health Services Act Prevention and Early Intervention planning and implementation process, send a blank message to join-k12mh@mlist.cde.ca.gov.

Charter SELPA YMHFA Trainings

Date	Region	Start Time	End Time	Registration Link
1/30/2020	Northern California Bay Area	8:00	4:30	https://qrgo.page.link/XkRqs
5/7/2020	Southern California Orange County	8:00	4:30	https://qrgo.page.link/WAURi

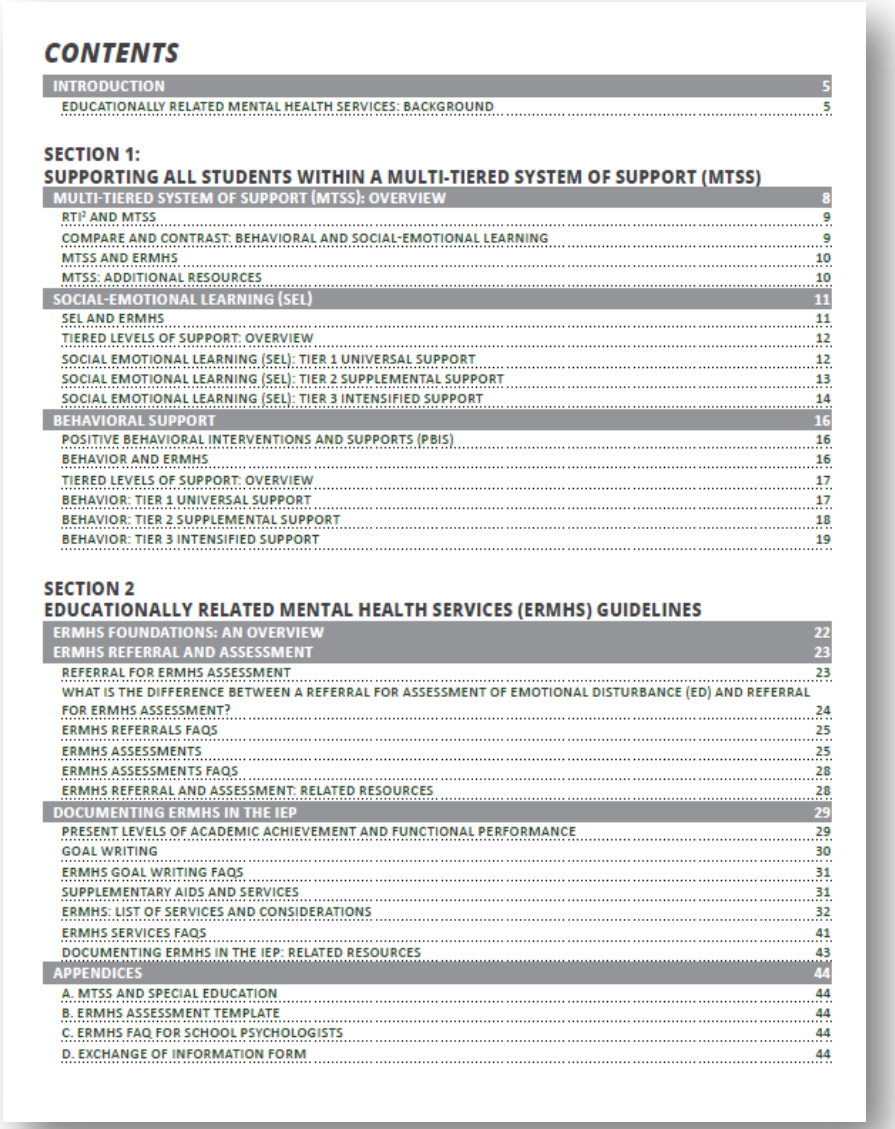
ERMHS PROGRAM GUIDELINES 2.0



- Updated content, resources and organization.
- Intended to support a broad audience of educators in understanding the foundational elements of ERMHS, from referral to provision of services.
- Appendices include resources for school psychologists and other ERMHS providers, including a sample ERMHS assessment report.

https://charterselpa.org/wp-content/uploads/2018/01/Charter-ERMHS-Guidelines.pdf

ERMHS PROGRAM GUIDELINES 2.0



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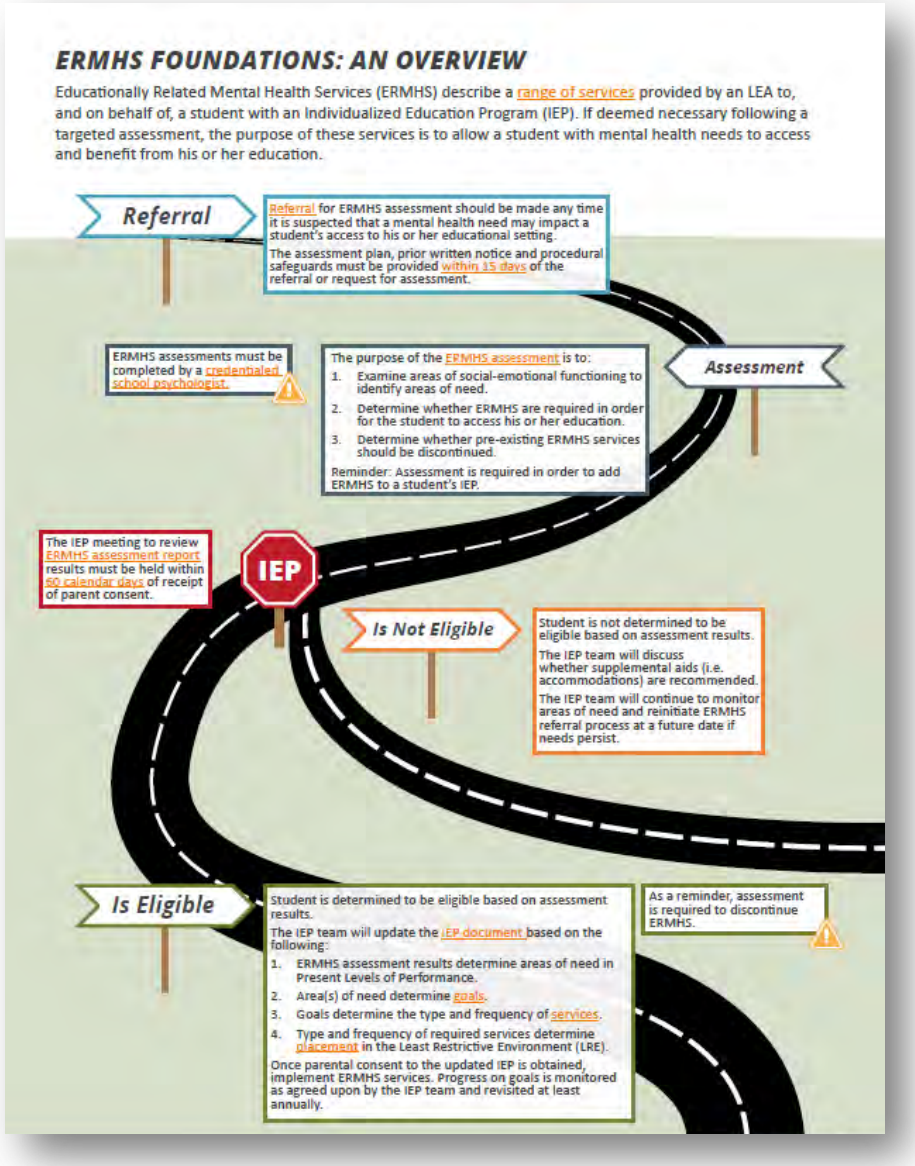
- Consistent with a commitment to a coherent system of support for all students.
- Section One: Supporting All Students Within a Multi-Tiered System of Support (MTSS)
  - Provides an overview of MTSS, Social-Emotional Learning and Behavior.
- Section Two: ERMHS Program Guidelines
  - Provides guidance on all things ERMHS, from referral to documenting services in the IEP.

ERMHS PROGRAM GUIDELINES 2.0

Highlights:

- Updated guidance on tiered levels of support for SEL and Behavior
- ERMHS Foundations roadmap tool
- “Key Points” sections to highlight major takeaways
- Topic-specific FAQ charts
- Updated 500 code chart with additional considerations
- New appendices and resources



2019-20 Professional Learning Offerings*

Date	Format	Start Time	End Time	Title	Registration Link
1/17/2020	Webinar	9:00	12:00	SEIS 101	https://qrgo.page.link/NBg7Z
1/21/2020	Webinar	2:00	4:00	Part 3 Understanding Evidence-Based Practices for Students with Autism Spectrum Disorder	https://qrgo.page.link/fdQ7U
1/28/2020	Webinar	2:00	4:00	Writing Compliant IEPs Ensuring Educational Benefit	https://qrgo.page.link/FWsuL
3/10/2020	Webinar	9:00	12:00	Fostering Independence and Self-Advocacy through Student-led IEPs	https://qrgo.page.link/iTgQb
4/9/2020	Webinar	9:00	12:00	A Person-Centered Approach to Transition	https://qrgo.page.link/z8gkb

*Denotes a handout

Dates and Times

Los Angeles, CA
August 4-5, 2020

San Diego, CA
August 11-12, 2020

Sacramento, CA
August 17-18, 2020

Bay Area
August 25-26, 2020

For more information on Teacher Academy:
https://charterselpa.org/academies/

INSPIRATION TO ACTION 2020

February 20, 2020

Magnify Your Perspective

Register Today:

http://charterselpa.org/symposium/

Data Update*

*Denotes a handout

CALPADS Fall 1 Certification Update

- The Amendment Window has a hard close date of 10:00 p.m., January 24th.
- Please, check your SEIS and CALPADS certification status. The SELPA shows approximately 65 LEAs that are not certified.
- The SELPA Program Technicians have been reaching out to SEIS DLUs to confirm submission status and to work through any errors – but not everyone has responded!

CALPADS Fall 2

- The CALPADS Fall 2 reporting window predominately focuses on Post Secondary Status.
- This is not a SEIS or SPED-specific data set and, if your LEA does not have Grade 12 students, it will not apply.

TOMS

- SEIS is working with State SELPA (forms committee) to make updates to allow for the new testing accommodations.
- A complete list of accessibility resources (universal tools, designated supports, and accommodations) can be found on Matrix 4 at: https://www.cde.ca.gov/ta/tg/ep/documents/elpacmatrix4.docx
- We don't know the timeline for these updates, but they should be in place before March

Race and Ethnicity Clarification

- An ethnicity choice of Hispanic trumps all subsequent Race choices for all student data at both the state and federal level.
- Keep this in mind when looking at Dispro data.
- Continue to enter Race data for Hispanic students if provided by the parents.

CHARTER SCHOOL LEGAL FORUM

Bay Area

1/24/20 | 8:30 a.m. - 3:00 p.m.
The Waterfront Hotel
10 Washington Street
Oakland, CA 94607

Orange County / Anaheim

1/31/20 | 8:30 a.m. - 3:00 p.m.
DoubleTree Anaheim Resort
Convention Center
2085 S Harbor Blvd.
Anaheim, CA 92802

Topics

- New Legislation
- Legally Defensible Assessment Reports
- IEP Notetaking
- Who's the Parent?
- Hot Cases and Federal Guidance
- Q & A

https://charterselpa.org/legal-forum/

EL DORADO
CHARTERSELPA
Leadership Academy

Sacramento

July 20, 2020 – July 24, 2020
Embassy Suites by Hilton
100 Capitol Mall
Sacramento, CA 95814

Applications open in late April 2020

EL DORADO CHARTERSELPA
Special Education Local Plan Area

Upcoming Regional Steering Meetings

Los Angeles: April 15th 10 a.m. – 2:30 p.m.
San Diego: April 16th 10 a.m. – 2:30 p.m.
Sacramento: April 22nd 10 a.m. - 2:30 p.m.
Bay Area: April 23rd 10 a.m. – 2:30 p.m.

Questions & Answers