Federal and State News
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

**By May**
- Final rates and funding %.

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

## Nonpublic, Nonsectarian School/Agency Services

### MASTER CONTRACT

**2020-2021**

<table>
<thead>
<tr>
<th>LEA</th>
<th>Contract Year: 2020-2021</th>
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</thead>
</table>

**Nonpublic School**

**Nonpublic Agency**

<table>
<thead>
<tr>
<th>Type of Contract:</th>
<th></th>
</tr>
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</table>

- 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.
- Intermi Contract: extension of the previous fiscal year’s approved contracts and rates. The sole purpose of this Intermi 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 6, 2020

**Subject:** Official Message from the State Director of Special Education

**Date:** January 5, 2020

Subject: Official Message from the State Director of Special Education

The January 5, 2020, memo summarizes Assembly Bill (AB) 1172, which amends several sections of the California Education Code (EC) that relate to charter schools and agencies. The new law requires that local education agencies (LEAs) submit plans to the California Department of Education (CDE) that the LEA will train staff during the school year in the use of specified evidence-based interventions for students with disabilities. The full text of AB 1172 is available at [Link to text].

The AB 655 adds Section 56040.3 to the Education Code to require that LEAs provide training to staff on the use of technology for students with disabilities. The new law makes LEAs responsible for ensuring that students with disabilities have access to the technology they need to be successful in LEAs. The CDE has provided guidance on the implementation of this law, which is available at [Link to guidance].

The AB 2474 adds Section 56040.3 to the Education Code to require that LEAs provide training to staff on the use of technology for students with disabilities. The new law makes LEAs responsible for ensuring that students with disabilities have access to the technology they need to be successful in LEAs. The CDE has provided guidance on the implementation of this law, which is available at [Link to guidance].

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**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. The following bills were signed into law during the 2019-20 legislative session:

- **AB 1172** (Gonzalez, D-Dominguez Hills): Charter School Oversight
- **AB 655** (Gonzalez, D-Dominguez Hills): Charter School Technology
- **AB 2474** (Gonzalez, D-Dominguez Hills): Charter School Technology

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Although the details continue to change, the bill now allows charter schools to use existing in-district to this measure, the bill now allows charter schools to use existing in-district to this measure. The new text of the bill is available at [Link to text].

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*Denotes a handout
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 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.'s 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, 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 (SELP A) shall be responsible for providing special education to the child residing in the LCI and not the district of parental residence. (Ed. Code, § 56156, 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, 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.
Quality Assurance Process (QAP) Update
Emma C. Court Order Requirements

Are we making progress?

Phase 1
- Data Collection
- Compliant with the exception of IEP Implementation

Phase 2
- Data Analysis (Selection for Monitoring)
  - Not Compliant

Phase 3
- Monitoring Activities

Phase 4
- Policies and Procedures

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 too 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:

LEA with 84 SWDs: 1.19% of the calculation
LEA with 7,719 SWDs: .012% of the calculation
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

Universal Monitoring

Targeted Monitoring

Intensive Monitoring

Based on performance on Indicators
• APR Indicators
• Disproportionality
• Timeline Indicators

Based on poor performance on
• School-age Indicators
• Preschool Indicators
• Significant Disproportionality

Single Plan
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.

<table>
<thead>
<tr>
<th>Decile</th>
<th>&gt;10 percentile</th>
<th>11-20 percentile</th>
<th>21-30 percentile</th>
<th>31-40 percentile</th>
<th>41-50 percentile</th>
<th>51-60 percentile</th>
<th>61-70 percentile</th>
<th>71-80 percentile</th>
<th>81-90 percentile</th>
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<tr>
<td>Score</td>
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<td>Chronic Absenteeism Rate</td>
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<td>In a regular class 80% rate</td>
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</table>
**Final Score**

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

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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
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
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

<table>
<thead>
<tr>
<th>Date</th>
<th>Region</th>
<th>Start Time</th>
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<td>5/7/2020</td>
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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.

• 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
<table>
<thead>
<tr>
<th>Date</th>
<th>Format</th>
<th>Start Time</th>
<th>End Time</th>
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<td>Writing Compliant IEPs Ensuring Educational Benefit</td>
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*Denotes a handout*
Dates and Times

Los Angeles, CA
August 4-5, 2020

Sacramento, CA
August 17-18, 2020

San Diego, CA
August 11-12, 2020

Bay Area
August 25-26, 2020

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

http://charterselpa.org/symposium/
Data Update*

*Denotes a handout
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!
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.
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.
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/
Sacramento

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

Applications open in late April 2020
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