



El Dorado Charter SELPA CEO COUNCIL MEETING

Wednesday, October 7, 2020 | 9:30 a.m.

Virtual Webinar Via Zoom - Web Link (copy and paste into browser):
https://edcoe.zoom.us/webinar/register/WN_7euuAQxQSOuvJ7haiR7cbw
Dial-in Option: 1-669-900-6833 Webinar ID: 992 1697 7235

Charter SELPA Administration:

David M. Toston, Associate Superintendent of
SELPA Programs
Giniese Quann, Charter SELPA Director
Bob Steponovich, Director of Business Services
Kathleen Hall, Administrative Assistant

El Dorado Charter SELPA CEO Council Members

A complete list of CEO Council Members is presented in Attachment 7.4 of this Agenda.

Notice: In compliance with the American with Disabilities Act, for those requiring special assistance to access public meeting rooms or to otherwise participate at a public meeting conducted by the El Dorado County Office of Education, please contact Kathleen Hall at (530)295-2236, khall@edcoe.org at least 48 hours in advance of the meeting you wish to attend so that every reasonable effort to accommodate you, including requests for auxiliary aids or services, can be made. Meeting documents are provided online at <https://charterselpa.org/governance/>. If you require documents being discussed at a public meeting be made accessible, please contact Kathleen Hall at least 48 hours in advance of the meeting.

AGENDA

Time Item # Item
(all times are estimated)

9:20 am **1. Housekeeping/Procedural Announcements**

Announcements:

- A. EXECUTIVE ORDER N-29-20 TELECONFERENCE FLEXIBILITY
This meeting is being held pursuant to the procedures established in Executive Order N-29-20 issued by California Governor Gavin Newsom on March 17, 2020. All council members may attend the meeting by teleconference. This meeting will be a virtual meeting only. The public may observe and address the meeting via Zoom.
- B. PUBLIC ACCESS TO THE Charter SELPA CEO COUNCIL MEETING
The public will have access to the Charter SELPA CEO Council meeting through Zoom Teleconferencing. There are two options for those individuals who wish to make a public comment: 1.) During the meeting, comments can be sent through the Zoom meeting chat feature, or 2.) Prior to, or during the meeting, comments may be sent to khall@edcoe.org. A moderator for the meeting will read your comments for the record.
- C. ANNOUNCEMENT
Should this meeting encounter any security breach or inappropriate issues, the meeting will be ended immediately and rescheduled as soon as practical.

9:30 am **2. Call to Order**



3. **Approval of Agenda**
4. **Public Hearing** (for items not on the Agenda - comments limited to two minutes)
5. **Welcome/Introductions**
 - 5.1 Welcome
 - 5.2 Introductions

CONSENT ITEMS REQUIRING CEO COUNCIL ACTION

6. **Consent Items Requiring CEO Council Action**

Items included on the Consent Agenda are to be approved by one motion unless a CEO Council member requests separate action on a specified item.

- 6.1 **Approval of Minutes of CEO Council Meeting Held May 21, 2020**

The May 21, 2020 CEO Council Meeting Minutes are presented as Attachment 6.1.

Recommendation: The Charter SELPA CEO Council recommends approval of all items on the consent agenda.

END OF CONSENT AGENDA

7. **REPORTS – NO ACTION REQUIRED**

- 7.1 **Minutes of Executive Committee Meeting Held September 10, 2020**

The Minutes of the September 10, 2020 Executive Committee Meeting are presented as Attachment 7.1.

- 7.2 **Review of Executive Committee Membership/Meeting Dates**

A review of the current membership of the committee will take place. The Executive Committee meets several times per year and attempts to have broad representation from the CEO Council to include charter representatives from large, small, geographically diverse, etc., members. The Executive Committee provides input to the Charter SELPA leadership team as recommendations are developed for the CEO Council.

A list of the Executive Committee members for 2019-20:

Allegra Johnson, Da Vinci Schools
Barbara Hale, Sycamore Academy Charter
Cindy Kelley, King-Chavez
Cindy Petersen, Gateway Community Charters
Dawn Evenson, iLEAD Schools
Debi Gooding, The Learning Academy
DiAnne McClenahan, The Bay Group
J. J. Lewis, Compass Charter Schools
Jennifer Zamora, Bay Area Technology
Jonathan Dean, The O'Farrell Charter School
Josh Drake, Rocketship Public Schools



Julie Mattoon, KIPP Bay Area
 Kapil Mathur, Orange County Academy of Sciences and Arts
 Karin Marsolais, Preuss School UCSD
 Kim Damman, KIPP SoCal Public Schools
 Lisa Freccero, Aspire Public Schools
 Lynne Alipio, Altus Schools
 Mark Ryan, North Valley Military Institute College Preparatory Academy
 Mary Searcy Bixby, Altus Schools
 Pat Hill, Learn 4 Life Concept Charter Schools
 Patricia Dougherty, Phoenix Charter Academy
 Paul Keefer, Pacific Charters
 Russell Michaud, Alpha Public Schools
 Seth Feldman, Bay Area Technology
 Stephanie Walton, Circle of Independent Learning
 Wendy Sanders, Redding School of the Arts

The SELPA has confirmed members' interest in continuing to serve on the Executive Committee for 2020-21 and will ask for additional volunteers to become members. An informational flyer with the 2020-21 meeting dates is included as Attachment 7.2.

7.3 Charter SELPA Partners Recognition

In 2013, the Charter SELPA formally recognized our founding partners, identified as being with us in the first three years of operation. Starting in 2014, we have annually recognized those partners who have achieved five years of membership. The partners being recognized, who have achieved five years of membership, and have not been previously recognized, are:

- America's Finest Charter
- Amethod Public Schools
- Aspen Public Schools, Inc.
- Cabrillo Point Academy
- Ceiba Public Schools
- Da Vinci Schools
- Kairos Public School Vacaville Academy
- Kavod Charter School
- North Oakland Community Charter
- Palmdale Aerospace Academy
- Partners in Oakland Education
- Santiago Middle
- The School of Arts and Enterprise
- Sycamore Academy of Science and Culture Arts
- The New School of San Francisco
- Trivium Academy of Classical Education
- Valiente College Preparatory Charter
- Vista Oaks Charter

7.4 Charter SELPA Membership

A list of the current 2020-21 members/CEOs of the El Dorado Charter SELPA is included as Attachment 7.4.



7.5 Program/Business Report

The SELPA team will share program and business updates and highlights. Included in this report is Attachment 7.5, a FMCAT Fiscal Alert, August 2020.

INDIVIDUAL ITEMS REQUIRING CEO COUNCIL ACTION

8. Local Plan Update

In accordance with California Department of Education (CDE) Local Plan requirements, the Charter SELPA has revised Section B: Governance and Administration of our Special Education Local Plan. A draft copy of this document is posted to the Charter SELPA website and can be accessed at <https://charterselpa.org/governance/>. The required notice period for CAC input has taken place and the revised governance section of the Local Plan is now presented to CEO Council for approval. Each member, and incoming member, will have their local boards adopt the new Local Plan during the time frame of CEO Council Local Plan approval through June 30, 2021. Additional procedural guidance for our members will be provided by the Charter SELPA after the Local Plan is approved by the CEO Council.

Recommendation: CEO Council is asked to review and approve the Local Plan – Section B: Governance and Administration as posted on the Charter SELPA website.

8.1 – Participation Agreement Revision

The Local Plan revision process has identified the need to update the Charter SELPA Participation Agreement. The redline version of the revised Participation Agreement, is included as Attachment 8.1. As with the revised Local Plan, each member, and incoming member, will have their local boards adopt the new Local Plan during the time frame of CEO Council approval through June 30, 2021. Additional procedural guidance for our members will be provided by the Charter SELPA after the Participation Agreement is approved by the CEO Council.

Recommendation: CEO Council is asked to review and approve the revised Charter SELPA Participation Agreement as presented in Attachment 8.1.

9. Policy and Administrative Regulation Updates Required by the Local Plan Revision

The Local Plan revision process has identified the need to update several Charter SELPA Policies and to create an Interagency Policy and AR to align with new requirements by the California Department of Education (CDE). The Charter SELPA now presents the proposed updates to the following several CEO Policies and ARs and the creation of Policy and AR 29. The redline versions of the revised policies and ARs and the draft Policy and AR 29 – Interagency, are included in Attachment 9.

- Policy and AR 1 – Comprehensive Local Plan for Special Education
- Policy 6 – Part C - Transition
- Policy 8 – Compliance Assurances
- Policy 9 - Governance
- Policy and AR 10 - Personnel
- AR 12 – Participation in Assessments
- Policy 13 – Supplementation of State, Local and Other Federal Funds
- AR 14 – Maintenance of Effort
- AR 16 – Suspension and Expulsion



- Policy 17 – Access to Instructional Materials
- Policy 18 – Overidentification and Disproportionality
- Policy 20 - Data
- Policy 21 – Reading Literacy
- Policy and AR 22 - Admission of LEAs to the Charter SELPA
- Policy 23 – Behavioral Interventions
- Policy 25 – Conflict of Interest
- Policy 26 – Termination of Membership
- Policy 27 – Charter School Closure Policy
- New Policy and AR 29 – Draft Interagency Policy

Recommendation: CEO Council is asked to review and approve the proposed updates to the above listed CEO Policies and ARs and the creation of Policy and AR 29 as presented in Attachment 9.

10. Mental Health Funding

The 2020-21 state budget expanded eligible expenditures for restricted ERMHS funding to address the impact of the COVID-19 pandemic on student mental health. Action to create a one-time funding stream to address the expanded mental health funding expenditure authority is recommended. Attachment 10 includes detailed information and the recommendation to create this one-time funding stream now presented to CEO Council.

11. Low Incidence

A year-end budget report on low incidence funding is delivered to the CEO Council at the fall meeting. A portion of the increased special education funding in the final 2020-21 state budget will come in the form of additional low incidence revenue. As a result, the Allocation Plan should be amended to allow for a higher maximum reimbursement amount to partners. Attachment 11 includes additional information and includes the recommended amendment to the Allocation Plan – Element 11/Low Incidence Materials and Services now presented to CEO Council.

12. Rate Protection Pool

The Allocation Plan currently operates two risk pools: the Set-Aside Risk Pool and the Rate Smoothing Pool. With the elimination of the ongoing special education deficit (proration factor) in the 2020-21 state budget, the Rate Smoothing Pool is no longer necessary. The Charter SELPA proposes merging the Rate Smoothing and Set-Aside Risk Pools to create a single Rate Protection Pool. Attachment 12 includes additional information and the proposed amendments to the Allocation Plan now presented to CEO Council.

END OF ACTION ITEMS

13. Risk Management Considerations

The Charter SELPA would like to facilitate discussion with CEO Council on whether the Charter SELPA membership should consider subsidizing the new Rate Protection Pool or other options to mitigate large unforeseen funding losses to the Charter SELPA that may occur in the future. Attachment 13 includes additional information on the limitations of a SELPA to protect state special education funding from retroactively disallowed ADA and outlines potential options to consider to mitigate future similar events.



14. SELPA Leadership Report

15. Future Agenda Items

16. Next Meeting Date

The next regularly scheduled meeting of the Charter SELPA CEO Council will be held on May 20, 2021 – physical location and/or Zoom TBD.

12:00 pm **17. Adjournment**





El Dorado Charter SELPA CEO Council Meeting

Monday, May 21, 2020 | 9:30 a.m.

Meeting took place via the Zoom
Teleconference Platform

Charter SELPA Administration:

David M. Toston, Associate Superintendent of
SELPA Programs

Ginese Quann, Charter SELPA Director

Bob Steponovich, Director of Business Services

Kathleen Hall, Administrative Assistant

El Dorado Charter SELPA CEO Council Members

A complete list of CEO Council Members and guests participating in the meeting online is available upon request to Kathleen Hall at khall@edcoe.org.

CEO COUNCIL MEETING MINUTES - Unadopted

1. Housekeeping/Procedural Announcements

2. Call to Order

The meeting was called to order at 9:30 a.m. via the Zoom Teleconference platform, by David Toston, Associate Superintendent, El Dorado Charter SELPA. Associate Superintendent Toston requested any member of the public identify themselves – no members of the public identified themselves as being in attendance and participating in the online meeting.

3. Approval of Agenda

Motion to approve the agenda as presented was made by member Don Phillips, STREAM Charter School, and seconded by member J.J. Lewis, Compass Charter Schools. There was no discussion, all approved, and the motion carried.

4. Public Hearing (for items not on the Agenda - comments limited to two minutes)

Opened at 9:36 a.m. and, with no comments, the public hearing closed at 9:36 a.m.

5. Welcome/Introductions

5.1 Welcome

David Toston welcomed everyone to the meeting.

5.2 Introductions

Ginese Quann, Charter SELPA Director, read out the names and school affiliations of members and guests participating in the online meeting.

CONSENT ITEMS REQUIRING CEO COUNCIL ACTION

6. Consent Items Requiring CEO Council Action

Items included on the Consent Agenda were approved as presented by one motion, with no CEO Council member requesting a separate action on a specified item.

6.1 Approval of Minutes of CEO Council Meeting Held October 16, 2019

The October 16, 2019 CEO Council Meeting Minutes were presented as Attachment 6.1.

6.2 Approval of Minutes of Special CEO Council Meeting Held March 9, 2020



The March 9, 2020 Special CEO Council Meeting Minutes were presented as Attachment 6.2.

6.3 Approval of Proposed Meeting Schedules

The following meeting schedules were proposed for the 2020-21 year:

CEO Council Meeting Dates for 2020-21:

October CEO Council Meeting – Via Zoom

Date: October 7, 2020
Time: 9:30 a.m. to 12:00 noon
Location: Exact Location TBD

May CEO Council Meeting – Tentatively set for San Diego, CA

Date: May 20, 2021
Time: 9:30 a.m. to 12:00 noon
Location: Exact Location TBD

Executive Committee Meeting Dates for 2020-21:

Thursday, September 10, 2020 10:00 a.m. to 11:30 p.m.
Meeting held via Zoom videoconferencing platform

Thursday, March 25, 2021 10:00 a.m. to 11:30 a.m.
Meeting held via Zoom videoconferencing platform

Thursday, April 29, 2021 10:00 a.m. to 11:30 a.m.
Meeting held via Zoom videoconferencing platform

Wednesday, May 19, 2021
Executive Committee Retreat
San Diego – Exact Location TBD

(Note that the CEO Executive Committee may call additional meetings as needed throughout the year to address matters that may arise.)

A motion to approve the consent agenda item as presented was made by member J.J. Lewis, Compass Charter Schoolss, and seconded by member Lynne Alipio, Altus Schools. There was no discussion, all approved, and the motion carried.

END OF CONSENT AGENDA

7. REPORTS – NO ACTION REQUIRED

7.1 Executive Committee Meetings

7.1.1 Minutes of Executive Committee Meeting Held April 27, 2020

The Minutes of the April 27, 2020 Executive Committee Meeting were presented as Attachment 7.1.1.

7.2 Charter SELPA Membership



7.2.1 Current Members

A list of the current 2019-20 members/CEOs of the El Dorado Charter SELPA were included as Attachment 7.2.1. Members were asked to email Kelly Carnahan at kcarnahan@edcoe.org with any updated information.

7.2.2 New Members and Exiting Members for 2020-21

A list of the new members joining and members exiting the El Dorado Charter SELPA for 2020-21 were presented as Attachment 7.2.2. Members were asked to contact Kelly Carnahan if an LEA planned to close, or to confirm membership.

7.2.3 2019-20 Partner Oversight Update

The integrated oversight process of the SELPA was designed to identify areas of LEA support for both program and fiscal operations, as well as protect the SELPA as a whole from the loss of distributed funding. The oversight process consists of monitoring several metrics for all partners. A detailed 2019-20 Partner Oversight Update was included as Attachment 7.2.3.

7.3 Financial Update

7.3.1 Funding Rates

A report summarizing 2019-20 funding rates and projections for 2020-21 funding rates was included in Attachment 7.3.1.

7.3.2 Educationally Related Mental Health Services (ERMHS) Budget Update

CEO Council is updated at regular intervals on the ERMHS (Educationally Related Mental Health Services) budget to assure a transparent and predictable level of funding for Charter SELPA partners. Attachment 7.3.2 for the detailed ERMHS budget update.

7.3.3 Risk Pools Update

CEO Council was updated on the status of the SELPA Risk Pools. See Attachment 7.3.3 for detailed updates on the Set-Aside Risk Pool, the Low Incidence Pool and the Rate Smoothing Pool.

INDIVIDUAL ITEMS REQUIRING CEO COUNCIL ACTION

8. 2020-21 Annual Service and Budget Plan

The Charter SELPA is required to annually prepare a budget and service plan in the manner and format prescribed by CDE. The budgeted expenditure data for 2020-21 is based on prior year expenditure trends and projections for 2020-21 based on growth. The service plan is developed using CASEMIS student data for the SELPA and projections for 2020-21. A copy of the Annual Budget and Service Plan can be accessed at the following link: <https://charterselpa.org/wp-content/uploads/2020/05/2020-2021-Charter-SELPA-Local-Plan.pdf>. The recommendation for approval of the Annual Budget and Service Plans for 2020-21 was included in Attachment 8.

A motion to approve the Charter SELPA Annual Budget and Service Plans for 2020-21 was made by member Laura Mudge, Olive Grove Charter Schools, and seconded by member Mary Bixby, Altus Schools. There was no discussion, all approved, and the motion carried.

9. Allocation Plan Alignment – Income Reallocation

The Charter SELPA recommended revising and updating the Allocation Plan regarding income reallocation. Details and proposed recommendations are included (with red-lined changes noted) in Attachment 9.



A motion to approve revising and updating Element 8 of the Charter SELPA Allocation Plan to clarify the authority to re-allocate income between LEAs was made by member JJ Lewis, Compass Charter Schools, and seconded by member Cameron Curry, Classical Academy Schools. There was no discussion, all approved with one abstention, and the motion carried.

10. Legal Risk Pool – Allocation Plan Amendments

In its current configuration, the Legal Risk Pool is not viable beyond the current year. The Charter SELPA recommended not reducing AB 602 revenue to fund the pool and to suspend the Legal Risk Pool at the conclusion of the 2019-20 school year until a future revenue source can be identified. Corresponding amendments to Allocation Plan Elements 7 and 10 are necessary. Details and the proposed recommendations (with red-lined changes noted) were included in Attachment 10.

A motion to approve revising and updating Elements 7 and 10 of the Charter SELPA Allocation Plan to suspend/discontinue the Legal Risk Pool at the conclusion of the 2019-20 school year and transfer any remaining balance to the Set-aside Risk Pool as detailed in Attachment 10 was made by member Cameron Curry, Classical Academy Schools and seconded by member Don Phillips, STREAM Charter Schools. There was no discussion, all approved except one nay, and the motion carried.

END OF ACTION ITEMS

11. SELPA Leadership Report

The following topics were presented and discussed by SELPA Leadership:

- *An Update from the CEO Executive Committee Retreat*
- *Steering Committee – in 2020-21 there will be a language change and Steering Committee Meetings will be Professional Learning Networks and the Steering Representatives will be Program Representatives*
- *Local Plan Update – deadline extensions due to COVID*
- *A3 Education Update – impact of CDE’s decision to zero out ADA and efforts to advocate for return of funding*
- *COVID Re-Entry Plans*
- *Advocacy for State Budget – David Toston’s role in study group to propose changes to special education funding formula*
- *David Toston’s appointment as chair of California State Advisory Commission for Special Education*
- *Partnering with LEAs to share Bright Spots – best practices shared*

12. Future Agenda Items

Future agenda items can be presented to SELPA Leadership via email.

13. Next Meeting Date

The next regularly scheduled meeting of the Charter SELPA CEO Council will be held on October 7, 2020 Via ZOOM.

14. Adjournment

Motion to adjourn the meeting was made by member Laura Mudge, Olive Grove Charter School, and seconded by member Lynne Alipio, Altus Schools. There was no discussion, all approved, and the motion carried. The meeting was adjourned at 11:20 a.m.





EL DORADO CHARTER SELPA
Thursday, September 10, 2020

Meeting was held via Zoom
Thursday, September 10, 2020 at 10:00 a.m.

MINUTES - EXECUTIVE COMMITTEE MEETING

***Meeting Participants**

2019-20 Executive Committee Members:

*Mary Searcy Bixby, Altus Schools
*Lynne Alipio, Altus Schools
Lisa Freccero, ASPIRE
J.J. Lewis, Compass Charter Schools
Allegra Johnson, Da Vinci Schools
*Cindy Petersen, Gateway Community Charters
*Dawn Evenson, iLead Schools
*Julie Mattoon, KIPP Bay Area Schools
*Kim Damman, KIPP LA Schools
*Pat Hill, Learn4Life
*Mark Ryan, North Valley Military Institute
*Kapil Mathur, Orange County Academy
*Patricia Dougherty, Phoenix Charter Academy

*Karin Marsolais, Preuss School UCSD
Paul Keefer, Pacific Charter Institute
*Wendy Sanders, Redding School of the Arts
Josh Drake, Rocketship Education
*Barbara Hale, Sycamore Academy Charter
DiAnne McClenahan, The Bay Group
*Debi Gooding, The Learning Center
Jonathan Dean, The O'Farrell Charter School
*Seth Feldman, Bay Area Technology
Cindy Kelley, King-Chavez
*Russell Michaud, Alpha Public Schools
Jennifer Zamora, Bay Area Technology
*Stephanie Walton, Circle of Independent Learning

Charter SELPA:

*David Toston, Associate Superintendent, SELPA Programs
*Giniese Quann, Charter SELPA Director
*Bob Steponovich, SELPA Business Director
*Vicki L. Barber, Ed.D., Retired Superintendent of Schools

*Kathleen Hall, Administrative Assistant
*Kelly Carnahan, Program Assistant

Guests: Dr. Ed Manansala, El Dorado County Superintendent of Schools; Alex Leenatali, Perseverance Preparatory School; Catherine Thompson, Chrysalis Charter; Karl Zierhut, Rising Sun Montessori; Evelia Villa, Oakland Charter Academy; Susan Domenighini, Blue Oak Charter; Rhoni Koeinig, Shasta View Academy; Lucas Kelleher, ACE Charter High; Lorena Chavez, Hawking STEAM Charter; Kelly Mannion, River Montessori Elementary Charter; Franci Sassin; California Connections Central Coast; Holly Colangelo, Woodland Star Charter; Cindy Garcia, Cottonwood; Tanya Gustin, California Connections Academy Monterey Bay; Xavier Reyes, Prepa Tec Los Angeles High; Cola Knight-Salicka, Rocketship Brilliant Minds; Mitzi Merek, Sunrise Middle; Shelly Lether, Aspen Meadow; Amanda Johnson, Clarksville Charter; Fran Loeffler and Michele Walker, El Rancho Charter; Eva Huffman, EFCPS; Laura Laird, Gompers; Christy Plosaj, River Charter Schools Lighthouse Charter; Samantha Phaku, The O'Farrell Charter; Stephanie Walton, Circle of Independent Learning; Greg Endelman, OCSA; Michelle Day, Connecting Waters; Connie Petit, Learn 4 Life; Lori Hahn, Plumas Charter; Amie Parent, Chico Country Day; Don Wilson, Vista Charter; Shari Erlandson, Pacific Coast Academy; Mary Coix, CORE Butte Charter; Krisitne MacDonald, Mission Preparatory; Erin Feeley, Bella Mente Montessori Academy; Erica Crane, Sierra Academy of Expeditionary Learning, Kale Elledge, Charter SELPA.

1. Local Plan Update

The Charter SELPA will provide an update of the new Local Plan requirements and the Section B revisions to be adopted at the October CEO Council meeting.

Ginese Quann provided an update that the Charter SELPA is ready to submit the revised Governance section of the Local Plan to CDE. It is with the Community Advisory Committee (CAC) right now for review and will be presented to CEO Council for approval at the October meeting. After CEO Council approval, each LEA and their local boards will adopt the revisions during the 2020/21 school year. CDE has instituted three year cycles for updates. Please contact Kelly Carnahan at kcarnahan@edcoe.org with any questions.

2. Policy Updates Required by Local Plan Revision

The Local Plan revision process has identified the need to update several Charter SELPA Policies to align with new requirements by the California Department of Education (CDE). The Charter SELPA will present proposed updates to several CEO Policies at the October CEO Council meeting.

Ginese Quann reported that, after updating the Local Plan language, it was discovered that minor edits are required on various policies to align with Ed Code. We will be bringing specific policy revisions to CEO Council in October for adoption.

3. Mental Health Funding

The 2020-21 state budget expanded eligible expenditures for restricted ERMHS funding to address the impact of the COVID-19 pandemic on student mental health. Action to create a one-time funding stream to address the expanded mental health funding expenditure authority was recommended. Attachment 3 included additional information and included the recommended amendments to the Allocation Plan to be presented to CEO Council at the October meeting. Attachment 3 also contained the ERMHS year-end budget report.

Bob Steponovich reviewed Attachment 3 and presented a proposal to add a one-time additional allocation to mental health funding consistent with this year's budget. At the school's discretion on how to spend the money on mental health services – \$10 per ADA – with no documentation requirement. Distinct from Level 2 and Level 3 funding. While there is flexibility, SELPA encourages schools to supplement, not supplant their efforts to deal with increased mental health needs. Executive Committee expressed unanimous support and we will move forward with this recommendation to CEO Council in October.

Bob also reviewed the ERMHS year end budget report included in the attachment as an information item. An error was discovered in the spreadsheet of the attachment – SELPA will send out a corrected attachment to Executive Committee members. Updated information will be presented to CEO Council in October.

4. Low Incidence

A year-end budget report on low incidence funding is delivered to the CEO Council at the fall meeting. A portion of the increased special education funding in the final 2020-21 state budget will come in the form of additional low incidence revenue. As a result, the Allocation Plan should be amended to allow for a higher maximum reimbursement amount to partners. Attachment 4 included additional information and the recommended amendment to the Allocation Plan – Element 11/Low Incidence Materials and Services to be presented to CEO Council at the October meeting.

Bob Steponovich reviewed Attachment 4 which presented an Allocation Plan revision to increase the maximum reimbursement amount to partners for low incidence funding. The increase is made possible by the additional low incidence revenue approved in the state budget, as the legislature believes low incidence disabilities need a higher level of funding. Executive Committee expressed unanimous support for the corresponding revision to Element 11 of the Allocation Plan and we will move this item forward to CEO Council in October.

5. Rate Protection Pool

The Allocation Plan currently operates two risk pools: the Set-Aside Risk Pool and the Rate Smoothing Pool. With the elimination of the ongoing special education deficit (proration factor) in the 2020-21 state budget, the Rate Smoothing Pool is no longer necessary. The Charter SELPA proposed merging the Rate Smoothing and Set-Aside Risk Pools to create a single Rate Protection Pool. Attachment 5 includes additional information and the proposed amendments to the Allocation Plan to be presented to CEO Council at the October meeting.

David Toston reviewed the existing risk pool balances and the historical need and use of these pools. Bob Steponovich reviewed Attachment 5, which contained the Allocation Plan amendments and the specific recommendation to consolidate the pools into a single Rate Protection Pool. A discussion was held on the need to focus our support to create the greatest protection for all of our partners. Executive Committee reached consensus to propose merging the Rate Smoothing and Set-Aside Risk Pools to create a single Rate Protection Pool and we will move this item forward to CEO Council in October. Anyone with questions was encouraged to contact Bob before CEO Council for clarification.

6. Risk Management Considerations

The Charter SELPA would like to facilitate discussion by the Executive Committee on whether the Charter SELPA membership should consider subsidizing the new Rate Protection Pool or other options to mitigate large unforeseen funding losses to the Charter SELPA that may occur in the future. Attachment 6 includes additional information on the limitations of a SELPA to protect state special education funding from retroactively disallowed ADA and outlines potential options to consider to mitigate future similar events. Discussion by the Executive Committee will help determine if this item should be included on the October CEO Council agenda.

David Toston led a discussion about how to mitigate risk to the Charter SELPA considering the situation with the A-3 schools, their fraudulent activity and the significant effect on SELPA funding. We have a number of oversight metrics to ensure compliance with CDE and also the integrity of the Charter SELPA and LEA programs. The Executive Committee reached consensus to continue this conversation with the full CEO Council. The Charter SELPA will bring forth options for CEO Council to facilitate discussion and a decision by CEO Council.

7. SELPA Leadership Report

SELPA Leadership reported on the following issues and upcoming goals:

- One of our goals is to streamline processes and activities through our fiscal portals and reduce the number of data fields required.*
- Ginese has been in conversation with CMO's on a program level to create finity groups within our SELPA. We'll be moving into areas to provide more targeted support.*
- SELPA is working with national partners in New York, Colorado and others and plans to host national events and professional learning opportunities with a focus on issues of equity and social justice. These problems are not unique to California.*



2020-21 CHARTER SELPA EXECUTIVE COMMITTEE MEETINGS

Description

The Executive Committee serves as an informal advisory body to the Charter SELPA Administrative Unit. Executive Committee members review policies and procedures to make recommendations to the CEO Council for action items at the October and May meetings. At the first CEO Council Meeting for the fiscal year, an invitation to participate in the Executive Committee is issued to all of SELPA's partners. Summaries of the Executive Committee meetings shall be transmitted to the full membership of the Charter SELPA CEO Council.

Participants

The Executive Committee shall be comprised of all Charter SELPA CEO Council members who have an interest in participating as a committee member. Committee participation shall be at the discretion of individual members who shall be free to attend, or not attend, meetings as they choose.

General Information

Meetings will be held via the Zoom web-conferencing platform. Participants are able to listen/participate in the meeting. No special equipment is required – just a computer with audio capability and an internet connection. Log-in information to participate, along with the meeting agenda and supporting documents, will be made available one week prior to each meeting.

2020-21 Meetings: *

Thursday, September 10, 2020
10:00 a.m. to 11:30 a.m. via Zoom

Thursday, March 25, 2021
10:00 a.m. to 11:30 a.m. via Zoom

Thursday, April 29, 2021
10:00 a.m. to 11:30 a.m. via Zoom

Executive Committee Retreat

Wednesday, May 19, 2021
Time: TBD
Location: TBD or via Zoom

*Please note additional Executive Committee meetings may be called as needed.



CEO Council Membership Report - October 2020

Partner Name	CEO	Title	LEAs
ACE Charter Schools	Greg Lippman	CEO/Executive Director	4
Achieve Charter School of Paradise Inc.	Casey Taylor	Executive Director	2
Albert Einstein Academies	David Sciarretta	Principal	2
Alma Fuerte Public	Laurilie Keay	Director	1
Alpha Public Schools, Inc.	John Glover	CEO	4
Altus Schools	Mary Bixby	President	7
Altus Schools	Lynne Alipio	Chief Business Officer	7
America's Finest Charter	Jan Perry	Executive Director	1
Amethod Public Schools	Evelia Villa	Chief Operating Officer	6
ARISE High	Karla Gandiaga	Head of School	1
Aspen Public Schools, Inc.	Shelly Lether	Executive Director	2
ASPIRE Public Schools	Mala Batra	CEO	28
Aurum Preparatory Academy	David Hardin	Executive Director	1
Baypoint Preparatory Academy	Frank Ogwaro	Board Chair	1
Baypoint Preparatory Academy	Sabina Chaar	Executive Director	1
Bella Mente Montessori Academy	Erin Feeley	Executive Director	1
Blue Oak Charter School, Inc.	Susan Domenighini	Executive Director	1
Caliber Schools	Terrance Johnson	CEO	2
California Online Public Schools	Richard Savage	Executive Director	6
California Virtual Academies	Katrina Abston	Executive Director	5
Capitol Collegiate Academy	Cristin Fiorelli	Principal	1
Ceiba Public Schools	Josh Ripp	Head of School	1
Chico Country Day	Amie Parent	Director of Special Education	1
Chrysalis Charter	Catherine Thompson	Administrator/Superintendent	1
Circle of Independent Learning	Stephanie Walton	Executive Director	1
City Heights Preparatory Charter	Elias Vargas	School Director	1
Classical Academy Schools	Cameron Curry	Executive Director	4
Clayton Valley Charter High	Jim Scheible	Executive Director	1
College Preparatory Middle School, Inc.	Christina Callaway	Director of School Business	1
Community Learning Center Schools, Inc.	Annalisa Moore	Executive Director	2
Community Roots Academy	Jeremy Cavallaro	Executive Director of Education	1
Community School for Creative Education	Ida Oberman	CEO	1
Compass Charter Schools	J. J. Lewis	CEO	3
Connecting Waters Charter Schools	Sherri Nelson	Executive Director/CEO	2
Contra Costa School of Performing Arts	Neil McChesney	Executive Director	1
CORE Butte, Inc.	Mary Cox	Executive Director	1
Cottonwood	Cindy Garcia	Interim Executive Director	1
Credo High School	Andrea Akmenkalns	Executive Director	1
Darnall Charter	Consuelo Manriquez	Associate Director of Communications and Operations	1
Da Vinci Schools	Matthew Wunder	Executive Director	3

Delta Charter Schools	Steve Payne	Deputy Superintendent, Student Services	6
Dixon Montessori Charter	Ben Ernest	Executive Director	1
e3 Civic High	Cheryl Ward	CEO	1
East Bay Innovation Academy	Michelle Cho	COO and CFO	1
Ednovate	Oliver Sicut	CEO	1
Education for Change	Larissa Adam	Superintendent	7
Eleanor Roosevelt Community Learning Center	Heather Rocha	CEO	1
Element Education, Inc.	Terri Novacek	Executive Director	2
Elevate Elementary	Ryan Elliott	Principal / CEO	1
Elite Public Schools	Ramona Robinson-Bishop	President/CEO	1
El Rancho Charter School	Michelle Walker	Principal of Academics	1
El Sol Santa Ana Science and Arts Academy	Monique Daviss	Executive Director	1
Empower Charter	Demi Brown	Executive Director/President	1
Environmental Charter Schools, Non-Profit	Farnaz Golshani-Flechner	Executive Director/CEO	4
Envision Schools	Gia Truong	CEO & Superintendent	3
Epic Charter Schools of California	Paul MacGregor	Executive Director	1
Epiphany Prep Charter	David Rivera	President	1
Escuela Popular del Pueblo	Patricia Reguerin	Executive Director	2
Fortune	Margaret Fortune	CEO/Principal	2
Francophone Charter School of Oakland	Mark Kushner	Interim Executive Director	1
Garvey/Allen Visual and Performing Arts Academy for Science, Technology, Engineering & Mathematics	Tiffany Gilmore	CEO	1
Gateway College and Career Academy	Miguel Contreras	Director	1
Gateway Community Charters	Cindy Petersen	Superintendent/CEO	9
Gompers Preparatory Academy	Jane Firpo	Executive Director	1
Gorman Learning Center, Inc.	Denice Burchett	Executive Director	2
Green Dot Public Schools California	Cristina De Jesus	CEO	4
Growth Public Schools	David Richards	CEO	1
Guajome Schools	Kevin Humphrey	Superintendent of Schools	2
Harriet Tubman Village Charter	Ryan Woodard	CEO/Principal	1
Hawking S.T.E.A.M. Charter Schools	Dawna Halama	Special Education and Student Services Coordinator	1
Hawking S.T.E.A.M. Charter Schools	Lorena Chavez	CEO	1
Hayward Collegiate Charter	Neena Goswamy	Executive Director	1
High Tech	Rasheed Meadows	CEO	16
Holly Drive Leadership Academy	Alysia Smith	Principal	1
Howard Gardner Community Charter	Beverly Jimenez	Executive Director	1
Iftin Charter	Ali Hori	Principal	1
iLEAD Charter Schools	Dawn Evenson	Founder/CEO	6
Imagine Schools	Darrin Anderson	Regional Director	1
Ingenium Schools	Jake Rodgers	Superintendent	2
Inland Leaders Charter School	Mike Gordon	Executive Director	1
Innovations Academy	Christine Kuglen	Director	1
Inspire School of Arts and Sciences	Becky Brown	Principal/Superintendent	1

Invictus Academy of Richmond	Gautam K Thapar	Executive Director	1
John Adams, Inc.	Heather Brown	Co-CEO/Headmaster	3
Julian Charter School, Inc.	Jennifer Cauzza	Executive Director	6
Kairos Public School Vacaville Academy	Jared Austin	Executive Director	1
Kavod Charter School	Alexa Greenland	Executive Director	1
Keiller Leadership Academy	Joel Christman	Executive Director	1
KEY Educational Group	Krista Kastriotis	Executive Director	1
Kinetic Academy	Bre Lionetti	Executive Director	1
King-Chavez	Cindy Kelley	CEO	5
KIPP Bay Area Public Schools	Beth Sutkus-Thompson	Executive Director	13
KIPP SoCal Public Schools	Marcia Aaron	CEO	10
Leadership Public Schools	Patricia Saddler	Superintendent & CEO	3
Learn 4 Life	Jeff Brown	Co-Founder/CEO	14
Learning Choice Academy	Debi Gooding	Executive Director	3
Lifeline Education Charter School	Paula DeGroat	Director	1
Life Source International Charter	Deberae Culpepper	Executive Director	1
Lighthouse Community Public Schools	Jenna Stauffer	CEO	3
Literacy First Charter Schools	Debbie Beyer	CEO/Director	1
MAAC Community Charter School	Arnulfo Manriquez	President/CEO	1
Magnolia Educational and Research Foundation	Alfredo Rubalcava	CEO	6
Making Waves Academy	Alton Nelson	CEO	1
Manzanita Charter Middle School	Chantel Caldwell	Principal	1
McGill School of Success	Norma Sandoval	Principal/CEO	1
Mission Preparatory	Kristine MacDonald	Executive Director	1
Museum	Phil Beaumont	Executive Director	1
National University Academy	Kimberleigh Kopp	Executive Director	3
Navigator Schools	Sharon Waller	Director of Student Services	3
Navigator Schools	Kevin Sved	CEO	3
New Day Academy, Inc.	Laura Blachman	Executive Director	2
New West Charter Middle School, Inc.	Sharon Weir	Principal/Exec. Director	1
Nord Country School, Inc.	Kathy Dahlgren	Principal/Superintendent	1
North Oakland Community Charter School	D. M. (David) Kloker	Head of School	1
North Valley Military Institute College Preparatory Academy	Mark Ryan	Superintendent	1
Nova Academy Early College High	Renee Lancaster	CEO	2
Novato Charter	Nikki Lloyd	Director	1
Oakland Military Institute College Preparatory Academy	Stanley Echols	Superintendent	1
Oakland School for the Arts	Lisa Sherman-Colt	Executive Director	1
Old Town Academy K-8 Charter	Jon Centofranchi	CEO	1
Olive Grove Charter School	Meg Rydman	Executive Director	4
Orange County Academy of Sciences and Arts	Kapil Mathur	Executive Director	2
Orange County Classical Academy	Gary Davis	Executive Director	1
Orange County Educational Arts Academy	Mike Limon	Executive Director	1
Orange County High School of the Arts	Steve Wagner	Chief Operations Officer	1
Oxford Day Academy	Mallory Dwinal	CEO/COO	1

Oxford Preparatory Academy	Jill Marks	Executive Director	2
Pacific Charter Institute	Paul Keefer	Executive Director	2
Pacific View Charter	Gina Campbell	Founding Executive Director	1
Palmdale Aerospace Academy	Matthew Winheim	Executive Director	1
Paragon Collegiate Academy	Serafin Alvarez	Vice President	1
Partners in Oakland Education	Rosette Costello	Executive Director	1
Peak to Peak Mountain Charter	Jeffrey Fenske	Administrator	1
Perseverance Preparatory School	Alexandria LeeNatali	Founder and Executive Director	1
Phoenix Charter Academy (PCA)	Patricia Dougherty	CEO	1
Plumas Charter	Taletha Washburn	Executive Director	1
Preuss School UCSD	Helen Griffith	Executive Director	1
REACH Leadership STEAM Academy	Virgie Rentie	Executive Director/CEO	1
REAL Journey Academies	Alex Lucero	Chief Executive Officer	2
Redding School of the Arts	Margaret Johnson	Executive Director	1
Redding School of the Arts	Wendy Sanders	Special Education Director	1
Redding STEM Academy	John Husome	Director / Principal	1
Rising Sun Montessori	Karl Zierhut	Head of School	1
River Charter Schools	Matt Taylor	Superintendent	2
River Montessori Elementary Charter	Kelly Mannion	Executive Director	1
ROADS Education	Jayna Gaskell	Executive Director	4
Rocketship Public Schools	Preston Smith	CEO	13
Rocklin Academies	Robin Stout	CEO/Executive Director	5
Ronald Reagan Charter School Alliance	Barbara Hale	Executive Director	2
Ross Valley Charter School	Luke Duchene	School Director	1
Sacramento Valley Charter	Amrik Singh	Superintendent/Principal	1
Samueli Academy	Anthony Saba	Executive Director	1
San Diego Cooperative Charter Schools	Tom Pellegrino	Executive Director	1
San Diego Global Vision Academy	Christine Kane	Executive Director	1
San Jose Conservation Corps Charter	Dorsey Moore	Executive Director	1
Santiago Middle	James D'Agostino	Principal/Executive Director	1
Scholarship Prep	Gloria Romero	Executive Director	3
School for Entrepreneurship and Technology	Neil McCurdy	CEO	1
School of Arts and Enterprise	Jon Gundry	Executive Director	1
Semillas Community Schools	Marcos Aguilar	Executive Director	1
SF Five Keys	Steve Good	Executive Director	3
Shasta Secondary Home School, Inc.	Benjamin Claassen	Director	1
Sherwood Montessori	Michelle Yezbick	Director	1
Sierra Academy of Expeditionary Learning	Erica Crane	Administrator	1
Sierra Charter	Lisa Marasco	Principal / CEO	1
Springs Charter Schools	Kathleen Hermsmeyer	Superintendent	3
St. Hope Public Schools	Kari Wehrly	Chief of Schools	2
Stallworth Charter Schools	Gayle Stallworth	Executive Director	1
Stockton Collegiate International	Scott Luhn	Head of School	2
STREAM Charter School	Don Phillips	Director	1
Summit Leadership Academy - High Desert	Randy Wormmeester	CEO	1
Summit Public Schools	Diane Tavenner	CEO	5
Sunrise Middle School	Teresa Robinson	Executive Director	1

Temecula International Academy	Camile Lara	Principal	1
Temecula Preparatory School	Michael Agostini	Head of School	1
Temecula Valley Charter School	Michael Murphy	Executive Director	1
The Beginning Project	Stacy Strauss	SPED Administrator	1
The Language Academy of Sacramento	Eduardo de Leon	Principal	1
The Learner-Centered School, Inc.	Edna Heller	Co-Administrator	2
The New School of San Francisco	Emily Bobel Kilduff	Head of School	1
The O'Farrell Charter Schools	Jonathan Dean	Superintendent / Executive Director	2
The O'Farrell Charter Schools	Susan Cuttitta	Interim Superintendent	2
Thomas Edison Charter Academy	Anakarita Allen	Executive Director/Superintendent	1
Today's Fresh Start Charter School	Jeanette Parker	Superintendent	1
Tomorrow's Leadership Collaborative Charter School	Jessica Tunney	Executive Director	1
Tracy Learning Center	Virginia Stewart	CEO	3
Trivium Academy of Classical Education	Trisha Vais	Executive Director	3
Unity Middle College High	Erin Craig	Founding Executive Director	1
Urban Discovery Academy Charter	Shawn Loescher	CEO	1
Urban Montessori Charter	Krishna Feeney	Head of School	1
Valiente College Preparatory	Dr. Esther Perez	Executive Director	1
Vibrant Minds	Debra Schroeder	Director	1
Vista Charter Public Schools	Don Wilson	Superintendent	2
Vista Oaks Charter School, Inc.	Lucy Berk-Fisher	Director of Special Education	1
Westlake Charter Schools	John Eick	Executive Director	1
Willow Educational Foundation	Seth Feldman	Executive Director	1
Woodland Star Charter	Jamie Lloyd	Administrator/CEO	1
Yuba City Charter School, Inc.	James Ferreira	Superintendent/Principal	1
Yu Ming Charter	Sue Park	Head of School	1
Total Number of Organizations	199	Total Number of LEAs	421

CALPADS Data Reporting Challenge

Background

The scope of California Longitudinal Pupil Achievement Data System (CALPADS) continues to expand and become more integral to state education efforts. During the past year, the functionality of the California Special Education Management Information System (CASEMIS) was transitioned to CALPADS. This was a significant shift to centralize student data and substantially increased the overall volume of CALPADS data processing. The change was accomplished by adding more than 100 new data elements, over 200 new validations, a new application programming interface enabling CALPADS to accept automated data submissions, and a dozen new reports and extracts to detail students with disabilities data. CALPADS is a critical data structure feeding other data-reporting partners that are responsible for accountability, apportionments and teacher assignment monitoring.

The increasing breadth of CALPADS data helps decrease duplication of reporting efforts from local educational agencies (LEAs) and provides a more consistent and wider range of quality data for LEAs to access from a single data system. As education leaders consider the increasing number of COVID-19 issues that led to the economic downturn and the urgent need to deliver vital educational services, timely and accurate data is essential to determining how best to serve our communities. Data is a valuable asset because it helps inform both policy creation and implementation.

The Concern

LEAs are facing uncertain times, and budget projections are more difficult to formulate than ever. To ensure accurate data that facilitates timely and informative decisions, educational leaders should know that operating CALPADS can no longer be considered an optional budget line accomplished with part-time staff. CALPADS data are increasingly used for populating funding formulas and identifying the district's students so that they can be adequately supported. Staffing, coordination, and the ability to meet certification deadlines are all relevant to the fiscal health of all LEAs.

Much has changed in this past year with the consolidation of student data in CALPADS and new focus on highly validated information. Most significant was a local process change: special education coordinators are required to approve fall 1 and EOY 4 data for certification. This Fiscal Alert highlights the challenges of fall 1 and EOY 4 certification and makes recommendations. To succeed in the current environment, educational leaders should prioritize local data management strategies to support data input, cleaning, and review activities among shrinking resources.

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Over the years, the student information system (SIS) data coordinator has become the de facto CALPADS data coordinator and is expected to work across many departments such as assessments, nutrition, human resources, curriculum, special education, etc. Fall 1 feedback from the CALPADS data coordinators indicate they did not have time to collaborate with special education coordinators who maintain students with disabilities in the local special education data system (SEDS). An analysis of the fall 1 submission data collection found that 80% of LEAs were in danger of not certifying fall 1 CALPADS data until very late in the submission window because local planning left too little time for CALPADS data coordinators and special education coordinators to verify the data.

LEAs that could build cross-departmental data teams with ongoing collaboration between CALPADS data coordinators and special education coordinators were more successful at meeting deadlines earlier and had more time to ensure data accuracy than those that did not. Some LEAs struggled to meet submission deadlines because separate, isolated data teams worked at cross-purposes with little or no coordination.

Local staff who work on CALPADS data act as a hub, collecting data that is wide-ranging and proprietary. The CALPADS data coordinator needs assistance from others in the organization to complete his or her work and submit updates to CALPADS on an ongoing basis. Various staff in other departments define and maintain many data elements. Data corrections should be from informed LEA staff that can make the decisions that will create accurate data extracts to populate CALPADS. Most LEA-level CALPADS staff surveyed indicated they have no expectation of timely responses to data corrections and no established way to escalate the request if necessary.

CALPADS submission timelines continue to become shorter because of the demand for real-time, data-driven decisions, which also leaves less time to correct erroneous information after it is submitted to CALPADS. Early submission and review of data is essential. Specific detail about the use of CALPADS data and how state and federal funding can be endangered by failure to certify data is available [here](#).

The 2020–21 certification and amendment window deadlines for data collections are posted on the California Department of Education (CDE), CALPADS, CBEDS, and CARS Submission Calendar web page at <http://www.cde.ca.gov/ds/dc/es/subcal.asp>.

Table 1: 2020–21 CALPADS Certification Deadlines

Submission	Suggested LEA Approval Deadline	Certification Deadline	Amendment Window Deadline
Fall 1	November 20, 2020	December 18, 2020	January 29, 2021
Fall 2	N/A	N/A	March 5, 2021
EOY 1, 2	N/A	N/A	August 27, 2021
EOY 3, 4	July 16, 2021	July 30, 2021	August 27, 2021

Recommendations

Accurate, certified CALPADS data is essential to maintaining an LEA's fiscal health. In light of concerns about staffing, coordination, and the deadlines, FCMAT/CSIS recommends establishing a written data management plan that addresses the staffing and coordination necessary to meet certification deadlines. The plan should be discussed with all staff involved in local data input, verification, and certification processes.

It is critical to identify key individuals as data stewards who are responsible for verifying program and site data and establishing a "data team." A single person doing CALPADS work means a single point of failure; teamwork is essential in this high-stakes environment. It is important to have a contingency or backup plan for unforeseen staffing issues or natural disasters. The work of certifying CALPADS data can no longer remain a one-person job.

To succeed, LEA data teams need effective leadership. A leader should be designated, such as someone in the superintendent's cabinet, to schedule, communicate and coordinate the data team's activities. Integrated data teams at the LEA level must be fully supported from the top down. The data crosses over many departments as does responsibility for that data. As noted in the [CDE's Back to School Letter](#), CALPADS data is used for many functions essential to the mission of LEAs and the state. Administrative understanding and support of integrated data teams at the LEA level are critical to ensuring the accurate and timely submission of CALPADS data.

Planning the activities and resources required for a sustainable and successful local data management strategy is essential. To assist in timely submissions, two benchmarks to strive for are as follows:

- Completing all data population and clearing all input validations within 30 days of the submission start date.
- Clearing all certification errors at least three weeks prior to the deadline to give staff, both the CALPADS data coordinator and the special education coordinator, ample time for review and work through any necessary corrections.

The data management plan should articulate deadlines, local- and state-level activities, and roles and responsibilities using the best practices to formalize a local data governance structure for each CALPADS submission. Routine meetings should be scheduled that include agendas, and a record of action items for accountability. Regular check-ins should be held to identify problems or slowdowns so they can be immediately addressed with all involved staff present to avoid confusion.

State-level data originates from local data systems. Accurate school- and LEA-level data is vital for necessary decision-making at the state level and contributes to important discussions about goals and resources at the local level. Leadership and action are needed at the LEA level to foster a local data culture that recognizes the importance of high-quality information for the benefit of students.

Timing is critical. FCMAT/CSIS strongly encourages LEA leadership to communicate to staff the importance of timeliness and quality of data, and provide resources to reflect that priority, as well as ensuring adequate management review of the data before certification. LEA administration should establish policies, processes, and timelines that foster staff collaboration resulting in ongoing CALPADS updates and the review and certification of submissions by the published deadlines.

Additional Assistance

In addition to assisting the CDE in maintaining and operating CALPADS, FCMAT/CSIS provides training and technical assistance to LEAs to collect, validate and certify CALPADS data during the fall 1, fall 2, and EOY 1–4 data submissions.

For additional assistance, LEAs should contact FCMAT/CSIS for mentoring and learning opportunities to help create a sustainable local data environment. For more information, support and other resources, visit:

FCMAT/CSIS: <https://csis.fcmat.org>

CDE, CALPADS Calendar: <https://www.cde.ca.gov/ds/sp/cl/rptcalendar.asp>

AGREEMENT FOR PARTICIPATION

EL DORADO CHARTER SELPA

This Agreement for Participation ("**Agreement**") is entered into by and between the El Dorado Charter SELPA ("**SELPA**"), the El Dorado County Office of Education ("**EDCOE**"), and _____ ("**LEA**"), a California public charter school, collectively referred to as the "**Parties**."

RECITALS

WHEREAS, each special educational local plan area is required to administer local plans submitted pursuant to Education Code section 56205 et seq., administer the allocation of funds pursuant to Education Code section 56836 et seq., and ensure that it has in effect policies, procedures, and programs that are consistent with state laws, regulations, and policies governing certain aspects of special education;

WHEREAS, a charter school that is deemed a local educational agency for purposes of special education is required to participate in an approved local plan pursuant to Education Code section 56195.1(f);

WHEREAS, LEA is a charter school that is deemed a local educational agency for purposes of special education pursuant to Education Code section 47641 and is responsible for complying with all provisions of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and implementing regulations as they relate to local educational agencies;

WHEREAS, the SELPA as authorized by the California State Board of Education serves as the special educational local plan area for California charter schools deemed local educational agencies pursuant to Education Code section 47641 that have successfully completed the SELPA membership process and have signed this Agreement for Participation ("**Agreement**");

WHEREAS, EDCOE is designated in the local plan as the "responsible local agency" for the SELPA, which means the administrative entity, the duties of which shall include, but are not limited to, receiving and distributing state and federal special education funds pursuant to the allocation plan, providing administrative support, and coordinating implementation of the plan;

WHEREAS, the actions and decisions of the parties are guided by the values of:

1. Commitment – maintaining high standards for performance in student achievement, operations, governance and finance;
2. Integrity – adherence to moral and ethical principles in all aspects of the work;
3. Fairness – impartial and just treatment of all stakeholders;
4. Partnership – collaborative decision making and accountability;
5. Knowledge – understanding of charter school law and practice; and
6. Transparency- access to the information, decisions, and actions of the organization;

WHEREAS, the purpose of this agreement is to set forth the various responsibilities of LEA, EDCOE, and SELPA to ensure that all charter pupils with exceptional needs within the SELPA receive appropriate special education programs.

NOW, THEREFORE, IT IS HEREBY AGREED between the parties hereto as follows:

1. SHARED COMMITMENTS

- 1.1. Resource Allocation. Parties shall demonstrate commitment to the promises set forth in this Agreement by allocating appropriate resources.
- 1.2. Standard of Conduct. Parties, at all times, shall conduct themselves in such a manner as to act in the best interests of all other SELPA members. The LEA's shall not engage in any activity or enterprise which would tend to injure or expose the SELPA or any of its members to any significant risk of harm or injury of any kind.
- 1.3. Compliance. All parties to this agreement shall identify and comply with applicable laws, regulations, policies, procedures and generally accepted standards. Each party will address any identified compliance gaps in a responsible and timely fashion.
- 1.4. Continual Improvement. Parties are expected to continually improve by setting performance objectives, executing plans and taking necessary corrective actions for deficiencies identified by any and all internal and/or external assessments.
- 1.5. Accuracy of Business Records. Parties shall ensure that any and all financial books and records conform to generally accepted accounting principles and state reporting requirements. Records must be accurate in all material respects. Records must be legible, transparent, and reflect actual transactions and payments and be open to inspection by the other party upon a reasonable request.
- 1.6. Accuracy of Student Records. Parties shall ensure that any and all student records conform to prescribed formats. Records must be legible, transparent, reflect actual transactions and payments, and be accurate in all material respects. Records must be open to inspection and review by other parties with legitimate educational interest upon a request and upon parental consent.
- 1.7. Documentation. Parties shall maintain documentation necessary to demonstrate compliance with this Agreement and compliance with applicable state and federal statutes and regulations.
- 1.8. Local and Allocation Plans. Parties agree to the provisions of the Local and Allocation Plans as updated and approved by the CEO Council.
- 1.9. Provision of Free and Appropriate Public Education. The LEA is solely responsible for the provision of special education programs and services to eligible students enrolled in the LEA. The Parties understand and agree that the SELPA or EDCOE shall have no responsibility for the operation of any direct educational program or service of any kind, that the SELPA has no duty or authority to provide FAPE to individual students, and that the SELPA has no duty or authority to make decisions regarding the educational programming of students enrolled in the LEA.

2. ~~LEA/ORGANIZATIONAL~~ PARTNER RESPONSIBILITIES

- 2.1 Programs and Services. The LEA is solely and exclusively responsible for the following mandated activities in order to operate its special education

programs and services for students enrolled in the LEA. As such, the LEA shall:

- 2.1.1. Select, employ, compensate, and determine the duties of, or establish appropriate contracts for the provision of, special education teachers, instructional aides, and other personnel as required to conduct the program specified in the Local Plan, and in compliance with state and federal mandates.
 - 2.1.2. Conduct and/or contract those programs operated by the LEA in conformance with the Local Plan and the state and federal mandates.
 - 2.1.3. Organize and administer the activities of the IEP teams, including the selection of the LEA staff and who will serve as members of the IEP team in conformance with Education Code Section 56341 and in compliance with the Local Plan.
 - 2.1.4. Develop and implement program objectives and the evaluation of the program effectiveness.
 - 2.1.5. Communicate with the parents and/or legal guardians of students in conformance with laws, regulations and the provisions of the Local Plan.
 - 2.1.6. Provide for the documentation and reporting of assessment procedures used for the placement of individuals and the security thereof.
 - 2.1.7. Provide for the continuous review of placements and the assessment procedures employed to insure their effectiveness and applicability, and insure the continued implementation and compliance with eligibility criteria.
 - 2.1.8. Provide for the integration of students with disabilities into the general education school programs and provide for evaluating the results of such integration according to specifications of the Local Plan.
 - 2.1.9. Conduct the review of individual placements requested by the parents and/or legal guardians of the student in accordance with the Local Plan.
 - 2.1.10. Prepare and submit all required reports, including reports on student enrollment, program expenditures, and program evaluation.
- 2.2. Fiscal Responsibilities. Receive and expend special education funding in accordance with the Charter SELPA Allocation Plan. Organizational Partners affirm that any financial claim made by the SELPA against an LEA that is part of the Organizational Partner's network of LEAs will be honored by the Organization Partner.
- 2.3. Restricted Funds. As a condition of membership and participation in the SELPA, LEA warrants and represents that at no time during the term of this Agreement and LEA's membership and participation in the SELPA shall the LEA, directly or indirectly, provide special education funding for the benefit of a for-profit entity. Unless altered by law, -All funding provided through the Charter SELPA shall be treated as a restricted funding

source to be expended only for special education or special education services. Nothing contained herein shall be interpreted as prohibiting any LEA from expending funds to contract with a state-certified nonpublic agency/school for the benefit of children served, in accordance with the approved master contract and individual services agreements as provided for in federal and state law.

- 2.4. Audit Report. **Annually provide the SELPA with the LEA's annual,** independent financial audit report, on or before December 20th each year, unless an extension has been **granted by the State Controller's Office,** in which case an extension will be granted to the charter as well. LEA further agrees to provide SELPA copies of any and all State Controller's Office communications regarding audit report corrective actions and a corrected audit report, if applicable. Should an LEA be the subject of an investigation by any federal, state, or local agency, including but not limited to the Fiscal Crisis Management and Assistance Team ("FCMAT") arising out of or related to allegations of fiscal mismanagement, failure to meet generally accepted accounting principles, or any violation of a provision of law, the LEA shall immediately notify SELPA and provide the SELPA with a copy of any written correspondence related thereto.
- 2.5. Membership Responsibilities. Adhere to governance structure within SELPA Local Plan and Policies including designating appropriate representatives to serve on required councils and committees; ensure appropriate LEA representatives attend and participate in SELPA governance meetings as set forth in the Local Plan, Policies and Procedures.
- 2.6. Management Decisions. Consistent with this Agreement, LEA shall have full and exclusive authority and responsibility for classifying employment positions within their LEA. The managerial prerogatives of any participating LEA member shall not be infringed upon by any other participating LEA member except upon mutual consent of an affected LEA member(s), or unless as otherwise set forth. LEA shall not undertake to independently act on behalf of the SELPA or any of its members without express written authorization of the SELPA.
- 2.7. Participation. Ensure appropriate LEA representatives attend and participate in SELPA governance meetings and committees as set forth in the Local Plan, Policies and Procedures.
- 2.8. Reporting Requirements. Submit all required federal, state and SELPA reports and data requests in the prescribed format and at the specified due date. Upon written request by the SELPA, LEA shall provide any requested information, documents, writings, or information of any sort without delay, except as otherwise prohibited by law.
- 2.9. Indemnification and Hold Harmless. To the fullest extent allowed by law, LEA agrees to defend, indemnify, and hold harmless the SELPA and its individual other members, EDCOE, the El Dorado County Superintendent of Schools, and each of their respective directors, officers, agents, employees, and volunteers (the Indemnified Parties), from any claim or demand, damages, losses or expenses (including, without limitation, reasonable attorney fees) that arise in any manner from an actual or **alleged failure by LEA to fulfill one or more of the LEA member's obligations**

except to the extent that such suit arises from the SELPA, EDCOE, or the El Dorado County Superintendent of Schools' negligence.

3. SELPA DUTIES AND RESPONSIBILITIES

3.1 Services. In order to accomplish the goals set forth in the Local Plan, SELPA shall provide the following services and activities for the LEA:

- 3.1.1. Receive, compile, and submit required enrollment reports and compute all special education apportionments; receive data from LEA to compile and submit budgets for the programs and monitor the fiscal aspects of the program conducted, and receive the special education apportionments as authorized by applicable law.
- 3.1.2. Maintain SELPA policies and procedures for referring and placing individuals with exceptional needs who are enrolled in the LEA, including the methods and procedures for communication with the parents and/or guardians of the students according to SELPA Local Plan, Policies and Procedures.
- 3.1.3. Coordinate the organization and maintenance of the **Special Education Community Advisory Committee ("CAC") to coordinate the implementation of the Local Plan and provide for the attendance of designated members of the SELPA's staff at all regularly scheduled CAC meetings as required by law.**
- 3.1.4. Coordinate community resources with those provided by LEA and SELPA, including providing such contractual agreements as may be required.
- 3.1.5. Coordinate state ~~Quality Assurance Process~~ Special Education Accountability Processes.
- 3.1.6. Provide alternative dispute resolution supports and services.
- 3.1.7. Develop interagency referral and placement procedures.
- 3.1.8. Provide regular personnel development training sessions for LEA staff responsible for administering or delivering special education programs and services.
- 3.1.9. Provide the method and forms to enable the LEA to report to the SELPA on student enrollment and program expenditures. Establish and maintain a pupil information system.
- 3.1.10. Provide reasonable and appropriate technical assistance and information to the LEA upon request from LEA administration, including but not limited to:
 1. Evidenced Based Practices;
 2. Program Development and Improvement;
 3. Individual cases;
 4. State complaints;
 5. Requests for due process mediation and hearing; and
 6. Appropriate programs and services for specific pupils.
- 3.1.11. Perform other services reasonable and necessary to the administration and coordination of the Local Plan.

3.2. Governance. Organize and maintain the governance structure of the Local

Plan including various committees and councils to monitor the operations of the SELPA and make recommendations for necessary revisions, including, but not limited to, the Local Plan, Allocation Plan and Policies.

- 3.3. Data Reporting. Establish and maintain methods, timelines and forms to submit required federal, state and SELPA reports.
- 3.4. Public Meetings. Schedule public meetings for purposes of governance activities and adopting the Annual Service Plan and Budget Plan.
- 3.5. Fiscal Responsibilities. Receive, distribute, and oversee the expenditure of special education funds in accordance with federal and state regulations and the SELPA Allocation Plan.
- 3.6. Indemnification and Hold Harmless. The SELPA shall be held harmless and indemnify EDCOE and the El Dorado County Superintendent of Schools for any costs of any kind or nature arising out of or related to this agreement other than as specifically contemplated herein, except to the extent that such cost arises from EDCOE and the El Dorado County Superintendent of **Schools' negligence.**

4. EDCOE DUTIES AND RESPONSIBILITIES

- 4.1. The Parties understand that EDCOE is designated in the Local Plan as the **"responsible local agency" for the SELPA.** EDCOE shall receive and distribute state and federal special education funds pursuant to the Allocation Plan, provide administrative support, and coordinate implementation of the Local Plan in accordance with state and federal law.
- 4.2. EDCOE shall not be responsible for any LEA or SELPA obligations or duties of any kind or nature except as explicitly set forth in this agreement.

5. TERMINATION OF THIS AGREEMENT AND PARTICIPATION IN SELPA

- 5.1. LEA may terminate this Agreement and participation in the SELPA in its sole discretion at the end of the fiscal year next occurring after having provided prior written notice to the SELPA, as follows:
 - 5.1.1. Prior initial written notice of intended termination to the SELPA at least twelve (12) months and one (1) day in advance of date of termination; and
 - 5.1.2. Final written notice of termination to the SELPA no more than six (6) months after the **LEA's** initial notice of intended termination.
- 5.2. The SELPA may initiate and complete termination of this Agreement and **LEA's participation in the SELPA** in its sole discretion in accordance with the process and standards in SELPA Policies. The SELPA will provide prior written notice to the LEA at least twelve (12) months as follows:
 - 5.2.1. Prior initial written notice of intended termination to the LEA at least twelve (12) months and one (1) day in advance of date of termination, and
 - 5.2.2. Final written notice of termination to the LEA no more than six (6) months after the **SELPA's** initial notice of intended termination.
- 5.3. Specifically the timeline and process above does not preclude the SELPA from initiating and completing the termination process in less than 12 months or by June 30 of the year immediately preceding the summary termination, if the member demonstrates:

- 5.3.1. Egregious disregard of state and federal requirements to provide services to students; and/or
- 5.3.2. Demonstrated systemic and material issues that would cause the SELPA to make a finding of “going concern” based on leadership, programmatic and/or fiscal solvency that would cause SELPA to reasonably believe the SELPA may be harmed by the continued membership of the LEA.

The standards and timeline as determined by the SELPA shall, at a minimum, provide the LEA a reasonable opportunity for prior written notice and an opportunity to be heard by the Membership Appeals Committee.

6. DISPUTE RESOLUTION

Should a dispute arise relating to the responsibility for service provision, governance activities, the distribution of funding, if a party believes that an action taken by the CEO Council will create an undue hardship, or that the action taken exceeds the authority granted to the CEO Council within the Local Plan and/or state or federal statute, the aggrieved party may request a review of the action with the appropriate governing body or CDE as appropriate.

7. MUTUAL REPRESENTATIONS

- 7.1. Authority and Capacity. The Parties have the authority and capacity to enter into this agreement.
- 7.2. Full Disclosure. All information heretofore furnished by the Parties for purposes of or in connection with this Agreement or any transaction contemplated hereby or thereby is true and accurate in all material respects on the date as of which such information is stated.
- 7.3. No Conflicts. Neither party is under any restriction or obligation that may affect the performance of its obligations under this agreement.
- 7.4. Enforceability. This Agreement constitutes a legal, valid, and binding obligation, enforceable against the Parties according to its terms.

8. RESERVATION OF RIGHTS

The Parties hereto agree that nothing contained in this Agreement or otherwise shall be deemed to have waived or modified any of their rights or remedies under the law.

This agreement is entered into for the 2021-22 year and, absent a new agreement or termination, continues each year thereafter.

Executed on this ____ day of _____, 20____.

In accordance with SELPA policy, _____

[INSERT Charter LEA Name]

certifies that this agreement has been approved by the appropriate local board(s).

LEA

Date

Signature of CEO of Charter LEA

[PRINT CEO Name, Title]

EL DORADO COUNTY OFFICE OF EDUCATION

Date

Ed Manansala, Ed.D., Superintendent
El Dorado County Office of Education

Date

David M. Toston, Associate Superintendent
SELPA Programs
El Dorado County Office of Education



SELPA Policy and Administrative Regulation Revisions and Addition Presented at October 7, 2020 CEO Council Meeting

El Dorado County Office of Education
Dr. Ed Manansala, County Superintendent of Schools
David M. Toston, Associate Superintendent - SELPA

CEO Policy and Administrative Regulation (AR) Revisions and Addition presented at October 7, 2020 CEO Council Meeting:

CEO Policy 1: Comprehensive Local Plan for Special Education	
Redline Version	1
CEO AR 1: Comprehensive Local Plan for Special Education	
Redline Version	4
CEO Policy 6: Part C - Transition	
Redline Version	7
CEO Policy 8: Compliance Documents	
Redline Version	8
CEO AR 9: Governance	
Redline Version	9
CEO Policy 10: Personnel Qualifications	
Redline Version	13
CEO AR 10: Personnel Qualifications	
Redline Version	14
CEO AR 12: Participation in Assessments	
Redline Version	18
CEO Policy 13: Supplementation of State, Local and Other Federal Funds	
Redline Version	19
CEO AR 14: Maintenance of Effort	
Redline Version	20
CEO AR 16: Suspension and Expulsion/Due Process	
Redline Version	24
CEO Policy 17: Access to Instructional Materials	
Redline Version	32
CEO Policy 18: Overidentification of Disproportionality	
Redline Version	33
CEO Policy 20: Data	
Redline Version	34
CEO Policy 21: Reading Literacy	
Redline Version	35
CEO Policy 22: Admission of LEAs to the Charter SELPA	
Redline Version	36
CEO AR 22: Admission of LEAs to the Charter SELPA	
Redline Version	37
CEO Policy 23: Behavior Interventions for Special Education Students	
Redline Version	40
CEO Policy 25: Administration Conflict of Interest	
Redline Version	41
CEO Policy 26: Membership Revocation of LEAs	
Redline Version	46
CEO Policy 27: Charter School Closures and Exits	
Redline Version	48
CEO Policy 29: Interagency	
Draft Policy Presented	52
CEO AR 29: Interagency	
Draft AR Presented	53

Comprehensive Local Plan for Special Education

As members of the El Dorado ~~County~~ Charter Special Education Local Plan Area (SELPA), (hereinafter referred to as Charter SELPA), each charter (as identified by the CDS (County, District, School) code issued by the State Board of Education) is considered an LEA (Local Education Agency) for purposes of special education.

The Charter SELPA further recognizes its' members as single charter partners or organization partners. Single Charter Partner is defined as an entity with one charter CDS code. An Organization Partner is an entity with multiple charters (CDS codes) as members of the Charter SELPA. An entity is defined as an organization with one governing board or one CEO (Chief Executive Officer) position. The title of CEO may differ by organization, but the intent is that final decision making in the organization is vested in one leadership position.

As members of the Charter SELPA, each Charter SELPA LEA (Local Education Agency) desires to provide a free and appropriate public education (FAPE) to all school aged K-12 individuals with disabilities, who are enrolled in the charter, including children who have been suspended or expelled or placed by the charter LEA in a nonpublic school or agency services. ~~—The SELPA will provide technical support to any Charter LEAs identified as the DOR for students age 18 to 21 who are incarcerated in a county jail and remaining eligible for special education to assist in meeting their obligation. The SELPA may facilitate collaboration with the county jails as requested.~~

Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized. (Education Code 56303)

In order to meet the needs of individuals with disabilities and employ staff with adequate expertise for this purpose, the charter LEA participates as a member of the Special Education Local Plan Area (SELPA).

The Charter SELPA Local Plan is approved by the ~~Governing Board of El Dorado County Office of Education~~ Charter CEO Council and reviewed by the El Dorado County Superintendent of Schools. Amendments to the Local Plan to revise LEA membership (additions/~~deletions~~) shall be approved by the ~~Governing Board of the El Dorado County Office of Education~~ Charter SELPA Selection Committee. Prior to ~~county board approval~~ Selection Committee approval, new LEA members shall be approved through the selection process as identified in Policy 22 ~~and AR 22~~. Termination of membership shall be approved through the termination process as identified in Policy 26 or Policy 27. All membership changes shall be communicated with the Charter SELPA CEO Council at the next regularly scheduled meeting.

The ~~Governing Board of the El Dorado County Office of Education~~ Charter CEO Council will hold the required public hearings and approve the ~~A~~ Annual ~~S~~ Service ~~P~~ Plan and the ~~A~~ Annual ~~B~~ Budget ~~P~~ Plan. ~~The plans shall be sent to all charter LEA members and communicated with the Charter SELPA CEO Council at the next regularly scheduled meeting.~~ Notice of the public hearings shall be posted ~~in each charter school at least 15 days prior to the hearing,~~ as required by law.

Upon entry into the Charter SELPA, the Governing Board for each LEA charter shall approve the Charter SELPA Local Plan and ~~the Agreement for Participation,~~ and the Representations and Warranties.

Material changes to the Local Plan, other than for membership changes, shall be approved by the Charter SELPA CEO Council and ~~the Governing Board of the El Dorado County Office of Education~~ reviewed by the El Dorado County Superintendent of Schools.

The Charter Chief Executive Officer or designee of the charter LEA shall extend the charter LEA's full cooperation to the SELPA. The policies and procedures of the Charter SELPA shall be applied as policies and regulations to all participating charter LEAs.

Charter SELPA policies and administrative regulations are approved by the Charter SELPA CEO Council.

The Charter SELPA shall administer a local plan and administer the allocation of funds. (Education Code 56195). The Charter SELPA CEO Council shall approve all allocation plan decisions that impact the allocation of funds.

Legal Reference:

EDUCATION CODE

56000-56001 Education for individuals with exceptional needs

56020-56035 Definitions

56040-56046 General provisions

56048-56050 Surrogate parents

56055 Foster parents

56060-56063 Substitute teachers

56170-56177 Children enrolled in private schools

56190-56194 Community advisory committees

56195-56195.10 Local plans

56205-56208 Local plan requirements

56213 Special education local plan areas with small or sparse populations

56240-56245 Staff development

56300-56385 Identification and referral, assessment, instructional planning, implementation, and review 56440-56449

Programs for individuals between the ages of three and five years

56500-56508 Procedural safeguards, including due process rights

56520-56524 Behavioral interventions

56600-56606 Evaluation, audits and information

56836-56836.05 Administration of local plan

GOVERNMENT CODE

95000-95029 California Early Intervention Services Act

CODE OF REGULATIONS, TITLE 5

3000-3089 Regulations governing special education UNITED STATES CODE, TITLE 20

1400-1485 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

300.500-300.514 Due process procedures for parents and children

303.1-303.654 Early intervention program for infants and toddlers with disabilities

Management Resources: WEB SITES

CDE, Special Education Division: <http://www.cde.ca.gov/spbranch/sed> U.S. Department of Education, Office of Special

Education Programs: <http://www.ed.gov/offices/OSERS/OSEP>

Comprehensive Local Plan for Special Education

Definitions

Free appropriate public education (FAPE) means special education and related services that are available to an eligible child at no charge to the parent or guardian, meet educational standards, and conform to the child's IEP. (20 U.S.C § 1401(9); 34 C.F.R. § 300.17.) The right to FAPE extends to students who are suspended or expelled or placed by the charter LEA in a nonpublic, nonsectarian school. (34 CFR 300.17, 300.101, 300.104)

Full educational opportunities means that students with disabilities have the right to full educational opportunities to meet their unique needs, including access to a variety of educational programs and services available to non-disabled students. The State must have in effect policies and procedures to demonstrate that the State has established a goal of providing full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (34 CFR 300.109)

Least restrictive environment means that, to the maximum extent appropriate, students with disabilities, including individuals in public or private institutions or other care facilities, shall be educated (including nonacademic and extracurricular activities and services) with students who are not disabled., (20 U.S.C. § 1412(a)(5), 34 CFR 300.107, 300.114, 300.117; Ed. Code § 56342, subd. (b).) Special classes, separate schooling, or other removal of students with disabilities from the general educational environment, shall occur only when the nature or severity of the disability is such that education in the general classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Special education means instruction which is specially designed to meet the unique needs of students with disabilities whose educational needs cannot be met through modification of the regular instruction program and is provided at no cost to the parents. It also includes those related services that may be needed to assist students to benefit from specially designed instruction. Special education includes but is not limited to: regular education; resource specialist programs; designated instruction and services; special classes; nonpublic, nonsectarian schools; state special schools; specially designed instruction in settings other than classrooms; itinerant instruction in settings other than classrooms; and instruction using telecommunication, instruction in the home or instruction in hospitals or institutions. (Ed. Code, § 56361.)

Special education may include each of the following if the services otherwise meet the definition in the above paragraph: (Education Code 56031)

1. Speech language pathology services, or any other designated instruction and service or related service, pursuant to Education Code 56363, if the service is considered special education rather than designated instruction and service or related service under state standards
2. Travel training
3. Career technical education

4. Transition services for students with disabilities in accordance with 34 CFR 300.43 if provided as specially designed instruction, or a related service, if required to assist a student with disabilities to benefit from special education

Specially designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to ensure access of the student to the general curriculum, so that the student can meet the educational standards that apply to all students in the charter LEA. (34 CFR 300.39(b)(3))

Surrogate parent means an individual assigned to act as a surrogate for the parents/guardians when a parent cannot be identified or located with reasonable efforts. The surrogate parent may represent an individual with disabilities in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in other matters relating to the provision of FAPE to the individual. (34 CFR 300.519; Education Code 56050)

Note: Pursuant to Government Code 7579.5, when a student is a ward of the court, the charter LEA should appoint a surrogate parent only when the court has limited the rights of the parent/guardian to make educational decisions for his/her child and the student has no responsible adult, such as a foster parent, to represent him/her. Since Welfare and Institutions Code 361 and 726 require the juvenile court to appoint a responsible adult when the court limits parental rights, rarely will it be necessary for the Charter LEA to appoint a surrogate because that appointment would be superseded by the court's appointment of a responsible adult or foster parent.

Elements of the Local Plan

Note: Education Code 56205 details the elements that must be included in the local plan developed by the special education local plan area (SELPA), including a requirement that the plan contain assurances of general compliance with Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the IDEA (20 USC 1400-1482), and the Americans with Disabilities Act (42 USC 12101-12213).

The special education local plan (SELPA) shall include, but not be limited to, the following:

1. Assurances that policies, procedures, and programs, consistent with state law, regulation, and policy, are in effect as specified in Education Code 56205(a)(1-22) and in conformity with 20 USC 1412(a), 20 USC 1413(a)(1), and 34 CFR 300.201.
2. An annual budget plan and annual service plan adopted at a public hearing held by the SELPA. The local plan, annual budget plan, and annual service plan shall be written in language that is understandable to the general public.

3. A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools and the method for ensuring that all requirements of each student's IEP are being met.

4. A description of a dispute resolution process

5. Verification that the plan has been reviewed by the community advisory committee in accordance with Education Code 56205.

6. A description of the process being utilized to refer students for special education instruction pursuant to Education Code 56303.

(Ed. Code § 56025 (a).)

7. A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment. (Ed. Code § 56206)

8. Funds for regionalized operations and services and the direct instructional support of program specialists shall be apportioned to the special education local plan areas. As a condition of receiving these funds, the special education local plan area shall ensure coordination of services to medical facilities pursuant to Education Code 56836.23. The SELPA Administrator, or designee, will facilitate the coordination of these services by the designated LEAs and provide technical assistance to the medical facilities and LEAs as appropriate. Each individual LEA is responsible for students with disabilities who are placed in a public hospital, state licensed children's hospital, psychiatric hospital, proprietary hospital, or a health facility for medical purposes when the hospital or facility is located within their boundaries, unless based on education code there is another district of special education accountability which would be responsible.

The local plan, annual budget plan, and annual service plan shall be written in language that is understandable to the general public. (Ed. Code § 56205)

Each entity providing special education shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to Education Code § 56195.1 and 56195.7. (Ed. Code § 56195.8)

Each entity providing special education shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to Education Code §§ 56195.1 and 56195.7. (Ed. Code § 56195.8)

El Dorado ~~County~~ Charter SELPA

Part C - Transition

Charter schools in the El Dorado ~~County~~ Charter SELPA currently do not serve students in Part C or preschool students. If students are transitioning from preschool to a Charter LEA and are eligible for Part B services, the Charter LEA will participate to ensure a smooth and effective transition between programs.

Authority:
(CFR Title 34 §300.209(b))

Compliance ~~Assurances~~ Documents

The governing board of each member LEA shall adopt the local plan as the basis for the operation and administration of special education programs for that LEA. Each member LEA of the SELPA will meet all applicable requirements of state and federal laws and regulations, including compliance with the Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.) and the provisions of Part 30 the California Education Code (Ed. Code §§56000 et seq.)

Upon entry into the Charter SELPA, the Governing Board for each LEA charter shall approve the Charter SELPA Local Plan and, the Agreement for Participation, ~~the Representations and Warranties, and the Charter SELPA Assurances.~~

~~The Charter SELPA Assurances document includes local, state, and federal Assurances.~~

Legal Reference:
EDUCATION CODE
56205(A)(11)
56195.7

UNITED STATES CODE, TITLE 20 1412

CEO Administrative Regulation 9

Governance*Administrative Unit*

The El Dorado County Office of Education is the Administrative Unit (AU) for the Charter SELPA. Pursuant to the provisions of Education Code Section 56030 et seq., the AU shall receive and distribute regionalized service funds, provide administrative support and coordinate the implementation of the El Dorado ~~County~~ Charter Local Plan for Special Education. The AU shall perform such services and functions required to accomplish the goals set forth in the plan, including development of the ~~a~~Annual ~~S~~service and ~~b~~Budget ~~p~~Plan. In addition, pursuant to Education Code 56836.01(a)(b)(c) the SELPA AU will oversee the fiscal administration of the Annual Budget Plan and the allocation of state and federal funds allocated to the special education local plan area for the provision of special education and related services by those entities, in accordance with the Local and Allocation Plans approved by the CEO Council, and be responsible for the reporting and accounting requirements prescribed by this part.

California Education Code Section 56200(c)(2) requires that the Local Plan, “specify the responsibilities of each participating county office and district governing board in the policy- making process, the responsibilities of the superintendent of each participating district and county in the implementation of the plan, and the responsibilities of district and county administrators of special education in coordinating the administration of the plan.” In accordance with this provision, the El Dorado ~~County~~ Charter SELPA has developed the following governance structure and policy development and approval process.

Responsibilities of each Governing Board in the policy-making process and procedures for carrying out the responsibility

As identified in CEO Policy 1, the Charter SELPA Local Plan is approved by the ~~Governing Board of El Dorado County Office of Education~~ Charter CEO Council and reviewed by the El Dorado County Superintendent of Schools. Amendments to the Local Plan to revise LEA membership (additions/~~deletions~~) shall be approved by the ~~Governing Board of the El Dorado County Office of Education~~ Charter Selection Committee. Prior to ~~county board approval~~ the Selection Committee approval, new LEA members shall be approved through the selection process as identified in Policy 22 and AR 22. Termination of membership shall be approved through the termination process as identified in Policy 26 or Policy 27. All membership changes shall be communicated with the Charter SELPA CEO Council at the next regularly scheduled meeting. Material revisions to the Local Plan, other than membership, shall be approved by the Charter SELPA CEO Council and ~~the Governing Board of the El Dorado County Office of Education~~ reviewed by the El Dorado County Superintendent of Schools

The ~~Governing Board of the El Dorado County Office of Education~~ Charter CEO Council will hold the required public hearings and approve the ~~a~~Annual ~~S~~service ~~P~~plan and the ~~A~~annual ~~B~~udget ~~P~~plan. ~~The plans shall be sent to all Charter LEA members and communicated with the Charter SELPA CEO Council at the next regularly scheduled meeting.~~ Notice of the public hearings shall be posted in each charter school at least 15 days prior to the hearing, as required by law.

Upon entry into the Charter SELPA, the Governing Board for each LEA charter shall approve the Charter SELPA Local Plan and the Agreement for Participation, ~~and the Representations and Warranties and SELPA Assurances.~~

Approved CEO Council 3-31-~~2008~~

Approved Revision 05-22-~~2014~~

Approved Revision 5-26-~~2016~~

Approved Revision 5-23-2019

Draft to CEO Council 10-7-2020

CEO Administrative Regulation 9

As described within these documents, the charter LEA member boards delegate the administrative policy-making process and procedures for carrying out that responsibility to the governance structure of the Charter SELPA as outlined below.

Charter CEO Council

The Charter CEO Council membership consists of the CEO or designee of each charter LEA member. Each charter LEA member has one vote. Organization Partners, that operate more than one charter school, may have a single representative for all schools operated, but such representative shall have a number of votes equal to the number of charter LEAs represented.

Charter CEO Council meetings are subject to California Open Meeting laws, specifically the Brown Act (Government Code 54950-54963), which requires that CEO Council members conduct business at properly noticed and agendized public meetings.

A majority of the LEAs present at a regularly scheduled and posted CEO Council meeting shall constitute a quorum.

The Charter CEO Council will meet regularly with the El Dorado County Superintendent of Schools and/or designees to direct and supervise the implementation of the Local Plan. A minimum of two meetings per year will be held; September/October (Fall) and May (Spring).

The Charter CEO Council is responsible to approve Charter SELPA policies and administrative regulations.

The Charter CEO Council is responsible to approve the Allocation Plan, which is the framework for distribution of funds within the Charter SELPA.

Responsibilities of the Charter SELPA Executive Committee

The Executive Committee shall serve as an informal advisory body to the Charter SELPA AU. The Executive Committee shall be comprised of all Charter SELPA CEO Council members who have an interest in participating as a Committee member. Committee participation shall be at the discretion of individual members who shall be free to attend, or not attend, meetings as they choose. However, at no time shall an Executive Committee meeting be conducted with a majority of SELPA members.

- Committee meetings shall occur from time to time on an informal basis as the Committee may determine. The Committee shall have no continuing subject matter jurisdiction. However, it is contemplated that the Committee shall, from time to time, consider and advise the Charter SELPA AU on administrative matters including, but not limited to, program operations, future strategic planning, procedural matters, and fiscal considerations.

An invitation to participate in the Executive Committee shall be issued annually at the first CEO Council meeting for the fiscal year. The El Dorado County Superintendent/designee shall serve as an ex officio member of the Executive Committee.

Approved CEO Council 3-31-2008

Approved Revision 05-22-2014

Approved Revision 5-26-2016

Approved Revision 5-23-2019

Draft to CEO Council 10-7-2020

Summaries of the Executive Committee meetings shall be transmitted to the full membership of the Charter CEO Council.

Charter SELPA Membership Appeals Committee

The Charter SELPA Membership Appeals Committee meets on an “as needed basis” to hear selection committee appeals and membership termination appeals. The El Dorado County Superintendent/designee shall serve as an ex officio member of the Charter SELPA Membership Appeals Committee. An invitation to participate in the Membership Appeals Committee shall be issued annually prior to the first selection committee meeting per the application timeline. —

Charter SELPA Membership Appeals committee meetings are subject to California Open Meeting laws, specifically, the Brown Act (Government Code 54950-54963) which requires that SELPA Membership Appeals committee members conduct business at properly noticed and agendized public meetings.

Charter SELPA ~~Special Education Steering Committee~~ Professional Learning Network

The SELPA conducts regular ~~SELPA Steering Committee~~ Professional Learning Network meetings (September-May) in person and online (webinar) to share information, identify training and support needs, and assist in networking and resource sharing with partners within the SELPA. ~~Steering Program~~ representatives are designated by the CEO for each LEA partner.

Charter SELPA Special Education Fiscal Committee

The Fiscal Committee meets twice per year. The designated fiscal representative from each charter LEA member is invited to attend. Charter CEOs and Special Education Administrative contacts are invited to attend as well. Meetings take place through webinars/ teleconference. The meeting serves as a communication tool to inform fiscal contacts of actions taken by CEO Council that may have budgeting and financial reporting considerations.

Charter SELPA Selection Committee

As outlined in Policy 22, the Charter SELPA Selection Committee is comprised of:

- The El Dorado County Superintendent of Schools/Designee
- One Charter CEO, member of the CEO Executive Committee
- One Charter CEO selected by the El Dorado County Superintendent of Schools/Designee

The Charter SELPA Selection Committee will meet, review all documents and approve or reject members. Because of a high volume of applications to the Charter SELPA, the Selection Committee may include more than one member of the CEO Executive Committee or CEO Council and more than one Charter CEO selected by the EDCOE County Superintendent/Designee in order to efficiently review the number of applications submitted. Meetings may take place through teleconference. For the purposes of this section, “teleconference” means a meeting where the members are in different locations, connected by electronic

means, through either audio ~~or~~ video, or both.

The Charter SELPA Selection Committee will inform the CEO Council members of their decision. The Charter SELPA AU shall inform the charter school of the decision.

Special Education Community Advisory Committee (CAC)

Each charter school may select a parent representative to participate in the Special Education Community Advisory Committee to serve staggered terms in accordance with E.C. § 56191 for a period of at least two years. Selected representatives may be composed of parents of individuals with exceptional needs enrolled in public or private schools, parents of other pupils enrolled in school, pupils and adults with disabilities, regular education teachers, special education teachers and other school personnel, representatives of other public and private agencies, and persons concerned with the needs of individuals with exceptional needs. ~~parents will be the parent of a child with a disability.~~ This group will advise the Charter SELPA AU on the implementation of the El Dorado ~~County~~ Local Plan for Special Education in Charter Schools ("Local Plan") as well as provide local parent training options in accordance with the duties, responsibilities and requirements of E.C. § 56190-56194.

~~Each school year, the CAC will designate the following:~~

- ~~1.—One parent to be the designee for new LEA approvals ("New-LEA Designee"); and~~
- ~~2.—One parent to be the alternate designee for new LEA approvals ("Alternate Designee").~~

~~The New-LEA Designee will consult with the Charter SELPA AU regarding the admission of any new LEAs to the Charter SELPA. If, for any reason, the New-LEA Designee is unavailable for consultation, the Alternate Designee will assume the consultation duties.~~

Because of the geographic diversity anticipated within the El Dorado ~~County~~ Charter SELPA, meetings may take place through teleconference. For purposes of this section, "teleconference" means a meeting where the members are in different locations, connected by electronic means, through either audio ~~or~~ video, or both.

Personnel Qualifications

Each member LEA within the El Dorado County Charter SELPA will ensure that personnel providing special education related services meet the highly qualified requirements as defined under federal law, including that those personnel have the content knowledge and skills to serve children with disabilities. This policy shall not be construed to create a right of action on behalf of an individual student for the failure of a particular LEA staff person to be highly qualified or to prevent a parent from filing a State complaint with the CDE about staff qualifications.

Each member LEA will support and assist the state's efforts and activities to ensure an adequate supply of qualified special education, general education, and related services personnel. This shall include recruitment, hiring, training and efforts to retain highly qualified personnel to provide special education and related services under this part to children with disabilities.

Legal Reference:
EDUCATION CODE
56205(a)(13)
56058
56070
56368

State Board Policy 6/11/98

UNITED STATES CODE, TITLE 20
1412(a)(14-15)
1413(a)(3)

Personnel Qualifications

Special Education Staff

Teachers assigned to serve students with disabilities shall possess the credential that authorizes them to teach the primary disability of the students within the program placement in the student's individualized education program (IEP). (5 CCR §§ 80046.5 through 80048.6) The Charter CEO or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, or set by the Charter LEA. (See Ed. Code § 56362 [Resource Specialists], and 56363.3 & 56441.7 [language, speech, and hearing specialists].)

Resource Specialists

Any Charter LEA providing special education must adopt policies regarding resource specialists. (Ed. Code § 56195.8) In accordance with this requirement.

Each Charter LEA's Governing Board shall employ certificated resource specialists to provide services including, but not be limited to the following:

1. Instruction and services for students whose needs have been identified in an individualized education program (IEP) and who are assigned to regular classroom teachers for a majority of the school day
2. Information and assistance to students with disabilities and their parents/guardians
3. Consultation with and provision of resource information and material regarding students with disabilities to their parents/guardians and other staff members
4. Coordination of special education services with the regular school programs for each student enrolled in the resource specialist program
5. Monitoring of student progress on a regular basis, participation in the review and revision of IEPs as appropriate, and referral of students who do not demonstrate sufficient progress to the IEP team
6. Emphasis at the secondary school level on academic achievement, career and vocational development, and preparation for adult life.

(Ed. Code § 56362):

The resource specialist program shall be directed by a resource specialist who is a credentialed special education teacher or who has a clinical services credential with a special class authorization, and who has three or more years of teaching experience, including both regular and special education teaching experience. (Ed. Code § 56362)

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Charter LEA Governing Board may request a waiver from the State Board of

Education to increase the caseload to no more than 32 students, provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Ed. Code§ 56362; 5 CCR § 3100) Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Ed. Code § 56362)

Related Services Personnel and Paraprofessionals:

Related services personnel and paraprofessionals must have qualifications established by the Charter LEA that are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services.

The Charter LEA must ensure that related services personnel who deliver services in their discipline or profession meet the requirements to be licensed within their profession, having not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

The charter LEA must allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, to be used to assist in the provision of special education and related services under this part to children with disabilities.

Program Specialist

Pursuant to Education Code 56368 (a) A program specialist is a specialist who holds a valid special education credential, clinical services credential, health services credential, or a school psychologist authorization and has advanced training and related experience in the education of individuals with exceptional needs and a specialized in-depth knowledge in preschool disabilities, career vocational development, or one or more areas of major disabling conditions.

(b) A program specialist may do all the following:

(1) Observe, consult with, and assist resource specialists, designated instruction and services instructors, and special class teachers.

(2) Plan programs, coordinate curricular resources, and evaluate effectiveness of programs for individuals with exceptional needs.

(3) Participate in each school's staff development, program development, and innovation of special methods and approaches.

(4) Provide coordination, consultation and program development primarily in one specialized area or areas of his or her expertise.

(5) Be responsible for assuring that pupils have full educational opportunity regardless of the district of residence.

(c) For purposes of Section 41403, a program specialist shall be considered a pupil services employee, as defined in subdivision (c) of Section 41401.

Education Specialist

Pursuant to Education Code 44265 Credentials for teaching specialties, including, but not limited to, bilingual **education**, early childhood **education**, and special **education**, shall be based upon a baccalaureate degree from an accredited institution, completion of a program of professional preparation, and any other standards which the commission may establish.

In adopting the necessary rules and regulations establishing the requirements for the preparation of special **education** specialties, the commission shall ensure that teachers have sufficient knowledge of subject matter that is the core of the California public school curriculum and experience with nonspecial **education** pupils to the extent deemed appropriate by the commission.

All administrative regulations governing special **education specialists** credentials that were in effect on December 31, 1989, shall continue to be operative until the commission amends or repeals those regulations to implement the provisions of this section.

Legal Reference:

EDUCATION CODE

44250-44279 Credentials, especially:

44256 Credential types, specialist instruction

44265 Special education credential

56195.8 Adoption of policies

56361 Program options

56362 Resource specialist program, contents, direction; resource specialists, case-loads, assignments, instructional aide; pupil enrollment

56362.1 Caseload

56362.5 Resource specialist certificate of competence

56362.7 Bilingual-cross cultural certificate of assessment competence

56363.3 Average caseload limits

56368 Implementation

56441.7 Maximum caseload (programs for individuals with exceptional needs between the ages of three and five inclusive)

CODE OF REGULATIONS, TITLE 5

3051.1 Language, speech and hearing development and remediation; appropriate credential

3100 Waivers of maximum caseload for resource specialists

80046.5 Credential holders authorized to serve students with disabilities

80048-80048.6 Credential requirements and authorizations

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

El Dorado Charter SELPA

CEO Administrative Regulation 10

200.61 Parent notification regarding teacher qualifications

300.18 Highly qualified special education teachers

300.156 Personnel Qualifications

Management Resources:

WEB SITES

California Association of Resource Specialists and Special Education Teachers: <http://www.carsplus.org>

California Speech-Language-Hearing Association: <http://www.csha.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Participation in Assessments

The member LEAs within El Dorado ~~County~~ Charter SELPA are committed to all students having access to state and/or LEA assessments. Through the IEP process each student's strengths and weaknesses will be evaluated as to the content of the LEA and/or statewide assessment to determine appropriate means of access to the assessment(s).

The Charter SELPA IEP forms include an assessment plan as well as statements related to LEA and statewide assessments.

Special education students shall be tested with the designated state achievement test and the standards-based test, unless their individualized education program specifically identifies that the student will be tested with the California Alternate Assessment (CAA). The IEP team will determine which assessment will be most appropriate for each student based on guidance provided by the California Department of Education.

A student shall be permitted to take exams or assessments with the accommodation(s) and/or modification(s) as identified in his/her IEP or 504 plan. These accommodations and/or modifications must be in compliance with the current "Testing Variations, Accommodations, and Modifications Matrix" provided by the California Department of Education.

School personnel have a responsibility to ensure special education students have appropriate accommodations and/or modifications to meet the individual needs of the students and allow access to all State and LEA assessments. Each member LEA will follow and implement the California State Board of Education policies and administrative regulations related to assessment, data collection and waivers.

Legal Reference:
EDUCATION CODE
56205(a), 56345, 60640, 5 CCR 853, 5 CCR 850

Supplementation of State, Local and Other Federal Funds

Funds received by the El Dorado ~~County~~ Charter SELPA from Part B of the IDEA shall be expended in accordance with the applicable provisions of the IDEA and shall be used to supplement, and not to supplant State, local and other Federal funds.

State and federal funds received by El Dorado ~~County~~ Charter SELPA are allocated and distributed among the local educational agencies in the SELPA according to the El Dorado ~~County~~ Charter SELPA adopted plan.

EDUCATION CODE:

56195

56195.7(i)

56205(a)(12)(D)(ii)(II)

56205(a)(16)

56841(a)(2)

Legal Reference:

20 USC §1413 (a)(2)(A)(ii)

34 CFR §300.202(a)

Maintenance of Effort (MOE)

Introduction

The El Dorado ~~County~~ Charter SELPA shall meet the federal maintenance of effort (MOE) regulations requiring that federal funds provided under Part B of the IDEA not be used to reduce the level of expenditures for the education of children with disabilities made from local funds below the level of those expenditures for the preceding fiscal year except as provided in federal law and regulations. This test must be met on either an aggregate or a per capita basis. (ref: Title 34 Code of Federal Regulations C.F.R. Sections 300.203-300.205).

Determination of Maintenance of Effort

The California Department of Education (CDE) monitors compliance with the MOE requirement at the SELPA level. The administrative unit (AU) of the El Dorado ~~County~~ Charter SELPA monitors compliance of its member LEAs. There are two required comparison tests determining MOE:

First Comparison – Grant Year Budget to Preceding Year Actual Expenditures (SEMB)

- LEA will submit to the SELPA the required MOE documentation each year.
- Budgeted local, or state and local expenditures must equal or exceed preceding year expenditures for each LEA and for the SELPA as a whole subject to the federal Subsequent Years rule.
- SELPA must ensure LEA meets the eligibility comparison test before the allocation of Part B funds are made to the LEA.

Section 1 - Exempt Reduction Under 34 CFR Section 300.204

Each year LEAs should record if any of the allowable exceptions to MOE are present. If an LEA determines that a reduction in expenditures occurred as a result of one or more of the following conditions, the LEA may calculate a reduction to the required MOE standard. Reductions may apply to local only MOE standard, combined state and local MOE standard or both.

1. Voluntary departure, or departure for just cause, of special education or related services personnel, who may be replaced by qualified, lower-salaried staff.
2. Decrease in the enrollment of children with disabilities.
3. The termination of the obligation of the agency to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child:
 - a. Has left the jurisdiction of the agency;
 - b. Has reached the age at which the obligation of the agency to provide free appropriate public education (FAPE) to the child has terminated; or
 - c. No longer needs the program of special education.
4. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

Section 2 – “50 Percent Rule”

LEAs who have a “meets requirements” compliance determination under IDEA, Section 613(a) and not found to be **Significantly Disproportionate** for the current year are eligible to use this option to reduce their MOE requirement by:

LEA may reduce the level of local or state and local expenditures otherwise required by the LEA MOE requirement by calculating 50% of the increase in federal sub-grant allocation received for the current fiscal year compared to the prior fiscal year and reducing the LEA’s state and local MOE requirement by that amount.

The LEA must use an amount of local funds equal to the reduction in expenditures to carry out activities that could be supported with funds under the Elementary and Secondary Education AC (ESEA) of 1965. This amount includes any activities under Title 1, Impact Aid, and other ESEA programs.

The LEA may not use this Section in conjunction with voluntary use of 15% of the federal grant for Coordinated Early Intervening Services (CEIS) or Response to Intervention (RTI) costs.

Section 3 – Four MOE Test Methods to Maintain Effort

Either local or state and local funding sources are used for comparison at the SELPA level as well as for each individual LEA. In addition, the comparison may be per capita (per child with a disability). The four methods to maintain effort are:

1. The combination of state and local funds
2. Local funds only
3. The combination of state and local funds on a per capita basis
4. Local funds only on per capita basis

If the SELPA as a whole passes Comparison 1, the SELPA as a whole is eligible to receive Part B funding. If the SELPA as a whole should not meet MOE under Comparison 1, the SELPA as a whole, and all of its participating LEA members, will be ineligible to receive Part B funding until budgetary revisions are made to enable the SELPA, as a whole, to meet MOE requirements.

If the SELPA as a whole passes Comparison 1, but one or more individual LEA sub-grant recipients fail Comparison 1, the LEA(s) shall have until First Interim certification occurs to comply with MOE requirements.

If an LEA has not rectified the problem by the date that First Interim certification is made, its proportionate share of the federal funds shall be re-distributed, on a proportionate share basis, to those LEA sub-grant recipients that complied with the MOE requirements at Comparison 1, but only to the extent that they do not reduce state and local or “local only” expenditures to the point that they create MOE difficulties for the receiving LEA. Any remaining funds from this distribution will be retained by the SELPA AU and used for eligible federal expenditures.

When an LEA fails to meet the MOE test in one year, the LEA is required in subsequent fiscal years to maintain effort at the level prior to the failure. Thus, the LEA must calculate its level of effort on the most recent fiscal year in which the MOE test was met.

Second Comparison – Prior Year Actuals vs. Second-Preceding Year Actuals or the most recent year LEA met using the method

- Actual local or state and local expenditures must equal or exceed preceding year expenditures, subject to the federal Subsequent Years rule.
- Comparison is made annually after unaudited actuals data is submitted to CDE following the end of the fiscal year.

Section 1 – Each year LEAs should record any of the allowable exceptions that may reduce the amount required to meet MOE, listed below:

1. Voluntary ~~departure or departure for just cause, of special~~ education or related services personnel, who may be replaced by qualified, lower-salaried staff.
2. Decrease in the enrollment of children with disabilities.
3. The termination of the obligation of the agency to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child:
 - a. Has left the jurisdiction of the agency;
 - b. Has reached the age at which the obligation of the agency to provide free appropriate public education (FAPE) to the child has terminated; or
 - c. No longer needs the program of special education.
4. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

Section 2 – “50 Percent Rule”

LEAs who have a “meets requirements” compliance determination under IDEA, Section 613(a) and not found to be ***Significantly Disproportionate*** for the current year are eligible to use this option to reduce their MOE requirement by:

LEA may reduce the level of local or state and local expenditures otherwise required by the LEA MOE requirement by calculating 50% of the increase in federal sub-grant allocation received from the current fiscal year compared to the prior fiscal year and reducing the LEA’s state and local MOE requirement by that amount.

The LEA must use an amount of local funds equal to the reduction in expenditures to carry out activities that could be supported with funds under the Elementary and Secondary Education AC (ESEA) of 1965. This amount includes any activities under Title 1, Impact Aid, and other ESEA programs.

The LEA may not use this Section in conjunction with voluntary use of 15% of the federal grant for Coordinated Early Intervening Services (CEIS) or Response to Intervention (RTI) costs.

Section 3 – Four MOE Test Methods

Either local or state and local funding sources are used for comparison at the SELPA level as well as for each

individual LEA. In addition, the comparison may be per capita (per child with a disability). The four methods to maintain effort are:

1. The combination of state and local funds
2. Local funds only
3. The combination of state and local funds on a per capita basis
4. Local funds only on per capita basis

If the SELPA as a whole still fails MOE in Comparison 2 after applying the exceptions, the SELPA will be billed by the State for the amount the SELPA, collectively, failed to spend from local or state and local funds to maintain its level of effort.

The SELPA AU will then bill the individual LEA sub-grant recipients that failed MOE Comparison Test 2 for the amount the LEA(s) failed to spend from local or state and local funds to maintain its level of effort.

If the SELPA as a whole passes Comparison 2 but one or more individual LEA sub-grant recipients fail to spend from local or state and local funds to maintain their level of effort, the SELPA AU will bill on behalf of CDE for the amount that the LEA failed to spend from local or state and local funds to maintain their level of effort. Any amount billed to an LEA must be paid to CDE by the LEA from its state and local funding in the budget year.

When an LEA fails to meet the MOE test in one year, the LEA is required in subsequent fiscal years to maintain effort at the level prior to the failure. Thus, the LEA must calculate its level of effort on the most recent fiscal year in which the MOE test was met.

For the purposes of MOE, the SELPA AU is the recipient of the federal funds from CDE and is, in turn, a grantor of all, or part, of those funds as sub-grants to participating LEAs. In its capacity as the SELPA AU, the El Dorado County Office of Education is not a sub-grant recipient and, therefore, is not required to meet MOE requirements.

Suspension and Expulsion/Due Process

Where California law provides greater protections to students, California law supersedes federal law.

Applicability to Student on 504 Plans

Neither state nor federal law requires IDEA procedures apply to students identified under Section 504 of the federal Rehabilitation Act of 1973 ("Section 504") (29 USC § 794). However, in some instances, each member LEA may find it appropriate to apply portions of these procedures (e.g., the limitation that a student with a disability may not be suspended for more than 10 consecutive school days) to students with a qualifying disability pursuant to their Section 504 Plan. Charter LEAs that wish to apply IDEA procedures to Section 504 students should modify the following regulation accordingly.

IDEA Eligible Students are not Exempt from Suspension and Expulsion

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act ("IDEA") is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as a student with a disability pursuant to IDEA, and who has engaged in behavior that violated the LEA's code of student conduct may assert any of the protections under IDEA only if the member LEA had "knowledge" that the student was disabled before the behavior that precipitated the disciplinary action occurred. (20 USC § 1415(k)(5); 34 CFR § 300.534)

The member LEA shall be deemed to have "knowledge" that the student has a disability if any of the following conditions exists:

- ~~1.~~ The parent/guardian has expressed concern to LEA supervisory or administrative personnel in writing, or to a teacher of the student, that the student is in need of special education or related services.
- ~~1.~~
~~2.~~ The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR §§ 300.300 through -300.311.; or
- ~~2.~~
~~1-3.~~ The teacher of the student or other LEA personnel has expressed specific concerns directly to the LEA's director of special education or to other supervisory LEA personnel about a pattern of behavior demonstrated by the student. (20 USC 1415(k)(5); 34 CFR 300.534)

The LEA would not be deemed to have knowledge that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, the LEA would not be deemed to have knowledge if the LEA conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When a LEA is deemed to not

have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC § 1415(k)(5); 34 CFR § 300.534)

If, during the time period in which the student is subject to disciplinary measures under 34 CFR § 300.530, a request is made to evaluate the student for IDEA eligibility, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC § 1415(k)(5); 34 CFR § 300.534)

Suspension

Member LEAs of the El Dorado ~~County~~ Charter SELPA who are receiving funds under the IDEA may suspend a student for no more than 10 consecutive or cumulative school days, as long as the removal does not constitute a change in placement. (20 USC§ 1415(k)(1), 34 CFR §§ 300.530, 300.536; see also *Honig v. Doe* (1988) 484 US 305 Under California law, a student may not be suspended for more than 20 cumulative school days in a school year. (Ed. Code § 48903.)

Note: Whether a bus suspension or "in school suspension" counts as a day of suspension affecting the cumulative total depends on the unique circumstances of each case. (See *Analysis of Comments to the Federal Regulations*, (2006) 71 Fed. Reg. 156, pg. 46715.) For instance, whether bus transportation is part of the student's individualized education program (IEP). In addition, an "in-school suspension" or "supervised suspension classroom" would not count towards the 20-day cumulative limit described above as long as the student is afforded the opportunity to continue to appropriately participate in the general curriculum, receive the services specified in his/her IEP, and participate with nondisabled students to the extent he/she would have in the current placement. However, the LEA should be careful that such actions do not constitute a change of placement and should carefully monitor such suspensions.

The Charter CEO or designee may suspend a student with a disability for up to 10 consecutive or cumulative school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement as defined in 34 CFR 300.536. (Ed. Code§ 48903; 34 CFR § 300.530)

The principal or designee shall monitor the number of days, including portions of days, in which a student with an IEP has been suspended during the school year.

The member LEA shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under any of the following circumstances:

1. The removal is for more than 10 consecutive or cumulative school days; or
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:

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- a. The series of removals total more than 10 school days in a school year;
- b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals; and
- c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

(34 CFR § 300.536)

If the removal has been determined to be a change of placement as specified in items #1 or #2 above, the student's IEP team shall determine the appropriate educational services to be provided. (34 CFR § 300.530.)

Services During Suspension

Note: Member LEAs are required to provide FAPE to all students, including any students with disabilities who have been suspended for more than 10 school days in a year. (20 USC § 1412(a)(1)(A), 34 CFR § 300.530.) The LEA is not required to provide a student who has been suspended for more than 10 school days in a school year for disciplinary reasons exactly the same services in exactly the same setting as the student was receiving prior to the imposition of discipline. (See *Analysis of Comments to the Federal Regulations* (2006) 71 Fed. Reg. 156, pg. 46716.) However, the services the student does receive must enable him/her to continue to participate in the general curriculum and to progress toward his/her IEP goals.

When a disabled student is removed for 10 school days or less, the member LEA does not have to provide services as long as the member LEA does not provide services to nondisabled students removed for the same amount of time.

Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed as provided in 34 CFR § 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP. (20 USC § 1412(a)(1)(A); 34 CFR § 300.530)

If a student with a disability is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified in his/her IEP. (Ed. Code § 48915.5)

Interim Alternative Educational Placement Due to Dangerous Behavior

The LEA may unilaterally place a student with a disability in an appropriate interim alternative educational setting ("IAES") for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function:

1. Carries or possesses a weapon. "~~w~~Weapon" refers to a "dangerous weapon" as defined in 18 USC § 930 and includes any device which is capable of causing death or serious bodily injury. The term does not include a pocket knife with a blade of less than 2 1/2 inches in length.
2. Knowingly possesses or uses illegal drugs;
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V; or
4. Inflicts serious bodily injury upon another person. "Serious bodily injury" is defined as bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty (18 USC § 1365).

(20 USC § 1415(k)(1)(G); 34 CFR § 300.530)

The student's IAES shall be determined by his/her IEP team. (20 USC § 1415(k)(1)(G), 34 CFR § 300.531)

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the LEA's decision and provided the notice of procedural safeguards pursuant to 34 CFR § 300.504. (20 USC § 1415(k)(1)(H); 34 CFR § 00.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC § 1415(k)(1)(D); 34 CFR § 300.530)

Manifestation Determination

The following procedural safeguards shall apply: (1) when a student is suspended for more than 10 consecutive school days; (2) when a series of removals of a student constitutes a pattern; and/or (3) when a change of placement of a student is contemplated due to a violation of the LEA's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 3 § 00.504. (20 USC § 1415(k)(1)(H); 34 CFR § 300.530)
2. Manifestation Determination: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a determination shall be made on whether the student's conduct in question was a manifestation of his/her disability. (20 USC § 1415(k)(1)(E); 34 CFR § 300.530)

The member LEA, the student's parent/guardian, and relevant members of the IEP team (as determined by the LEA and parent/guardian) shall convene a manifestation determination meeting and review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, and determine whether the conduct in question was either of the following:

- a. Caused by or had a direct and substantial relationship to the student's disability; or
- b. A direct result of the LEA's failure to implement the student's IEP, in which case the LEA shall take immediate steps to remedy those deficiencies

(20 USC § 1415(k)(1)(E); 34 CFR § 300.530)

If, at the manifestation determination meeting, the team determines that a condition in either #a or #b above was met, the conduct shall be determined to be a manifestation of the student's disability. (20 USC § 1415(k)(1)(E); 34 CFR § 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavior intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC § 1415(k)(1)(F); 34 CFR § 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and member LEA agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC § 1415(k)(1)(F); 34 CFR § 300.530)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: If, at the manifestation determination meeting, the team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. (20 USC § 1415(k)(1)(D); 34 CFR § 300.530)

The student shall receive services to the extent necessary to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC § 1415(k)(1)(D); 34 CFR § 300.530)

Due Process Appeals

If the parent/guardian disagrees with any LEA decision regarding placement under 34 CFR § -300.530 (suspension and removal for dangerous circumstances) or 34 CFR § 300.531 (interim alternative placement), or the manifestation determination he/she may appeal the decision by requesting a due process hearing. The member LEA may request a hearing if the Charter LEA believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532) The party filing the due process complaint has the burden of persuasion by a preponderance of the evidence. (*Schaffer v. Weast* (2005) 546 U.S. 49, 56-62.)

Whenever a hearing is requested as specified above, the parent/guardian or the LEA shall have an opportunity for an expedited due process hearing. (See 34 CFR §§ 300.507, 300.508 (a)-(c), and 300.510 through 300.514.)

If the student's parent/guardian or the LEA has initiated a due process hearing as detailed above, the student shall remain in the IAES pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and LEA agree otherwise. (20 USC § 1415(k)(4); 34 CFR § 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, the member LEA shall convene an IEP team meeting.

Suspension of Expulsion

The member LEA Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Ed. Code § 48917)

Notification to Law Enforcement Authorities

The principal of a school or the principal's designee are required to notify law enforcement officials regarding a student's suspension or expulsion as follows:

- a)1. Prior to the suspension or expulsion of any student with a disability, the principal or designee shall notify appropriate city or county law enforcement authorities of any act of assault with a deadly weapon which may have violated Penal Code 245. (Education Code 48902)
- b)2. Within one (1) school day after a suspension or expulsion of a student with a disability, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other

appropriate means, of any act by the student which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind;

The principal or designee shall also notify appropriate city or county law enforcement authorities of acts by any student with a disability which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code §§ 626.9 or 626.10.

A principal or designee, or any other person reporting a known or suspected act under either subdivision (a) or (b), above, is not civilly or criminally liable for making a report unless it is shown that:

~~1)~~ 1. The report was false; and

~~2)~~ 2. The person making the report either:

- a. Knew that the report was false; or
- b. The report was made with reckless disregard for the truth or falsity of the report.

(Ed. Code § 48902.)

When a principal or designee reports a criminal act committed by a school age individual with exceptional needs (eligible for special education) he/she is required to transmit copies of the student's special education and disciplinary records for consideration by the authorities to whom he/she reported the criminal act. When sending records for this purpose, the member LEA, principal, ~~or~~ designee must still comply with all FERPA requirements, (Ed. Code § 48902.)

Report to County Superintendent of Schools

The LEA CEO is required to report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. The County Superintendent will review the reports and determine whether either the interest of the student or the welfare of the state may need further examination. If so, the County Superintendent, shall bring the reports to the attention of the member LEA's Governing Board and the County Board of Education. (Ed. Code § 48203.)

Legal Reference:

EDUCATION CODE

35146 Closed sessions (re suspensions)

35291 Rules (of governing board)

48203 Reports of severance of attendance of disabled students

El Dorado Charter SELPA

CEO Administrative Regulation 16

48900-48925 Suspension and expulsion
 56000 Special education; legislative findings and declarations
 56320 Educational needs; requirements
 56321 Development or revision of individualized education program
 56329 Independent educational assessment
 56340-56347 Individual education program teams
 56505 State hearing
 PENAL CODE
 245 Assault with deadly weapon
 626.2 Entry upon campus after written notice of suspension or dismissal without permission
 626.9 Gun-Free School Zone Act
 626.10 Dirks, daggers, knives, razors or stun guns
 UNITED STATES CODE, TITLE 18
 930 Weapons
 1365 Serious bodily injury
 UNITED STATES CODE, TITLE 20
 1412 State eligibility
 1415 Procedural safeguards
 UNITED STATES CODE, TITLE 21
 812(c) Controlled substances
 UNITED STATES CODE, TITLE 29
 706 Definitions
 794 Rehabilitation Act of 1973, Section 504
 CODE OF FEDERAL REGULATIONS, TITLE 34
 104.35 Evaluation and placement
 104.36 Procedural safeguards
 300.1-300.818 Assistance to states for the education of students with disabilities, especially:
 300.530-300.537 Discipline procedures
 COURT DECISIONS
 Schaffer v. Weast (2005) 125 S. Ct. 528
 Parents of Student W. v. Puyallup School LEA, (1994 9th Cir.) 31 F.3d 1489
 M.P. v. Governing Board of Grossmont Union High School LEA, (1994) 858 F.Supp. 1044
 Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osep/index.html>

Access to Instructional Materials

Each member LEA of the El Dorado ~~County Charter~~ Charter SELPA shall provide instructional materials to blind students or other students with print disabilities in a timely manner according to the state adopted National Instructional Materials Accessibility Standard.

Legal Reference:
EDUCATION CODE
56205(a)

UNITED STATES CODE, TITLE 20
1412(a)(24)

Overidentification and Disproportionality

The El Dorado ~~County~~ Charter SELPA and its member LEAs shall prevent the inappropriate overidentification or disproportional representation by race and ethnicity of students with disabilities.

Legal Reference:
EDUCATION CODE
56205(a)

UNITED STATES CODE, TITLE 20
1412(a)(24)

El Dorado Charter SELPA

CEO Policy 20

Data

The El Dorado ~~County~~ Charter SELPA and its member LEAs shall provide data or information to the SELPA and the California Department of Education if required by regulations.

Legal Reference:
EDUCATION CODE
56205(a)

UNITED STATES CODE, TITLE 20
1418 (a-d)

Reading Literacy~~A.~~ RATIONALE~~A.~~

The California Reading Initiative is intended for all students. Reading proficiency is an important goal for virtually all students who receive special education services. It is basic to ongoing school success and essential for successful participation in society. Without reading proficiency, students are excluded from full participation and opportunity to achieve academic success in school.

~~B.~~ POLICY STATEMENT~~B.~~

In order to improve the educational results for students with disabilities, the Charter LEAs in the El Dorado ~~County~~ Charter SELPA ensure that all students who require special education will participate in the California Reading Initiative, just as do all other students in the El Dorado ~~County~~ Charter LEAs. In order to facilitate that effort, the Charter LEAs assure that special education instructional personnel will participate in staff development in-service opportunities in the area of literacy, including:

- ~~a.1.~~ information about current literacy and learning research;
- ~~b.2.~~ state-adopted student content standards and frameworks; and
- ~~c.3.~~ research-based instructional strategies for teaching reading to a wide range of diverse learners

Each of the Charter LEAs will include special education staff in their curriculum materials selection process, in order to support alignment with State standards. Each will also include all special education staff in all staff development on phonemics and phonics, as well as in any additional state or regional training based on new legislation, e.g., the California Reading and Literature Subject Matter Project, the rollouts on the frameworks, AB466 training. _____

The goals of the Charter LEAs are to increase the participation of students with disabilities in statewide student assessments, to increase the percentage of children with disabilities who are literate, and to assure that students with disabilities attain higher standards in reading.

In order to reach these goals, we assure that students with disabilities will have full access to:

1. all required core curriculum including state-adopted core curriculum textbooks and supplementary textbooks; and
2. instructional materials and support.

Admission of Local Education Agencies to the El Dorado ~~County~~ Charter SELPA

Any charter school may apply to the Charter SELPA Selection Committee to become a LEA member of the SELPA. The Charter SELPA will establish an annual timeline for submission of applications, generally January of the school year preceding the school year in which the charter LEA anticipates operating as a member within the SELPA. Once granted membership, the charter LEA will participate in the governance of the SELPA in the same manner as all other charter LEA members in the SELPA. The timeline for submission may be amended by the Charter SELPA AU Superintendent/designee for unique circumstances, including State Board of Education charter approvals.

The applicant member, not an expansion of an existing member, will be deemed a member of the SELPA upon approval of the Charter SELPA Selection Committee, and subsequent Local Plan Membership amendment approved by El Dorado County ~~Office of Education Governing Board~~Superintendent of Schools, and the California Department of Education. The applicant member charter LEA board must also take action to approve membership.

~~Prior to Charter SELPA Selection Committee votes on the admission of any new LEA member(s), the CAC's New-LEA Designee will be notified of, and given the opportunity to advise on, the admission of the new LEA member(s). Any member of the CAC may request in writing the opportunity to review the proposed membership changes for up to 30 days if the request is received prior to the selection committee vote. The Charter SELPA Selection Committee will review and consider any comments from the New-LEA Designee prior to voting on the admission of a new member.~~

The Charter SELPA Selection Committee shall review applica~~ntstions~~ to determine if they ~~y~~applicants meet the requirements of the application process as established by the Charter SELPA, pursuant to AR 22. The Charter SELPA Selection Committee will inform the CEO Council members of their decision.

Applications for additional schools of a current Charter SELPA member, shall be approved by the Charter SELPA AU, pursuant to AR 22, and are not required to be reviewed by the Charter SELPA Selection Committee. Because they are current members, the Charter SELPA AU has significant documentation available to assess the new charter LEA capacity.

The applicant member, an expansion of an existing member, will be deemed a member of the SELPA after approval of the Charter SELPA AU, and subsequent Local Plan Membership amendment approved by the El Dorado County ~~Office of Education Governing Board~~Superintendent of Schools, and the California Department of Education. The applicant member charter LEA board must also take action to approve membership.

Admission of Local Education Agencies to the El Dorado County Charter SELPA

By October 1, of each year, the Charter SELPA AU will publish the timeline and process for new applications to the Charter SELPA. The timeline shall include an appeal process. The appeal process shall include a timeline and criteria for the appeal. Appeals shall be heard by the Charter SELPA Appeals Committee.

The application process shall include:

Charter school LEAs, not expansions from current members, may apply to the Charter SELPA from the following paths:

1. ~~1)~~—New Start-Up Charter State Board Approved:
Completed comprehensive application including ~~assurances~~, fiscal documents and a detailed plan for service delivery.
2. ~~2)~~—Charters who are currently operating in another SELPA:
Completed comprehensive application including ~~assurances~~, fiscal documents, detailed plan for service delivery and ~~an additional a copy of the~~ one-year notice to the current SELPA or a copy of the agreed-upon early SELPA release.
3. ~~3)~~—New Start-Up Charters:
Completed comprehensive application including ~~assurances~~, fiscal documents and a detailed plan for service delivery.

The Charter SELPA will develop a process for reviewing all applications that includes a scoring methodology and will clearly communicate the scoring process. In addition, the CEO Council may annually approve growth priority guidelines for the new member selection process.

Charter school LEAs, expansions of Single Charter Partners or Organization Partners, will follow a simplified application process because the Charter SELPA AU has considerable documentation on file regarding the LEA capacity. There are two types of expansions of Partners:

1. ~~a.~~—They are a participating Single Charter Partner adding a new start-up charter school or an existing school(s).
2. ~~b.~~—They are a participating Organization Partner SELPA member adding additional new charter school(s) or an existing school(s).

In the case of either a or b above, the following application process will be followed:

1. ~~1)~~—Notice of Intent: The ~~s~~Single ~~c~~Charter ~~p~~Partner or ~~o~~Organization ~~p~~Partner will inform the Charter SELPA AU ~~by January 1st~~ of their desire to add additional school(s) for the following school year by submitting an expansion application during the aforementioned application period. Notice of Intent may still be filed after the January 1st date.
- ~~1.~~—The single charter partner or organization partner will provide the SELPA with information regarding

the school, information regarding the relationship and responsibilities of the Organization Partner, affirmation that the expansion charter is part of the Organization Partner's network, and any other data requested by the Charter SELPA AU. For existing schools, member of another SELPA, a copy of the one-year notice to the current SELPA or a copy of the agreed-upon early SELPA release.

2.

~~2) The Single Charter Partner or Organization Partner will provide the SELPA with information regarding the school, signed assurances, information regarding the relationship and responsibilities of the Organization Partner, affirmation that the expansion charter is part of the Organization Partner's network, and any other data requested by the Charter SELPA AU. For existing schools, member of another SELPA, a copy of one year notice to the SELPA or SELPA release.~~

~~3) The Charter SELPA AU will review all information. It is understood that the Charter SELPA AU may request additional information, as needed, to conduct a comprehensive review prior to~~

~~1~~

3. _____ approving the expansion application. The Charter SELPA AU may approve the addition. If the AU has questions or concerns the information may be sent to the Charter SELPA Selection Committee for further review.

~~Approved CEO Council~~

~~10-11-2018 (revised)~~

~~5-22-2014 (revised)~~

~~5-28-2008~~

Behavioral Interventions for Special Education Students

A special education student's minor behavioral problems shall be subject to the disciplinary measures applicable to all students for such infractions.

When a child's behavior impedes the child's learning or that of others, the IEP team must consider strategies and supports, including positive behavioral interventions, to address that behavior consistent with the law and SELPA procedures. (20 U.S.C. § 1414(d)(3)(B)(i); 34 C.F.R. § 300.346(a)(2)(i), (b); Ed. Code § 56341.1, subd. (b)(1).)

The Charter CEO or designee shall ensure that staff is informed of the El Dorado ~~County~~ Charter SELPA's policy and regulations governing the systematic use of behavioral and emergency interventions.

Legal Reference:

EDUCATION CODE

49001 Prohibition of corporal punishment

56321 Notice of parental rights; consent of parents

56500-56507 Procedural safeguards, including due process rights

56520-56524 Behavioral Interventions

56341.1

CODE OF REGULATIONS, TITLE 5

3001 Definitions

3052 Designated positive behavioral interventions

Administration – Conflict of Interest

The El Dorado ~~County~~ Charter SELPA hereby adopts this Conflict of Interest Code (“CIC”) in order to ensure that the SELPA officials, whether elected or appointed, perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. (Gov. Code. § 81001.)

General Provisions

It is the policy of the SELPA that no SELPA official shall make, participate in making or in any way attempt to use his/her official position to influence a SELPA decision in which he/she knows or has reason to know he/she has a financial interest. (Gov. Code § 87100.)

The CIC shall be updated and amended in accordance with provisions of Government Code, section 87303.

Political Reform Act – Adoption of Conflict of Interest Provisions

Pursuant to the Political Reform Act (“PRA”)(Gov. Code §§ 81000, et seq.), every public agency is required to adopt and promulgate a CIC. (Gov. Code § 87300.) The Fair Political Practices Commission (“FPPC”) developed a model CIC and adopted it by regulation. (2 CCR § 18730.) Pursuant to this regulation, an agency shall be considered to have adopted and promulgated a CIC in accordance with the PRA, if it does all of the following:

1. Incorporates by reference the terms of the CIC contained in the regulations (@ CCR § 18730.);
2. Designate the employees as required by the PRA; and
3. Formulates disclosure categories as required by the PRA

(2 CCR § 18730.)

The requirements of the PRA are hereby satisfied by this CIC and the attached Appendix.

By enacting this policy the ~~EDCC-El Dorado Charter~~ SELPA hereby incorporates the conflict of interest provisions of Title 2, California Code of Regulations, section 18730. Copies of the regulation can be obtained from the ~~EDCC El Dorado Charter~~ SELPA. The SELPA Chief Executive Officer’s Council “CEO Council” members shall abide by the terms of this CIC.

In accordance with the PRA, this CIC shall have the force of law and any violation of the CIC by a designated employee shall be considered a violation of the PRA. (Gov. Code § 87300.)

Each participating charter in the SELPA shall be responsible for adopting appropriate conflict of interest and ethics policies and regulations applicable to their representatives.

Incompatible Offices

El Dorado ~~County~~ Charter SELPA CEO Council members shall not hold any other office, engage in any employment, or pursue any activity that is inconsistent, incompatible, or in any other way conflicts with his/her duties as a CEO Council member as set forth in Government Code, section 1099.

Legal Reference:

G.C. §§ 81000, et seq.

2 CCR § 18730

AppendixDesignated Positions/Disclosure Categories

It has been determined that persons occupying the following positions manage public investments and shall file a full statement of economic interests pursuant to Government Code, section 87200:

- Governing Board Members
- Superintendent of Schools

~~1.~~ **Category 1: Agency Positions that Manage Public Investments:** ~~Persons occupying the following positions are designated employees in **Category 1:**~~

- Deputy/Assistant/Associate Superintendent

Designated persons in **Category 1** must report:

- Interests in real property located entirely or partly within district/county office boundaries, or within two miles of district/county office boundaries or of any land owned or used by the district/county office. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- Investments or business positions in or income from sources which:
 - ~~(1) (1)~~ Are engaged in the acquisition or disposal of real property within the _____ district/county office
 - ~~(2) (2)~~ Are contractors or subcontractors which are or have been within the past two _____ years engaged in work or services of the type used by the district/county _____ office or _____
 - ~~(3) (3)~~ Manufacture or sell supplies, books, machinery or equipment of the type used _____ by the district/county office.

(Gov. Code, § 87314.)

~~2.~~ **Category 2: Positions Which Involve the Making or Participation in the Making of Decisions Which May Foreseeably Have a Material Effect on Any Financial Interest.**

Persons occupying the following positions are designated employees in **Category 2**

- None

Designated persons in **Category 2** must report investments or business positions in or income from sources which:

- a. Are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs, or
- b. Manufacture or sell supplies, books, machinery or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category a principal's department is his/her entire school.

(Gov. Code § 87406.)

~~3.~~ **Consultants**

On a case-by-case basis, the Superintendent or designee may designate any consultant performing work for the district/county office as a **Category 1** or **Category 2** individual required to disclose his/her financial interests. - The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the specific disclosure requirements related to those duties. – All such determinations are public records and shall be retained for public inspection along with this CIC.

A "consultant" is defined as an individual who, pursuant to a contract with the district/county office, makes a governmental decision whether to:

- a. Approve a rate, rule or regulation;
- b. Adopt or enforce a law;
- c. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement;
- d. Authorize the district/county office to enter into, modify or renew a contract that requires district/county office approval;
- e. Grant district/county office approval to a contract or contract specifications which require district/county office approval and in which the district/county office is a party;
- f. Grant district/county office approval to a plan, design, report, study or similar item; or
- g. Adopt or grant district/county office approval of district/county office policies, standards or guidelines.

(2 CCR § 18701)

A consultant is also an individual who, pursuant to a contract with the district/county office, serves in a staff capacity with the district/county office and in that capacity participates in making a governmental

decision as defined in Title 2 California Code of Regulations, section 18702.2, or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's CIC. (2 CCR § 18701.)

Membership Revocation of Local Education Agencies in El Dorado ~~County~~ Charter SELPA

Membership may be revoked by the Charter SELPA, if it finds that the charter LEA did any of the following:

- a) Committed a material violation of any of the conditions, standards, or procedures set forth in the Charter SELPA Policies, Participation Agreement, ~~Assurances, Representations & Warranties~~, Local Plan, or state and federal laws applicable to the LEA relating to special education.
- b) Charter has significant special education noncompliance and, in the opinion of the Charter SELPA AU, is not committed to the necessary organizational investment in training and staffing to ensure future compliance.
- c) Charter is experiencing leadership issues that cause the El Dorado Charter SELPA to believe the charter is not able to appropriately provide services to students with special needs.
- d) Other issues identified by Charter SELPA staff that impact the ability of the charter to adequately provide special education services to students.

The charter member shall be provided an opportunity to address the concerns and, if good faith efforts are expended sufficient to cause Charter SELPA AU to believe the charter member has the capacity to be an LEA, the notice to revoke membership shall be rescinded.

If Charter SELPA AU does not make a finding of capacity to be an LEA, the charter member shall be provided with the notice of intent to revoke membership (in writing) and such notice shall include the reasons for the request to revoke membership.

Appeal Process:

If a charter does not agree with the findings and wishes to appeal, they must request, in writing, an appeal to the Charter SELPA Membership Appeals Committee.

The appeal may request the opportunity to meet directly with the Charter SELPA Membership Appeals Committee. After the appeal is heard, the Appeals Committee shall make a finding and direct the Charter SELPA AU to notify the charter of their findings.

Timeline:

- a) El Dorado Charter SELPA AU will provide written notice by June (one year prior to revocation date).
- b) Charters are expected to immediately pursue other options for SELPA membership; however, there is an appeal process in place for consideration. Appeals must be submitted by November 1.
- c) Charter SELPA Membership Appeals Committee will schedule a meeting in November and will provide written notice of their findings by December 1.
- d) Charter SELPA Membership Appeals Committee may provide conditions the charter must meet in order to have the written revocation rescinded.
- e) A review of charter compliance with the conditions of approval must be met by March 1. By March 1, the Charter SELPA AU will meet with the charter to determine compliance with any conditions provided by the Appeals Committee. By March 15, the Charter SELPA AU will provide the charter with written notice if they have met the conditions. If conditions are met, notice of revocation will be rescinded in writing and the charter may continue membership for the next year.

The timeline and appeal process above does not preclude the Charter SELPA from initiating and completing the termination process in less than 12 months or by June 30th of the year if the member demonstrates:

- a) Egregious disregard of state and federal requirements to provide services to students and/or
- b) Demonstrated systemic and material issues that would cause the Charter SELPA AU to make a finding of “going concern” based on leadership, programmatic and/or fiscal solvency that would cause Charter SELPA AU to believe the Charter SELPA would be harmed by the continued membership of the LEA.

Charter School Closures and Exits

Closure

A charter school may choose to close voluntarily, close involuntarily through non-renewal, or close involuntarily through revocation by their authorizing LEA. When these instances arise the LEA is required to complete closure procedures below. Additionally, there are circumstances that require an LEA's CDS code to change; in these instances the SELPA will determine if closure procedures are necessary on a case by case basis.

1. Documentation and Notice of Closure

The LEA will immediately provide the SELPA:

- a. Written notification of the school closure.
- b. A copy of the charter's closure policy contained in the most recently approved charter petition.

The LEA must send notice of its closure to the following parties/entities:

- a. Parents or guardians of students.
- b. The authorizing entity.
- c. The county office of education (if the county board of education is not the authorizing entity);
- d. The El Dorado Charter SELPA
- e. The retirement systems in which the school's employees participate.
- f. The California Department of Education.

Notification of all the parties/entities above must include at least the following:

- a. The effective date of the closure.
- b. The name(s) of and contact information for the person(s) handling inquiries regarding the closure.
- c. The students' school districts of residence.
- d. How parents or guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements.

The notification and documentation requirements are not limited to the items listed above.-

The Charter SELPA may require additional information from the charter as needed to ensure:

- a. Appropriate transition of special education services for students served by the charter;
- b. Compliance with state and federal laws;
- c. Compliance with state and federal funding requirements; and/or
- d. Accuracy and reliability of any data submitted to the Charter SELPA.

2. SELPA Written Notification to Closing Charter

Consistent with Education Code and CDE requirements, charter school closure procedures must include plans for transfer and maintenance of school and student records, including any special education records, filing of expenditure and other fiscal reports, and completion of a final audit. After receiving notification of an LEA closure, the Charter SELPA will, in writing:

- a. Remind the charter of its closure obligations;
- b. Request from the charter information necessary to process the closure internally; and
- c. Notify the charter of any action deemed necessary to minimize financial loss to the Charter SELPA.

3. Financial Closeout

If there are no funding restrictions in place, upon determination of satisfactory completion of items outlined in the required written notification from the Charter SELPA, any amounts owed to the charter may be released. The required written notification from the Charter SELPA will state that, because of the timing of the annual audit and SELPA receipt of federal funds, final funds may not be released for up to eight months after the charter has closed.

The Charter SELPA may release ERMHS funds before the final charter audit is issued if all program and fiscal documentation is on file as required by the Charter SELPA and there are no conditions that would cause the Charter SELPA to be concerned about the reliability of data submitted.

In the event of a bankruptcy, the release of funds may be impacted by the direction of the courts.

If the Charter SELPA makes a finding that it would not release any final amounts owing to the charter, that finding will be disclosed to the Executive Committee.

4. Release of Claims

When an LEA closes, the LEA forever releases and discharges the Charter SELPA and its past and present principals, members, partners, officers, directors, affiliate employees, agents, successors, assigns, attorneys and insurers, collectively with the Charter SELPA, from any and all claims arising out of the operations of the LEA. Accordingly, the closing LEA shall promptly withdraw and/or cause to be filed dismissals with prejudice of all applications, requests, reports, complaints, or appeals, if any, filed or made as to any such claims.

Consistent with the release language above, closure of an LEA terminates the ability for the LEA and associated entities affiliated with the LEA to submit claims to any funding or to any Charter SELPA Risk Pool (e.g. Legal Risk Pool, SELPA Set Aside, Rate Smoothing Pool, etc.) effective the date of the LEA closure and/or termination of membership pursuant to CEO Policy 26. Termination of the ability to

El Dorado ~~County~~ Charter SELPA

CEO Policy 27

submit funding and SELPA Risk Pool claims may be suspended for an Organization Partner with LEAs that will continue as Charter SELPA members.

Exit

An LEA may elect to exit the El Dorado Charter SELPA and return to their geographic SELPA or join an alternate charter SELPA. The LEA is required to notify, in writing, the Charter SELPA and the CDE by June 30th of the year prior to their intended exit, per Education Code 56195.3(b). If the LEA did not provide the year and one-day notice, the LEA must obtain a letter of agreed-upon early release from the Charter SELPA before accepting membership in an alternate SELPA for the coming school year. Once the LEA's exit is confirmed the LEA is required to follow the procedures below.

1. Documentation and Notice of Change in SELPA

The LEA must send notice of its change in SELPA (as applicable) to:

- a. Parents and/or guardians of students
- b. The County Office of Education (if the county board of education is not the authorizing entity)
- c. The geographical Special Education Local Plan Area (SELPA) of the authorizing entity
- d. The California Department of Education

Notification of all the parties above must include (at minimum) the following:

- a. The effective date of the change
- b. The name(s) and contact information of the person(s) handling inquiries regarding the change

2. RECORD TRANSFER AND RETENTION

- a. The transfer and maintenance of school and student records should be followed per SELPA policies and procedures.

3. CDE Reporting

The LEA is responsible to ensure the following:

- a. All CALPADS reporting processes are to be completed and certified as appropriate prior to any transfer of electronic student records to the new LEA/SELPA. Please note, once the records are transferred, the SELPA will be unable to provide additional support around reporting or amending data and your new SELPA will not be able to support or amend data submitted while part of the El Dorado Charter SELPA, thus accurate and timely submission is of the utmost importance.
- b. All Special Education monitoring and compliance processes (targeted review, intensive review, preschool review, data informed noncompliance, disproportionality, significant disproportionality) are completed and certified, where possible, prior to any transfer of electronic student records to the new LEA/SELPA. For those compliance processes which span academic years, please work with your current program specialist and the SELPA data team to facilitate transfer of any necessary documentation to your new SELPA.
- c. All required special education pupil count data and special education personnel data reports are

El Dorado ~~County~~ Charter SELPA
filed appropriately.

CEO Policy 27

4. FINANCIAL COMPLIANCE & CLOSEOUT

The LEA is responsible to ensure the following:

1. File all attendance reports for the final year of operation (P-1, P-2, annual).
2. Submit any current year Risk Pool claims to the Charter SELPA Business Department.
3. Submit all special education financial reports.
4. Submit for review any other documentation that would be necessary to ensure the reliability of special education financial data.
5. If receiving current year federal revenue, complete Maintenance of Effort (MOE) reporting and pass MOE testing requirements. NOTE: Any current year federal revenue already distributed to the school must be refunded if this requirement is not met.
6. Submit audit report(s) for the final year of operation.

Legal References:

EDUCATION CODE

47604.32

47605

47605.6

47607

56195.3(b)

CALIFORNIA CODE OF REGULATIONS, TITLE 5 (5 CCR) 11962
 11962.1

Approved CEO Council 9-24-2015
Approved Revision 5-25-2017
Approved Revision 10-12-2017
Approved Revision 10-16-2019
Draft to CEO Council 10-7-2020

~~10-16-19 (revised)~~
~~—10-12-17 (revised)~~
~~5-25-17 (revised)~~
~~9-24-15~~

Interagency

It shall be the policy of this LEA that interagency agreements or other mechanisms for interagency coordination are in effect to ensure services required for free appropriate public education are provided, including the continuation of services during an interagency dispute resolution process.

DRAFT

Legal Reference:

Title 17 of the *California Code of Regulations* (17 CCR) Section 52140

UNITED STATES CODE, TITLE 20 1412
20 USC Section 1412(a)(12)

Interagency

Pursuant to Title 17 of the *California Code of Regulations* (17 CCR) Section 52140, LEAs must develop and maintain local interagency agreements with Regional Centers. Agreements must include (as applicable to charter LEAs):

1. The responsibilities of each LEA and Regional Center in meeting the terms of the agreement;
2. Procedures for coordination of child find activities with local public agencies and Regional Centers to identify infants and toddlers who may be eligible for early intervention services;
3. Specific procedures for coordination of referrals for evaluation and assessment;
4. Procedures for the assignment of a service coordinator;
5. Interagency procedures for identifying the responsibilities of the regional center and LEA for completing the evaluation and assessment and determining eligibility within the time requirements contained in Section 52086 of these regulations, when an infant or toddler may receive services from both the Regional Center and LEA;
6. Procedures for the timely exchange of information between Regional Centers and LEAs;
7. Mechanisms for ensuring the availability of contacts at Regional Centers and LEAs at all times during the year;
8. Procedures for interagency individualized family service plan (IFSP) development when infants and toddlers may be eligible for early intervention services from the Regional Center and the LEA or other state or local programs or services;
9. Procedures to ensure the provision of services during periods of school vacations when services are required on the IFSP;
10. Transition planning procedures which begin at least six months prior to a toddler's third birthday pursuant to *EC* Section 52112 of these regulations;
11. Procedures for resolving disputes between regional centers and LEAs;
12. Procedures for the training and assignment of surrogate parents; and
13. Procedures for accepting transfers of infants or toddlers with existing IFSPs.

Local interagency agreements must be dated and signed by representatives of the Regional Center and LEA. Interagency agreements must be reviewed by both parties annually, revised as necessary, dated, and signed by both parties as needed.

DRAFT



Mental Health Funding

Issue

The 2020-21 state budget expanded eligible expenditures for restricted ERMHS funding to address the impact of the COVID-19 pandemic on student mental health. Action to create a one-time funding stream to address the expanded mental health funding expenditure authority is recommended.

Background

To address an expected increase in mental health and mental health-related services for the entire student population resulting from the COVID-19 shutdown, the enacted 2020-21 state budget (SB 98) provided that ERMHS funds may be expended for all mental health-related services, not necessarily just those required by IDEA. This includes behavior intervention and expenditures on general education students. The otherwise restricted nature of ERMHS funding implicates accounting and MOE issues about which CDE will need to provide guidance. Those discussions have been started and charter fiscal teams will be kept informed.

Against this backdrop, the SELPA is proposing a one-time reinstatement of Level 1 ERMHS funding to be available to LEAs for universal mental health interventions. The Executive Committee's cautious recommendation regarding management of the mental health reserve balance at the end of last year enables the funding for this proposal. In order to continue to meet the mental health needs of students with disabilities, Level 2 and 3 funding levels would be maintained with the current funding formulas. The impact of this one-time \$10/ADA revenue distribution is shown in cell D5 in the table on the next page.

Recommendation

Approval of the following addition to the Allocation Plan – Element 9/Educationally Related Mental Health Services (ERMHS) is recommended.

9. EDUCATIONALLY RELATED MENTAL HEALTH SERVICES (ERMHS)

7. Description of One-Year Level 1 Funding Formula

The 2020-21 state budget expanded eligible expenditures for restricted ERMHS funding to address the expectation that students would generally require increased mental health services resulting from the impact of the COVID-19 pandemic. In response, CEO Council authorized a one-year Level 1 allocation of ERMHS state funding for 2020-21 as follows.

- The one-year Level 1 allocation is \$10/ADA, based on prior year ADA (2019-20 P-2 ADA).
- State ERMHS revenue is typically received in three installments throughout the year. The revenue from the one-year allocation shall be distributed to SELPA partners in a timely fashion once received.

SELPA administration will include this expenditure in all ERMHS budget reporting. This Level 1 funding allocation is for 2020-21 only and will not be continued in future years without specific CEO Council action.

Budget Update

		A	B	C	D
	Charter SELPA ERMHS	2017-18 Final	2018-19 Final	2019-20 Final	2020-21 Projected (Aug 2020)
1	State	10,460,970	13,194,599	13,807,578	15,138,260
2	Federal	1,653,927	1,975,593	2,432,778	2,460,312
3	Prior Year Adjustments			136,413	
4	Total Revenue	\$ 12,114,897	\$ 15,170,192	\$ 16,376,769	\$ 17,598,572
5	Level 1 (2020-21 One-Time)				2,324,000
6	Level 2	8,899,644	11,169,010	10,316,094	12,500,000
7	Level 3 Therapeutic	424,503	706,503	597,228	640,000
8	Level 3 NPS	1,199,433	1,628,401	1,475,492	1,830,000
9	Level 3 Residential	1,500,758	1,724,781	1,683,053	2,019,000
10	SELPA ERMHS Administration	360,730	456,861	422,591	509,700
11	Total Expenditures	\$ 12,385,068	\$ 15,685,556	\$ 14,494,458	\$ 19,822,700
12	Revenue less Expenditures	\$ (270,171)	\$ (515,364)	\$ 1,882,311	\$ (2,224,128)
13	Beginning Balance	\$ 2,777,322	\$ 2,507,151	\$ 1,991,787	\$ 3,874,098
14	Ending Balance	\$ 2,507,151	\$ 1,991,787	\$ 3,874,098	\$ 1,649,970
15	Reserve (% of Revenue)	20.7%	13.1%	23.7%	9.4%

Annual ERMHS Report

CEO Council will be updated on the Educationally Related Mental Health Services (ERMHS) budget as of the close of the previous year, and on the projections and initial finding of sufficiency for the following year. Per the Allocation Plan, by September 15th of each year, Charter SELPA administration will make a finding of sufficiency of Level 2 funding based on the following variables:

- Prior year ERMHS ending balance
- Projected current year ADA
- Projected current year Level 3 projected costs
- Projected current year Level 2 service counts

Based on this finding of sufficiency:

- The per mental health service reimbursement amount for Level 2 will be established between \$2,000 and \$3,000; or
- A higher amount of the prior year ending balance is sufficient to assure SELPA members of predictable funding with no shortfalls.

And, if there is an adequate finding of sufficiency of funding:

- \$100K will be available for Level 2 transportation – outside of the service cap formula; and/or
- Indirect costs will be allowed for Level 2.

Finding of Sufficiency Analysis and Assumptions

1. 2019-20 Ending Balance Estimate

The Allocation Plan directs administration to manage annual ERMHS funding decisions toward a goal of maintaining an ending balance (reserve) in the 5% to 10% of revenue range. The 2019-20 ERMHS ending balance is \$3.9M (cell C14). Based on the advice of the Executive Committee, this reserve balance was intentionally managed to provide an excess reserve moving into the COVID-driven unknowns of 2020-21 related to mental health services for students.

2. 2020-21 Revenue

ADA for continuing and new SELPA partners was frozen by SB 98 for purposes of calculating state mental health funding. Taking this into account results in projected state ERMHS funding of \$15.1M (cell D1) and federal funding of nearly \$2.5M (cell D2). The prior year adjustments of \$136K (cell C3) were the product of mid-year school closures during 2019-20 where final expenditure reports for 2018-19 could not be obtained. The cancellation of these reimbursement payables occurred in the closing process for 2019-20 and was therefore captured as 2019-20 revenue.

3. 2020-21 Projected Level 3 Costs

Referencing columns B and C, lines 7 through 9, total Level 3 expenditures (site-based therapeutic, NPS, and NPS residential) in 2019-20 declined 7.5% overall from the previous year. However, the final Level 3 reimbursement percentage in 2018-19 was established higher than in 2019-20. Controlling for this difference results still results in only a very small real increase in Level 3 costs. The impact of the pandemic-related shutdown on 2019-20 final costs cannot be overlooked in budgeting for 2020-21. Expecting a larger increase in Level 3 costs in 2020-21, 20% growth in expenditures across all Level 3 categories is budgeted.

4. 2020-21 Projected Level 2 Costs

The Level 2 budget of \$12.5M (cell D6) is the result of incorporating assumptions based the impact of five factors:

- The growth trend of qualifying ERMHS service counts from September to December in prior years.
- The influence of COVID school closures on service end dates in SEIS.
- The actual expenditure per service in the past three years, based on the December 1 count for each of those years.
- Application of the beginning \$3,000 per service value.
- Application of the beginning 80% reimbursement percentage.

Finding of Sufficiency

Based on the foregoing analysis, SELPA administration makes a preliminary finding of sufficiency of funding for 2020-21 as follows:

- The maximum Level 2 per-service rate is set at \$3,000.
- \$100K will be available for Level 2 transportation reimbursement.
- Indirect costs will be allowed for Level 2.

Before May 2020, SELPA administration will make a finding as to the ability to fund beyond the initial 80% and 90% parameters established in the Allocation Plan. The significant variables impacting this finding will be the January 2021 Level 2 budget requests and the total of Level 3 NPS, and NPS residential budgets submitted.

Summary

Level 1 Allocation

A one-time Level 1 funding allocation of \$10/ADA will be made in 2020-21. The allocation will be based on prior year P-2 ADA (2019-20).

Based on the SELPA administration's September finding of sufficiency of funding, below is a summary of the remaining 2020-21 ERMHS funding parameters:

The Level 2 formula provides 80% of the lesser of:

- a) \$3,000 per eligible ERMHS SEIS service based on the December 1, 2020 count; or
- b) January 2021 budget request.

The lowest of the two calculated amounts above becomes the maximum Level 2 budget request, up to actual expenditures, submitted in July 2021.

\$100K is allocated for Level 2 transportation, and indirect costs for Level 2 are allowed.

Level 3 Site-Based Structured Therapeutic Program (80% funded)

Costs that may be claimed are restricted to services that are required to be performed by certificated staff. Staff may be contracted through an NPA or hired by the charter. Books and supplies may be claimed. Eligible students must meet ED eligibility criteria and be identified in SEIS with ED as primary or secondary disability. A budget request for Level 3 site-based structured therapeutic program reimbursement must be filed with the Charter SELPA by November 1.

Level 3 NPS ERMHS (90% funded)

Costs that may be claimed are the ERMHS for a student in an NPS placement. The educational costs are the responsibility of the charter member and are not reimbursed. The educational costs, however, must be reported and must be, at a minimum, equal to the charter's LCFF per ADA funding amount. Eligible students must meet ED eligibility criteria and be identified in SEIS with ED as primary or secondary disability.

Level 3 NPS Residential Room and Board (100% funded)

All criterion and reimbursement parameters applicable to non-residential placements listed above apply. Additional costs that may be claimed are the residential room and board costs for a student placed at an NPS.

Recommendation

The Annual ERMHS report and Finding of Sufficiency results are provided for information only.



Low Incidence Funding

Issue

Low incidence funding is a restricted special education funding stream. Low incidence funds are available only for services and materials to support students with an identified low incidence primary or secondary disability. A year-end report on low incidence funding is delivered to the CEO Council at the fall meeting.

A portion of the increased special education funding in the final 2020-21 state budget will come in the form of significantly higher low incidence revenue. As a result, the Allocation Plan should be amended to allow for a higher maximum reimbursement amount to partners.

2019-20

\$237K of revenue was received (cell C1). Based on timely claims filed with sufficient documentation, the final reimbursement maximum to charters was established at \$2,470/claim. We received a total of 144 claims. To date, only four of those claims did not qualify. For the 140 qualifying claims, \$198K has been finalized (cell C4) and we are awaiting final expenditure documentation for \$67K (cell C5), which is a total expected payout of \$265K (cell C6). At this point, we are expecting to carry over only \$19K (cell C9) for use in setting the maximum reimbursement per claim for 2020-21.

		A	B	C	D
	Low Incidence	2017-18 Final	2018-19 Final	2019-20 Final	20-21 Projected
1	Revenue	153,082	183,147	236,354	1,563,500
2	PY Pending Claims Closed	3,000	8,620	-	
3	Total Revenue	\$156,082	\$191,767	\$236,354	\$ 1,563,500
4	Expenditures	92,144	207,014	198,323	1,582,799
5	Pending Claims	22,302	-	66,960	
6	Total Expenditures	\$114,446	\$207,014	\$265,283	\$ 1,582,799
7	Income less Expenditures	\$41,636	(\$15,247)	(\$28,929)	\$ (19,299)
8	Beg Balance	\$21,839	\$63,475	\$48,228	\$ 19,299
9	Ending Balance	\$63,475	\$48,228	\$19,299	\$ (0)

2020-21

Low incidence revenue to the SELPA is calculated by multiplying the number of low incidence students in the SELPA for the previous year by a per-student funding rate. That per student rate was \$466 as of 2019-20 P-2. This equated to annual revenue of approximately \$150K to \$235K for the previous three years (row 1). The final state budget approved a \$100M addition to the statewide low incidence pool. Estimates are that this will mean an increase in the per-student rate from \$466 to about \$2,950, which translates into a revenue projection of nearly \$1.6M (cell D1).

Early each year, a maximum reimbursement amount per submitted claim is calculated and announced once all claims are processed. For the past three years, the maximum reimbursement amounts have been:

- 2019-20 = \$2,470
- 2018-19 = \$2,235
- 2017-18 = \$2,300.

The upper limit for the maximum reimbursement amount stated in the Allocation Plan is \$3,000. Based on past claim volume, it is anticipated that enough low incidence revenue will be received to reimburse above \$3,000.

Recommendation

Approve the following amendment to the Allocation Plan – Element 11/Low Incidence Materials and Services.

11. LOW INCIDENCE MATERIALS AND SERVICES

1. In early May, SELPA leadership will set the next year minimum level of funding for low incidence reimbursements at or above the current year state low incidence per-pupil funding rate. The following factors will be taken into account:
 - Current year trend data on reimbursement request submissions.
 - Low incidence funding, which is based on pupil counts and state rates.
 - Any carryover balances of low incidence funding.

CEO Council will be informed of the established level at the spring meeting.

2. The minimum reimbursement request is \$600. This will direct available funding toward higher-cost materials and services.
3. All requests for funding must be submitted by May 1 to be eligible for reimbursement. Only IEPs agreed to after May 1 will be considered on a case-by-case basis.
4. Final reimbursement is based on end of year expenditure reports, which must be filed by July 13. Reimbursement will not exceed actual cost.
5. By May of each year, a finding will be made regarding the ability to fund beyond the established minimum with the intent of expending all current year revenue and any carryover from previous years.



Rate Protection Pool

Issue

With the elimination of the ongoing special education deficit (proration factor) in the 2020-21 state budget, the Rate Smoothing Pool is no longer necessary. Merging the Rate Smoothing and Set-Aside Risk Pools to create a single Rate Protection Pool is proposed.

Background

There are two risk pools currently in operation in the Allocation Plan: The Set-Aside Risk Pool and the Rate Smoothing Pool.

Set-Aside Risk Pool

The Set-Aside Risk Pool was established in the Allocation Plan with the intent of providing a reserve fund to offset potential SELPA funding decreases as a result of the action of a Partner, where there is no recourse to recover the funds from the Partner. To an extent, it is the SELPA's "rainy day" fund. Although, the current wording in the Allocation Plan describing potential losses is limiting.

The Set-Aside Risk Pool is funded by one-time contributions from new partners in their first year equal to \$5/ADA. The pool was reduced in 2019-20 with a significant charge to help cover the funding loss created by CDE disallowing the ADA of A3 Education schools. The charge to the pool was \$561K reducing the pool balance for 2019-20 to \$240K.

Rate Smoothing Pool

For several years, SELPA funding has been subjected to a special education deficit (proration factor). As an example, a deficit of 3% would result in a SELPA receiving only \$97 for each \$100 of calculated revenue. Historically, the deficit was established by the state for a given year in February at P-1 certification and would decrease at subsequent certification periods. The additional dollars flowing to the SELPA as a result of the decreasing deficit are known as restorals.

The Rate Smoothing Pool was established in the Allocation Plan to provide budget stability. Funds in the pool are used to augment cash flow to SELPA partners, enabling revenue payments at a funding rate higher than the rate being received by the SELPA. The Rate Smoothing Pool is then re-funded with deficit restoral dollars.

The Charter SELPA is funded at the special education Statewide Target Rate (STR). It has been reported that the funding for SELPAs receiving the STR will no longer be subjected to the special education deficit. With no deficit to mitigate, the purpose for the Rate Smoothing Pool has been eradicated.

Rate Protection Pool

Given the recent reduction in the Set-Aside Risk Pool balance and the elimination of the purpose for the Rate Smoothing Pool, consideration should be given to consolidating the pools into a single risk pool. Over time, various sources of losses to the SELPA have emerged that were not contemplated when the Set-Aside Risk Pool was created (e.g. mid-year closures, bankruptcies, downward prior year funding adjustments for

exited schools, extraordinary actions, unilateral actions by CDE, CDE-imposed responsibility for settlements from closed schools).

Any extraordinary expenditure imposed on the SELPA or any situation causing a loss of funding that cannot be recovered puts the prevailing state and/or federal funding rate at risk. In the most recent example, CDE's decision to reduce ADA to zero for the A3 Education schools led to a \$5.00 reduction of the 2019-20 Charter Member Rate. Therefore, the label of "Rate Protection Pool" would be an appropriate label for an all-inclusive risk pool. Going forward, the pool would continue to be funded by one-time contributions from new partners in their first year equal to \$5/ADA.

The Rate Protection Pool would be funded by the 2019-20 ending balance of the Set-Aside Risk Pool (cell C11), which includes the 2019-20 ending balance of the suspended Legal Risk Pool (cell D3) and the Rate Smoothing Pool (cell D4), which benefitted from a substantial prior year deficit restoration at P-2 in June 2020. The 2020-21 estimate for forfeited unspent funds is \$226K (cell D2). The 2020-21 projection for the Rate Protection Pool is an ending balance of \$2.4M (cell D11).

		A	B	C	D
	Set Aside Risk Rate Protection Pool	Set-Aside 2017-18 Final	Set-Aside 2018-19 Final	Set-Aside 2019-20 Final	Rate Protection 2020-21 Projected
1	Contribution from New Charters	65,446	158,769	80,416	150,735
2	Forfeited Unspent Funds				226,437
3	Transfer from Legal Risk				139,551
4	Transfer from Rate Smoothing				1,663,730
5	Total Revenue	\$ 65,446	\$ 158,769	\$ 80,416	\$ 2,180,453
6	Distressed Charters	46,539	-	560,199	23,193
7	Extraordinary Costs	-	22,000	-	
8	Total Expenditures	\$ 46,539	\$ 22,000	\$ 560,199	\$ 23,193
9	Income less Expenditures	\$ 18,907	\$ 136,769	\$ (479,783)	\$ 2,157,260
10	Beginning Balance	\$ 564,212	\$ 583,119	\$ 719,888	\$ 240,105
11	Ending Balance	\$ 583,119	\$ 719,888	\$ 240,105	\$ 2,397,365

Recommendation

Amend the Allocation Plan to:

- Strike existing language in Element 3/Special Education Deficit/Rate Protection Pool.
- Rename Element 3 to Rate Protection Pool.
- Amend Element 3/Rate Protection Pool as shown on the following page.
- Strike Element 6/Set-Aside Risk Pool.
- Renumber Elements 7–12 to 6–11.

3. RATE PROTECTION POOL

Intent

The intent of the Rate Protection Pool is to provide a reserve fund against unforeseen losses to the SELPA that would otherwise cause a reduction in the state or federal funding rate. These losses may involve the action of a partner or an outside agency or other legal authority. It is recognized that, in some cases, a means to recover funds from a partner may no longer exist. However, when a partner is involved, Charter SELPA administration will exercise all due diligence in attempting to recover funds from the partner.

Use of Pool Funds

The Rate Protection Pool is a shared risk pool in place to protect the entire SELPA membership. As such, the only limitation on the size of a single charge to the pool is the available balance in the pool at the time. Regardless, CEO Council approval is required when any individual situation would result in a charge of more than \$250,000. In addition, Charter SELPA administration will report at least annually to CEO Council on the use of funds and the balance available.

Pool Funding

2019-20 year-end balances in the Set-Aside Risk Pool and the Rate Smoothing Pool were consolidated to originally fund the Rate Protection Pool. Ongoing funding for the pool will consist of a one-time \$5.00/ADA payment from all new charters (including charter school expansions of current Partners), defined by CDS code, in the first year of membership. The \$5.00 payment will be based on P-2 ADA in the first year. This \$5.00/ADA payment is a non-refundable contribution to the shared risk pool.

Other funding sources to the pool include, but are not limited to:

- Positive prior year adjustments for schools no longer with the SELPA.
- Unspent funds where need is not demonstrated in the following year.
- Funding held from partners that close operations and fail to submit documentation that would allow for release of funds being held.
- Recoveries from partners/former partners in excess of the loss.
- Extraordinary payments, positive funding adjustments or recoveries.
- Any other additions to the pool approved by the CEO Council.

A companion amendment to Element 7/Unspent Funds is required by the amendment above.

7. UNSPENT FUNDS

- ~~c. If need is not demonstrated, based on final expenditures reported, Charter SELPA administration will make a recommendation to CEO Council on the use of the funds.~~

Other housekeeping amendments will be made to align various content references in the remainder of the Allocation Plan with this amendment.



Risk Management Considerations

Issue

Should the Charter SELPA membership consider subsidizing the new Rate Protection Pool or other options to mitigate large unforeseen funding losses to the Charter SELPA that may occur in the future?

Background

Based on the fraudulent activity of the A3 Education organization, the 2018-19 ADA for all A3 schools was reduced from over 20,000 to zero. This unilateral decision on CDE's part resulted in significant prior year adjustments that translated into a reduction of 2019-20 revenue to the Charter SELPA. The Charter SELPA experienced a loss of 2019-20 funding of a net of approximately \$6.9M, with \$9M having been distributed to the A3 schools and only \$2.1M recovered. The loss of the \$6.9M was covered by using approximately \$4.7M from the Rate Smoothing Pool, \$560K from the Set-Aside Risk Pool, as well as a downward adjustment of \$5.00 per ADA to the 2019-20 Charter Member Rate (state funding rate to partners).

With the advent of AB 1505 and AB 1507, there is clearly much greater scrutiny and concern at both state and local levels regarding the operation of charter schools in California. The Charter SELPA has taken steps to increase oversight and monitoring of practices to ensure that operations are consistent with LEAs' special education responsibilities and SELPA policies. The CEO Council approved a comprehensive SELPA Oversight Policy in October 2019. A Partner Oversight Update was provided to the CEO Council in May 2020, which presented information on each of the elements of that policy. In addition, beginning in 2020-21, point-in-time enrollment data will be collected from all partners four times during the year to more effectively monitor enrollment trends that are not aligned to an LEA's instructional calendar.

While the Charter SELPA believes that the additional monitoring of enrollment data will assist in identifying potential issues regarding significant changes in ADA, it is not a safeguard for retroactive changes being imposed. It is important to note that LEA Authorizers and County Superintendents certify ADA. SELPAs have no role in determining, monitoring, or certifying ADA reports. For example, in the A3 Education situation, neither the Oversight Policy nor enrollment monitoring would necessarily have generated a basis for holding 2018-19 funding to the A3 schools prior to the criminal indictments.

A historically low current year special education funding deficit in February 2020 (P-1) provided a tremendous boost to the Rate Smoothing Pool balance, which made funds available to cover the A3 Education loss. Without this boost in the pool balance, the necessary reduction in the Charter Member Rate would have been much more significant.

Going forward, the Rate Protection Pool is the only SELPA-wide protection against funding losses. Transferring the 2019-20 ending balances from the Set-Aside Risk Pool, Legal Risk Pool, and the Rate Smoothing Pool into the Rate Protection Pool results in a projected 2020-21 year-end balance use of \$2.4M (cell A8). The pool is currently funded with new charters joining the Charter SELPA contributing \$5.00 per ADA. Table 1 on the next page projects the next five years of activity in the Rate Protection Pool along with the level of protection at the end of each year, barring any significant unforeseen charges to the pool.

Table 1		A	B	C	D	E
	Rate Protection Pool	2020-21	2021-22	2022-23	2023-24	2024-25
1	Beginning Balance	\$240,105	\$2,397,365	\$2,703,637	\$2,982,929	\$3,235,242
2	Transfer from Legal Risk	\$139,551				
3	Transfer from Rate Smoothing	\$1,663,730				
4	Revenue from New Charters	\$150,735	\$118,982	\$124,586	\$130,190	\$135,794
5	Unspent Funds	\$226,437	\$226,682	\$198,746	\$170,809	\$142,873
6	Annual Expenditures	(\$23,193)	(\$39,393)	(\$44,040)	(\$48,687)	(\$53,334)
7	P-2 ADA	232,395	262,217	285,499	308,781	332,062
8	Ending Balance	\$2,397,365	\$2,703,637	\$2,982,929	\$3,235,242	\$3,460,575
9	Dollars of Rate Protection	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00

For Consideration

Based on the limitations of a SELPA to protect state special education funding from retroactively disallowed ADA, the Charter SELPA CEO Council may wish to consider options to deal with future similar events.

Options might include:

1. Establishing a phase-in plan of assessing SELPA partners on an ADA basis with an amount to be contributed to the Rate Protection Pool, beginning in 2020-21. The table below illustrates a sample of such an assessment plan. It assumes that the additional assessment would be waived for first-year partners, who would be paying the regular \$5/ADA in their first year.
2. A recommendation could be made to each partner to set aside an internal reserve within their respective organizations, which would serve as a protection should the Charter SELPA experience another catastrophic reduction in funding.
3. An information item being sent to all CEOs that identifies the concern, and suggests that the charter school partner consider internal options to protect the organization should the SELPA be faced in the future with another significant loss in revenue as a result of ADA being dramatically reduced retroactively.

Table 2		A	B	C	D	E
	Rate Protection Pool	2020-21	2021-22	2022-23	2023-24	2024-25
1	Beginning Balance	\$240,105	\$2,397,365	\$2,965,854	\$3,791,227	\$4,917,805
2	Transfer from Legal Risk	\$139,551				
3	Transfer from Rate Smoothing	\$1,663,730				
4	Revenue from New Charters	\$150,735	\$118,982	\$124,586	\$130,190	\$135,794
5	Unspent Funds	\$226,437	\$226,682	\$198,746	\$170,809	\$142,873
6	Annual Expenditures	(\$23,193)	(\$39,393)	(\$44,040)	(\$48,687)	(\$53,334)
7	ADA from New Charters	30,147	23,796	24,917	26,038	27,159
8	Additional Contributions	\$0	\$238,421	\$521,163	\$848,228	\$1,219,614
9	P-2 ADA	232,395	262,217	285,499	308,781	332,062
10	Additional Contributions (\$/ADA)	\$ -	\$ 1.00	\$ 2.00	\$ 3.00	\$ 4.00
11	Ending Balance	\$2,397,365	\$2,965,854	\$3,791,227	\$4,917,805	\$6,389,911
12	Dollars of Rate Protection	\$ 10.00	\$ 11.00	\$ 13.00	\$ 15.00	\$ 19.00

Recommendation - None

No specific approach or level of financial commitment is recommended. This report is provided to facilitate discussion and a decision by CEO Council.