



CEO COUNCIL MEETING

Thursday, October 14, 2021 | 10:00 a.m.

Virtual Meeting Via Zoom - Web Link (copy and paste into browser):

<https://edcoe.zoom.us/join/6urDgtEtGdKAGPB3IUedAd-2j-JM5Z>

Dial-in Option: 1-669-900-6833, Meeting ID: 982-0762-3785

El Dorado Charter SELPA CEO Council Members

A complete list of CEO Council Members is presented in Attachment 8.4 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. Every reasonable effort will be made to accommodate you, including requests for auxiliary aids or services. Meeting documents are provided online at <https://charterselpa.org/governance/>. If you require documents from 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)

9:50 am 1. Housekeeping/Procedural Announcements

Announcements:

A. ANNOUNCEMENT: ASSEMBLY BILL 361 TELECONFERENCE FLEXIBILITY

This meeting is being held pursuant to the procedures established in Assembly Bill 361 amending elements of the Brown Act effective October 1, 2021. All council members must attend the meeting by teleconference. This meeting will be a virtual meeting. The public may observe and address the meeting via Zoom.

B. ANNOUNCEMENT: PUBLIC ACCESS TO THE CEO COUNCIL MEETING

The public will have access to the CEO Council Meeting meeting through Zoom Teleconferencing. If you are joining the meeting via Zoom and wish to make a comment on an item, press the "raise a hand" button. If you are joining the meeting by phone, press *9 to indicate a desire to make a comment. The recording secretary will call you by the last three digits of your phone number when it is your turn to speak. Speakers will be limited to 3 minutes.

There are two options for those individuals who wish to submit a public comment in writing

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 the recording secretary via email at



khall@edcoe.org. Please indicate "Public Comment for CEO Council Meeting " in the subject line. The recording secretary for the meeting will read your comments for the record.

C. ANNOUNCEMENT: SHOULD THIS COUNCIL MEETING ENCOUNTER ANY SECURITY BREECH OR INAPPROPRIATE ISSUES, THE MEETING WILL BE ENDED IMMEDIATELY AND RESCHEDULED AS SOON AS PRACTICAL.

- 10:00 am
2. **Call to Order**
 3. **Welcome/Introductions**
 - 3.1 Welcome
 - 3.2 Introductions
 4. **Consideration of Resolution 2021-1: Teleconferenced Board Meetings – Action Item**
 5. **Approval of Agenda – Action Item**
 6. **Public Hearing** (for items not on the Agenda - comments limited to two minutes)

CONSENT ITEMS REQUIRING CEO COUNCIL ACTION

7. **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.

 - 7.1 **Approval of Minutes of CEO Council Meeting Held May 21, 2021**

The May 20, 2021 CEO Council Meeting Minutes are presented as Attachment 7.1.

END OF CONSENT AGENDA

8. **REPORTS – NO ACTION REQUIRED**
 - 8.1 **Executive Committee Meeting Notes - September 23, 2021**

The notes from the September 23, 2021 Executive Committee Meeting are presented as Attachment 8.1.
 - 8.2 **Executive Committee Membership/Meeting Dates**

The Executive Committee meets several times per year via Zoom 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 2021-22:

 - Allegra Johnson, Da Vinci Schools
 - Amy Kernan, Oxford Preparatory Academy
 - Anakarita Allen, Thomas Edison Charter Academy
 - Brent Bishop, Highland Academy Charter School, Inc.



Camile Lara, Temecula International Academy
Cindy Petersen, Gateway Community Charters
Connie Petit, Learn 4 Life
Dawn Evenson, iLEAD Charter Schools
Debi Gooding, Learning Choice Academy
J.J. Lewis, Compass Charter Schools
Jared Austin, Kairos Public School Vacaville Academy
Jason Watts, Scholarship Prep
Jennifer Cauzza, Julian Charter School, Inc.
Jessica Tunney, Tomorrow's Leadership Collaborative Charter School
Jon Gundry, School of Arts and Enterprise
Julie Mattoon, KIPP: Public Schools Northern California
Kapil Mathur, Orange County Academy of Sciences and Arts
Leah Dato, King-Chavez
Lee Yang, Urban Charter Schools Collective
Lynne H. Alipio, Altus Schools
Mark Ryan, North Valley Military Institute College Preparatory Academy
Mary Bixby, Altus Schools
Maslah Yussuf, Iftin Charter
Michael Dodson, Oakland Military Institute, College Preparatory Academy
Michael Martucci, Environmental Charter School
Michelle Cho, East Bay Innovation Academy
Patricia Dougherty, Phoenix Charter Academy
Paul Keefer, Pacific Charter Institute
Russell Michaud, Alpha Public Schools
Sharon Johnson, Summit Public Schools
Sharon Weir, New West Charter Middle School, Inc.
Sherri Nelson, Connecting Waters Charter Schools
Steve Payne, Delta Charter Schools
Wendy Sanders, Redding School of the Arts

The 2021-22 Executive Committee meeting dates have been set for:

Thursday, September 23, 2021
10:00 a.m. to 1:30 a.m. via Zoom

Friday, January 21, 2022
10:00 a.m. to 11:30 a.m. via Zoom

Thursday, March 24, 2022
10:00 a.m. to 11:30 a.m. via Zoom

Thursday, April 21, 2022
10:00 a.m. to 11:30 a.m. via Zoom

Executive Committee Retreat
Wednesday, May 25, 2022 – In Person
Hilton Garden Inn San Diego Bayside - 2137 Pacific Highway San Diego, CA 92101



Additional Executive Committee meetings may be called during the school year.

8.3 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:

- ARISE High
- Contra Costa School of Performing Arts
- Ednovate
- El Rancho Charter School
- Epic Charter Schools of California
- Escuela Popular del Pueblo
- Feather River
- Francophone Charter School of Oakland
- Guajome Schools
- Holly Drive Leadership Academy
- Kinetic Academy
- Orange County Academy of Sciences and Arts
- Redding School of the Arts
- Scholarship Prep
- School for Entrepreneurship and Technology
- Sherwood Montessori
- Sierra Charter
- Springs Charter Schools
- Today's Fresh Start Charter School
- Vibrant Minds
- Winship Community
- Woodland Star Charter
- Yosemite Valley Charter

8.4 Charter SELPA Membership

A list of the current 2021-22 members/CEOs of the El Dorado Charter SELPA is included as Attachment 8.4.

8.5 Program/Business Report

The SELPA team will share program and business updates and highlights. Included in these reports is Attachment 8.5.4, a Year End Mental Health Funding Report.

8.5.1 Professional Learning Update

8.5.2 AB 1172 Behavior Training Modules

8.5.3 Learning Recovery and Dispute Prevention/ADR One-Time Funding Update

8.5.4 Year-End Mental Health Funding Report



INDIVIDUAL ITEMS REQUIRING CEO COUNCIL ACTION

9. Charter School Closures and Exits

9.1 Revision of CEO Policy 27

CEO Council is asked to review and approve the proposed revision to CEO Policy 27 as presented in Attachment 9.1.

9.2 Legal Memo

The Charter SELPA sought a legal opinion regarding the Final Notification of Intent to Exit SELPA and have included it as Attachment 9.2.

10. Allocation Plan Revisions

10.1 Partner Definition Revision

CEO Council is asked to review and approve the proposed revision to the Allocation Plan's Partner Definition as presented in Attachment 10.1.

10.2 RTC Room and Board Daily Reimbursement Rate

CEO Council is asked to review and approve the proposed revision to the Allocation Plan's ERMHS - Description of Level 3 Funding Formula to address a maximum daily room and board reimbursement rate as presented in Attachment 10.2.

END OF ACTION ITEMS

11. SELPA Leadership Report

The SELPA Leadership Team will share topics of interest to the Charter SELPA members. Included in these reports is Attachment 11.3, a copy of a Summary of Draft Recommendations Related to the SEGA Study, and Attachment 11.4, a copy of CDE's 2021-22 Data Collections: Annual Back to School Letter.

11.1 SEIS E-Signature Feature

11.2 A3 Status Update

11.3 Special Education and Governance (SEGA) Report*

11.4 Data management responsibilities/MOE Reminder*

11.5 SELPA Staffing Update

12. Future Agenda Items

13. Next Meeting Date

The next regularly scheduled meeting of the Charter SELPA CEO Council will be held on May 26, 2022, at Hilton Garden Inn San Diego Bayside - 2137 Pacific Highway San Diego, CA 92101 - Kettner Meeting Room.

12:30 pm 14. Adjournment

***Handout**



EL DORADO CHARTER SELPA CEO COUNCIL
RESOLUTION NO. 2021-1

RESOLUTION REGARDING
TELECONFERENCED CEO COUNCIL MEETINGS

WHEREAS, the El Dorado Charter SELPA CEO Council held teleconferenced council meetings from April 2020 through September 2021 in compliance with the Governor’s Executive Order N-29-20 which relaxed certain legal requirements for council meetings during the COVID-19 pandemic. These legal requirements for public meetings are named the “Brown Act.”

WHEREAS, Executive Order N-29-20 was recently rescinded, but Assembly Bill 361 was signed into law and it amended elements of the Brown Act effective October 1, 2021.

WHEREAS, the Brown Act as amended by AB 361 permits the El Dorado Charter SELPA CEO Council to continue holding CEO Council meetings under abbreviated teleconference procedures in three circumstances:

1. When the meeting is held during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing;
2. When the meeting is held during a proclaimed state of emergency and the meeting is held for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; OR
3. When the meeting is held during a proclaimed state of emergency and the council has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(Gov’t. Code sec. 54953(e)(1).)

WHEREAS, the El Dorado Charter SELPA CEO Council may continue holding council meetings under AB 361’s abbreviated teleconference procedures if it adopts certain findings by majority vote of the Council and readopts findings every month thereafter. Those findings are:

1. The council has reconsidered the circumstances of the state of emergency, AND
2. The state of emergency continues to directly impact the ability of members to meet safely in person, OR state or local officials continue to impose or recommend measures to promote social distancing.

NOW, THEREFORE, BE IT RESOLVED, that the El Dorado Charter SELPA CEO Council adopts the following findings:

**Charter SELPA CEO Council Meeting 10-14-21
Resolution Regarding Teleconferenced CEO Council Meetings
Attachment 4**

- The El Dorado Charter SELPA CEO Council has reconsidered the state of emergency proclaimed by the Governor of California in response to the COVID-19 pandemic.
- The state of emergency continues to directly impact the ability of Council Members and other meeting attendees to meet safely in person.
- State and local public health officials continue to recommend measures to promote social distancing.

I hereby certify the foregoing to be a full, true, and correct copy of a resolution duly adopted by majority vote of the El Dorado Charter SELPA CEO Council on October 14, 2021, at a virtual regular meeting of said council held pursuant to the procedures established in the Brown Act.

Ginese Quann, Executive Director
El Dorado Charter SELPA CEO Council

ATTEST:

Dr. Ed Manansala, County Superintendent of Schools
El Dorado County Office of Education



CEO COUNCIL MEETING MINUTES

Thursday, May 20, 2021 | 9:30 am.

The CEO Council Meeting was held via Zoom
Webinar – Meeting ID: 982 0762 3785

UNADOPTED MINUTES

El Dorado Charter SELPA CEO Council Members

A complete list of CEO Council Members was presented in Attachment 7.2.1 of this agenda. For a complete list of CEO Council Members who were present in person or online, please email Kathleen Hall at khall@edcoe.org.

AGENDA

Time Item

(all times are estimated)

- 9:20 a.m. 1. **Housekeeping/Procedural Announcements**
- 9:30 a.m. 2. **Call to Order**
The meeting was called to order at 9:34 am by Ginese Quann, Executive Director, El Dorado Charter SELPA.
3. **Approval of Agenda**
Motion to approve the agenda as presented was made by member Mark Ryan and seconded by member Lynne Alipio. 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 9:35 am, with no comments, the public hearing closed at 9:35 am.
5. **Welcome/Introductions**
- 5.1 **Welcome**
Ginese Quann welcomed everyone to the meeting.
- 5.2 **Introductions**
CEO Council members and guests introduced themselves by adding their names and their school affiliation in the chatbox of the webinar.
- 5.3 **Recognition – David Toston**
Dr. Ed Manansala, El Dorado County Superintendent of schools, recognized David Toston, former Associate Superintendent of El Dorado County Office of Education and El Dorado Charter SELPA, for his nine years of service and leadership. CEO Council members expressed their appreciation for David Toston's commitment and leadership to the El Dorado Charter SELPA and the El Dorado County Office of Education.



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 7, 2020

The October 7, 2020, CEO Council Meeting Minutes were presented as Attachment 6.1.

6.2 Approval of Proposed Meeting Schedule

The following meeting schedule was proposed for the 2021-22 year:

CEO Council Meeting Dates for 2021-22:

October CEO Council Meeting – Sacramento, CA

Date: October 14, 2021
Time: 10:00 a.m. to 12:30 p.m.
Location: Exact Location TBD

May CEO Council Meeting – San Diego, CA

Date: May 26, 2022
Time: 10:00 a.m. to 12:30 p.m.
Location: Exact Location TBD

A motion to approve the consent items as presented was made by member Mark Ryan and seconded by member Jennifer Cauzza. 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 Notes of Executive Committee Meetings Held

The notes of the March 25, 2021, and April 29, 2021 Executive Committee Meetings were presented as Attachment 7.1.1.

7.2 Charter SELPA Membership

7.2.1 Current members

A list of the current 2020-21 members/CEOs of the El Dorado Charter SELPA was included as Attachment 7.2.1. Members were asked to email Shane Letendre at sletendre@edcoe.org with any updated information.

7.2.2 New Members and Exiting Members for 2021-22

A list of the new members joining and members exiting the El Dorado Charter SELPA for 2021-22 was presented as Attachment 7.2.2. Members were asked to contact Shane Letendre if an LEA planned to close or to confirm membership.



7.2.3 2020-21 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, which include the following:

- *Identification Rates*
- *State Performance Plan Indicators*
- *Due Process*
- *State Complaints*
- *Participation*
- *OCR Complaints*
- *Unspent Funds*
- *Audit Reports*
- *Enrollment Monitoring*

A detailed 2020-21 Partner Oversight Update was included as Attachment 7.2.3.

7.3 Financial Update

7.3.1 Funding Rates

A report summarizing 2020-21 funding rates and projections for 2021-22 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. The detailed ERMHS budget update was included as Attachment 7.3.2.

7.3.3 Low Incidence Update

CEO Council is updated on the status of the Low Incidence Pool. An update on pool transactions for the current year was included as Attachment 7.3.3.

INDIVIDUAL ITEMS REQUIRING CEO COUNCIL ACTION

8. 2021-22 Local Plan Section D and E

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 2021-22 is based on prior year expenditure trends and projections for 2021-22 based on growth. The service plan is developed using CALPADS student data for the SELPA and projections for 2021-22. A copy of Section D: Annual Budget Plan and Section E: Annual Service Plan can be accessed at the following link: <https://charterselpa.org/governance/>

A motion to approve the Charter SELPA Local Plan Section D: Annual Budget and Section E: Service Plans for 2021-22 was made by member JJ Lewis and seconded by member Lynne Alipio. There was no discussion, all members approved, and the motion carried.



9. ERMHS Allocation Plan Considerations

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

A motion to approve the ERMHS Allocation Plan Considerations to allow for flexibility to determine the finding of sufficiency as detailed in Attachment 9 was made by member Mary Bixby and seconded by member Teri Novacek. There was no discussion, and the motion carried.

10. Risk Management Recommendation

At the request of the CEO Council, the Executive Committee has formulated a recommendation regarding Rate Protection Pool contributions, which is detailed in Attachment 10.

A motion to approve additional Rate Protection Pool contributions as detailed in Attachment 10 was made by member Jennifer Cauzza and seconded by member Lynne Alipio. There was no discussion, 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 May 19, 2021, CEO Executive Committee Retreat*
- *A3 Status Update – Efforts continue to be made towards recoupment of revenue*
- *Ginese requested volunteers to participate in the membership review process*
- *West Ed Report*
- *Quality Program Review*
- *ADR Grant*
- *Academies/PL – Leadership Academy will be in person*
- *Petition Renewal Process*
- *Participation Agreement and Certification 5 reminder*

12. Executive Committee Meeting Dates for 2021-22

*Thursday, September 23, 2021 – 10:00 a.m. to 11:30 a.m.
Meeting to be held virtually via Zoom*

*Friday, January 21, 2022 – 10:00 a.m. to 11:30 a.m.
Meeting to be held virtually via Zoom*

*Thursday, March 24, 2022 – 10:00 a.m. to 11:30 a.m.
Meeting to be held virtually via Zoom*

*Thursday, April 21, 2022 – 10:00 a.m. to 11:30 a.m.
Meeting to be held virtually via Zoom*

Executive Committee Retreat



Wednesday, May 25, 2022
San Diego, CA. – Exact Location TBD

13. Future Agenda Items

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

14. Next Meeting Date

The next regularly scheduled meeting of the Charter SELPA CEO Council will be held on October 14, 2021, in Sacramento in person, pending state guidance requirements, and will also be available via Zoom.

15. Adjournment

Motion to adjourn the meeting was made by member Lynne Alipio and seconded by member Russel Michaud. There was no discussion, all approved, and the motion carried. The meeting was adjourned at 11:38 am.





EL DORADO CHARTER SELPA
Thursday, September 23, 2021

Meeting held via Zoom
Thursday, September 23, 2021 at 10:00 a.m.
Meeting ID: 918 7720 0824

MEETING NOTES – 9/23/21 EXECUTIVE COMMITTEE MEETING

Denotes Participation

Charter SELPA:

#Ginese Quann, Charter SELPA Executive Director
#Robert Steponovich, SELPA Business Director

#Vicki L. Barber, Retired County Supt. Of Schools
#Kathleen Hall, Administrative Assistant

2021-22 Executive Committee Members:

#Allegra Johnson, Da Vinci Schools
#Amy Kernan, Oxford Preparatory Academy
#Anakarita Allen, Thomas Edison Charter Academy
#Brent Bishop, Highland Academy Charter School, Inc.
#Camile Lara, Temecula International Academy
#Cindy Petersen, Gateway Community Charters
#Connie Petit, Learn 4 Life
#Dawn Evenson, iLEAD Charter Schools
Debi Gooding, Learning Choice Academy
#J.J. Lewis, Compass Charter Schools
#Jared Austin, Kairos Public School Vacaville Academy
#Jason Watts, Scholarship Prep
#Jennifer Cauzza, Julian Charter School, Inc.
#Jessica Tunney, Tomorrow's Leadership Collaborative
Jon Gundry, School of Arts and Enterprise
#Julie Mattoon, KIPP: Public Schools Northern California
#Kapil Mathur, Orange Co. Academy of Sciences & Arts
#Kim Dammann, KIPP SoCal Public Schools

#Leah Dato, King-Chavez
#Lee Yang, Urban Charter Schools Collective
#Lynne H. Alipio, Altus Schools
Mark Ryan, North Valley Military Institute College Prep
#Mary Bixby, Altus Schools
#Maslah Yussuf, Iftin Charter
Michael Dodson, Oakland Military Institute, College Prep
#Michael Martucci, Environmental Charter Schools
#Michelle Cho, East Bay Innovation Academy
#Patricia Dougherty, Phoenix Charter Academy
#Paul Keefer, Pacific Charter Institute
#Russell Michaud, Alpha Public Schools
#Sharon Johnson, Summit Public Schools
Sharon Weir, New West Charter Middle School, Inc.
Sherri Nelson, Connecting Waters Charter Schools
#Steve Payne, Delta Charter School
Wendy Sanders, Redding School of the Arts

Guests: #Dr. Ed Manansala, Superintendent of Schools, El Dorado County; #Tim Ribota, Pacific Charter; #Samantha Pohaku and #Cindy Wagner, O'Farrell Charter; #Jamie Rios, Learning Choice Academy; and #Nickie Terpening, Charter SELPA.

Meeting began at 10:00 a.m. Everyone introduced themselves over Zoom and in the chat feature.

1. Allocation Plan: Partner Definition Revision*

We need to add language to the Allocation Plan to address the situation where an organization partner dissolves then they would revert to the single charter partner status and revert back to a single charter partner admin fee rate.

- Question about remaining capacity if an organization dissolves – is there a process to validate capacity? Ginese described the Charter SELPA's informal oversight process –

meet with them to get a better understanding of their new structure. Typical indicators would continue. If we have greater concerns, then we would monitor indicators very closely.

- The Allocation Plan revision will be presented to CEO Council in October and we will clarify that it does not apply the other way around.

2. Charter School Closures and Exits

a. Revision of CEO Policy 27*

The Executive Committee reviewed the proposed revisions to Policy 27, the Charter School Closures and Exits policy, which added language to align with the requirement of Ed Code and the Local Plan process. This revision recognizes the potential impact an LEA exiting could have on the Charter SELPA's Allocation Plan and support to the field. LEA's will still have to provide a year's notice and an additional, final notice must now be made by February 1st to the SELPA. This will ensure we have time to make staffing decisions and any potential impact to the Allocation Plan. If a charter cannot meet that February 1st deadline, the Charter SELPA will work with the charter for an agreed-upon release date. SELPA will review the proposed language for clarity and will bring this item to CEO Council in October for consideration.

b. Legal Memo*

The Charter SELPA sought a legal opinion regarding the Final Notification of Intent to Exit SELPA in support of our position, a copy of which was attached.

3. Allocation Plan: RTC Room & Board Daily Reimbursement Rate*

Per our Allocation Plan, the SELPA currently reimburses approved room and board costs associated with a student non-public school (NPS) placement at 100%. Something that we're seeing in the field is an increase in daily rates at facilities. Regional Treatment Centers (RTC's) become aware of the 100% reimbursement to our charters and may use that information to increase their rates to members of the Charter SELPA. The attachment contains detailed information on efforts to stay ahead of this trend to bundle both education and ERMHS into a single rate.

The Executive Committee discussed the recommendation to amend the Allocation Plan to include a cap on daily room and board reimbursement for new Level 3 residential placements, beginning 10-15-21. Sample scenarios were included in the attachment which illustrated bundled rates both with or without a cap.

The Executive Committee supports the recommendation and the matter will move it forward to CEO Council in October.

3. SELPA Leadership Report – Things we have working on behind the scenes at the SELPA:

a. SEIS E-Signature Feature – online signature feature which was started out at no cost, but beginning 1-1-22 SELPA's will be billed \$1 per ADA. The SELPA's current cost of \$30K per year will continue to be covered by the SELPA through June 30, 2022. After that date, SELPA will be invoicing the LEA's for repayment of this feature.

b. Learning Recovery and Dispute Prevention/ADR One-Time Funding Update

New funding is available - please watch the recorded webinar on our website for additional information on Dispute Prevention, Learning Loss Recovery, FAQ's from CDE, Webinar Slides/Recordings. Plans will be required and more information will follow.

c. A3 Status Update

Very exciting news to share - the A3 bankruptcy receiver recommended that the submitted claim of \$6.6M. The final ruling will contain the amount and timeline for receipt of funds. CDE has supported our efforts to recover these funds and Dr. Vicki Barber was commended

for her work moving this forward. The SELPA will have decisions to make on how to allocate the reimbursed funds once received.

d. Special Education and Governance (SEGA) Report*

WestEd has taken lead on a study on SELPAs and their fiscal and governance structures and make recommendations regarding improvements. SELPA wants to bring this forward because conversations continue to take place. The final study will be presented to the state legislature by Nov 1. A summary document of the draft recommendations was included in the meeting packet. Dr. Barber reviewed the general concepts of the report and concerns on strategies for implementation. The Charter SELPA is involved in conversations with WestEd, specifically Dr. Barber and Dr. Manansala, on how this could impact charter schools. We welcome any input – please contact the SELPA to discuss. We will continue to keep you updated and will email the updated document we sent out in June.

e. Data management responsibilities/MOE Reminder*

A copy of CDE's 2021-22 Data Collection: Annual Back-to-School Letter, with highlighted areas that are important to SELPAs, was included in the packet. We will bring this up at CEO Council meeting as well. Our LEAs need to ensure they have adequate staff on site or back-office providers. SELPA's program technicians had challenges in certifying data so it's important to be sure systems and team members are in place to report data correctly and timely. We know potential MOE issues exist with the one-time funding and we will continue to keep our LEAs updated.

f. Fall Meeting & PL Offerings Update

After surveying our members' administrative and program staff, the decision was made to move all of our fall meetings and professional learning offerings from in-person to virtual. Ms. Quann shared our expanded professional learning offerings and the streamlined online catalog and registration process. She reported that over 850 educators have registered or attended Charter SELPA trainings to date.

g. SELPA Staffing Update

Ms. Quann reported that Charter SELPA is experiencing staffing shortages as well as everyone in the education field. We will continue to recruit to fill open positions.

5. October 2021 CEO Council Draft Agenda*

A draft of the 10-14-21 CEO Council Meeting Agenda was included – the location will be updated to reflect the decision to move the in-person meeting to an on-line only meeting. Included in the agenda are all of the topics discussed at today's Executive Committee meeting.

*Handouts



CEO Council Membership Report - October 2021

Partner Name	CEO	Title	LEAs
ACE Charter Schools	Greg Lippman	CEO/Executive Director	4
Achieve Charter School of Paradise Inc.	Casey Taylor	Executive Director	3
Across the Bridge Foundation	Pete Settlemyer	Chief Executive Officer	2
Albert Einstein Academies	David Sciarretta	Superintendent	1
All Tribes American Indian Charter School	Michelle Parada	Administrator	2
Alma Fuerte Public	Laurilie Keay	Director	1
Alpha Public Schools, Inc.	Shara Hegde	CEO	4
Alternatives in Action	Phung Lai	Executive Director	1
Altus Schools	Mary Bixby	President	8
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	3
ASPIRE Public Schools	Mala Batra	CEO	27
Aurum Preparatory Academy	David Hardin	Executive Director	1
Baypoint Preparatory Academy	Frank Ogwaro	CEO	1
Bella Mente Montessori Academy	Erin Feeley	Executive Director	1
Blue Oak Charter School, Inc.	Susan Domenighini	Executive Director	1
Cabrillo Point Academy	Jenna Lorge	Senior Director	1
Caliber Schools	Terence Johnson	CEO	2
California Online Public Schools	Richard Savage	Executive Director	6
California School of the Arts	Greg Endelman	Principal	1

California Virtual Academy (Partner)			7
Capitol Collegiate Academy	Cristin Fiorelli	Principal	1
Ceiba Public Schools	Josh Ripp	Head of School	1
Charter Community Connections	Marc Elin	Director	1
Chico Country Day	Amie Parent	Director of Special Education	1
Chrysalis Charter	Catherine Thompson	Administrator/Superintendent	1
City Heights Preparatory Charter	Elias Vargas	School Director	1
Clarksville Charter	Jenell Sherman	Principal	1
Classical Academy Schools	Cameron Curry	Executive Director	4
Clayton Valley Charter High	Patrick Gaffney	Director of Guidance/Special Ed.	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	Robert Chalwell	CEO	1
CORE Butte, Inc.	Mary Cox	Executive Director	1
Cottonwood	Cindy Garcia	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	4
Delta Charter Schools	Steve Payne	Deputy Superintendent, Student Services	6
Dixon Montessori Charter	Ben Ernest	Executive Director	1
Dual Language Immersion North County	Mallory Wirth	Executive Director/Principal	1
e3 Civic High	Cheryl Ward	CEO	1

Eagle Collegiate Academy	Ogo Okoye-Johnson	CEO	1
East Bay Innovation Academy	Michelle Cho	COO and CFO	1
Ednovate	Oliver Sicat	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 Academic Academy – Mountain Empire	Meghan Freeman	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
Escuela Popular del Pueblo	Patricia Reguerin	Executive Director	2
Feather River	Jenell Sherman	Principal	1
Fortune	Margaret Fortune	CEO/Principal	2
Francophone Charter School of Oakland	Kennedy Hilario	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	Audria Johnson	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	Lorena Chavez	CEO	1
Hayward Collegiate Charter	Neena Goswamy	Executive Director	1
Highland Academy Charter School	Brent Bishop	Executive Director	1
High Tech	Rasheed Meadows	CEO	16
Holly Drive Leadership Academy	Alysia Smith	Principal	1
Howard Gardner Community Charter	Beverley Jimenez	Executive Director	1
Iftin Charter	Maslah Yussuf	CEO	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
International School of Monterey	Sean Madden	Director	1
Invictus Academy of Richmond	Gautam K Thapar	Executive Director	1
John Adams, Inc.	Joseph Benson 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: Public Schools Northern California	Cherese Brauer	CEO	13

KIPP SoCal Public Schools	Angella Martinez	CEO	11
Leadership Public Schools	Patricia Saddler	Superintendent & CEO	3
Learn 4 Life	Connie Petit	Director of Special Education	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	Rich Harrison	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	Linda Delgado	CEO	1
McGill School of Success	Norma Sandoval	Principal/CEO	1
Mission Preparatory	Cynthia Jerez	Executive Director	1
Mission Vista Academy	Amy Davis	Principal	1
Monarch River Academy	Laurie Goodman	Executive Director/Principal	1
Museum	Sandy Du-Song	Executive Director	1
Navigator Schools	Kevin Sved	CEO	3
New West Charter Middle School, Inc.	Sharon Weir	Principal/Executive 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	Michael O. Dodson	Superintendent	1
Oakland School for the Arts	Lisa Sherman-Colt	Executive Director	1

Old Town Academy K-8 Charter	Todd Reed	Principal/Executive Director	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	Leon Metoyer	Director of Special Services	1
Oxford Preparatory Academy	Amy Kernan	Executive Director	2
Pacific Charter Institute	Paul Keefer	Executive Director	2
Pacific Coast Academy	Krystin Demofonte	Executive Director	1
Pacific View Charter	Gina Campbell	Founding Executive Director	1
Palmdale Aerospace Academy	Julie Braswell	Interim Executive Director/Supt.	1
Paragon Collegiate Academy	Serafin Alvarez	Vice President	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	Lori Hahn	Special Education Coordinator	1
Preuss School UCSD	Helen Griffith	Executive Director	1
REACH Leadership STEM 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 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	Page Hersey	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	Jason Watts	Executive Director	2
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
Shasta View Academy	Laura Blachman	Executive Director	1
Sherwood Montessori	Michelle Yezbick	Director	1
Sierra Academy of Expeditionary Learning	Erica Crane	Administrator	1
Sierra Charter	Lisa Marasco	Principal / CEO	1
Southern Humboldt Charter Schools	Gabrielle Colon	Executive Director	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	Victor Allende	Executive Director	1

Summit Public Schools	Diane Tavenner	CEO	5
Suncoast Preparatory Academy	Shawna MacDonald	Principal/Interim Director	1
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	Allen Neuenschwander	Principal	1
The Beginning Project	Stacy Strauss	Principal	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	Cindy Wagner	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 Carolyn Woods	CEO	3
Trivium Academy of Classical Education	Trisha Vais	Executive Director	3
Unity Middle College High	Erin Craig	Founding Executive Director	1
Urban Charter Schools Collective	Lee Yang	Superintendent	1
Urban Discovery Academy Charter	Shawn Loescher	CEO	1
Urban Montessori Charter	Krishna Feeney	Head of School	1
Valiente College Preparatory	Nevenka Huertas	Executive Director/Principal	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
Wildflower Open Classroom	Tom Hicks	Director	1

Willow Educational Foundation	Seth Feldman	Executive Director	1
Winship Community	Julie Haycock	Principal	1
Woodland Star Charter	Caroline Hopewell	Executive Director	1
Yosemite Valley Charter	Laurie Goodman	Executive Director/Principal	1
Yuba City Charter School, Inc.	James Ferreira	Superintendent/Principal	1
Yu Ming Charter	Sue Park	Head of School	1
Total Number of Organizations	210	Total Number of LEAs	441



Year-End Mental Health Funding Report

Background

CEO Council will be updated on Educationally Related Mental Health Services (ERMHS) expenditures for the previous year, and on the projections and initial finding of sufficiency for the current 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.

Budget Update

The following pages contain cell references to the chart appearing below.

	A	B	C	D	E
Charter SELPA ERMHS	2017-18 Final	2018-19 Final	2019-20 Final	2020-21 Final	2021-22 Projected (Oct 2021)
1 State	10,460,970	13,194,599	13,807,578	13,633,843	13,515,217
2 Federal	1,653,927	1,975,593	2,432,778	2,469,723	2,500,000
3 Prior Year Adjustments			136,413	484,225	
4 Total Revenue	\$ 12,114,897	\$ 15,170,192	\$ 16,376,769	\$ 16,587,791	\$ 16,015,217
5 Level 1 (2020-21 One-Time)				1,852,917	
6 Level 2	8,899,644	11,169,010	10,316,094	12,689,431	12,757,000
7 Level 3 Therapeutic	424,503	706,503	597,228	494,506	524,000
8 Level 3 NPS	1,199,433	1,628,401	1,475,492	1,096,403	1,306,000
9 Level 3 Residential	1,500,758	1,724,781	1,683,053	1,671,052	2,100,000
10 SELPA ERMHS Administration	360,730	456,861	422,591	585,900	501,000
11 Total Expenditures	\$ 12,385,068	\$ 15,685,556	\$ 14,494,458	\$ 18,390,209	\$ 17,188,000
12 Revenue less Expenditures	\$ (270,171)	\$ (515,364)	\$ 1,882,311	\$ (1,802,418)	\$ (1,172,783)
13 Beginning Balance	\$ 2,777,322	\$ 2,507,151	\$ 1,991,787	\$ 3,874,098	\$ 2,071,680
14 Ending Balance	\$ 2,507,151	\$ 1,991,787	\$ 3,874,098	\$ 2,071,680	\$ 898,897
15 Reserve (% of Revenue)	20.7%	13.1%	23.7%	12.5%	5.6%

Finding of Sufficiency Analysis and Assumptions

- The 2020-21 ERMHS ending balance is \$2.1M (cell D14).
- ADA for purposes of calculating state mental health funding to SELPAs was frozen by the 2020-21 state budget act. There is some question as to whether this freeze carries forward to 2021-22. Taking this uncertainty into account, conservative projections for 2021-22 ERMHS revenue are established at \$13.5M in state funding (cell E1) and \$2.5M in federal (cell E2).
- The prior year adjustments of \$484K (cell D3) represent the cancellation of reimbursement payables established at 2019-20 close for which expenditures were not submitted.
- Referencing columns C and D, lines 7 through 9, total Level 3 expenditures (site-based therapeutic, NPS, and NPS residential) in 2020-21 declined 13% overall from the previous year. However, the pandemics impact on student placement carried into 2020-21. Expecting a larger increase in Level 3 costs in 2021-22, 20% growth in total Level 3 expenditures is budgeted.
- The Level 2 budget of \$12.8M (cell E6) is the result of incorporating assumptions based the impact of four factors:
 - The growth trend of qualifying ERMHS service counts from September to December in prior years.
 - 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.
- The allocation plan calls for managing the ending reserve level in a range of 5-10%. The above projections result in an ending reserve level of 5.6%.

Initial Finding of Sufficiency

Based on the foregoing analysis, SELPA administration makes a preliminary finding of sufficiency of funding for 2021-22 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.

By May 2021, 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 clarification around the ADA component of Charter SELPA's funding calculation, the January 2022 Level 2 budget requests and the total of Level 3 NPS, and NPS residential budgets submitted.

Summary: 2021-22 Initial ERMHS Funding Levels

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

- a) \$3,000 per eligible ERMHS SEIS service based on the December 1, 2021 count; or
- b) January 2022 budget request.

The lowest of the two calculated amounts above becomes the maximum Level 2 budget request, up to actual expenditures, submitted in July 2022.

\$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.



Charter SELPA CEO Council Meeting 10-14-21
Revision of Policy 27 – Charter School Closure Policy
Attachment 9.1

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 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, any other impacted SELPAs, participating county offices of education, 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.

If the LEA did provide the year and one-day notice, a Final Notice of the LEA's intention to leave the Charter SELPA is required by February 1 of the current year to the SELPA. The Final Notice allows the Charter SELPA sufficient time to prepare for any revenue and staffing changes in response to changes in the composition of the Charter SELPA and allocation plan. If the LEA did not provide the February 1 notice, the LEA must obtain a letter of agreed-upon 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

filed appropriately.

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

Attorney Client Privileged Communication

Date: August 20, 2021

To: Dr. Vicki Barber
Former El Dorado County Superintendent

From: Heather Edwards
Tom Newcomb

Subject: Final Notification of Intent to Exit SELPA

Background

Under current law, charter school members (Charter LEAs) of the El Dorado Charter SELPA (Charter SELPA) provide notification of their intent to exit the Charter SELPA (Intent Notice) at least one year and one day prior to potentially exiting the Charter SELPA. In practice, that Intent Notice is generally provided on or about June 30 of the year prior to exiting the Charter SELPA. However, neither the law nor Charter SELPA's local plan impose a deadline for a Charter LEA to provide notice of its final decision to actually exit or remain in the Charter SELPA (Final Notice). The lack of a deadline for providing Final Notice affects the Charter SELPA's ability to preserve resources and timely comply with other laws. As such, the Charter SELPA seeks to amend its local plan to require Charter LEAs to provide Final Notice to the Charter SELPA by no later than February 1 prior to their exit date.

Issue

May the Charter SELPA amend its local plan to require Charter LEAs, who have provided timely legal Intent Notice, to also provide Final Notice to the Charter SELPA by no later than February 1 prior to the proposed exit date?

Conclusion

Yes. The proposed additional Final Notice deadline is consistent with existing law and is within the Charter SELPA's legal authority to develop and implement a governance plan.

Discussion

Pursuant to the Education Code, when a local educational agency (LEA) is seeking to change SELPAs, it must notify the California Department of Education (CDE), any impacted SELPAs, and participating county offices "of its intent to elect an alternative option. . . at least one year before the proposed effective date of the implementation of the alternative plan." (Ed. Code § 56195.3 (b).) The clear intent of this provision is to ensure that the affected SELPAs and other

agencies are given sufficient time to prepare for any changes to the composition of the SELPA. However, the statute specifies only the timeline for giving notice of the “intent” to leave. It does not specify a time frame for when an LEA must provide final notice of whether it is actually leaving the SELPA.

Pursuant to the Education Code, SELPAs are granted broad discretion to develop a local plan, including the governance and administration of the local plan, in order to meet the specific needs of the SELPA. (Ed. Code § 56205(a)(12).) As such, the Charter SELPA has the authority to modify its local plan to meet any specific governance and administrative needs.

Here, the Charter SELPA has identified a specific concern with the administration of the Charter SELPA and/or its local plan. As noted above, under current procedures, the Charter SELPA may receive a Charter LEA’s final notice after one or more statutory timelines. For instance, the Charter SELPA is required to issue layoff notices for certificated employees by no later than March 15. If the Charter LEA provides timely Intent Notice but does not provide timely Final Notice until after March 15 (of the following year), then the Charter SELPA is deprived of the resource-saving ability to decrease staffing in a timely manner in response to changes in the composition of the Charter SELPA. As such, the Charter SELPA would be forced to maintain current staffing levels whether or not one or more Charter LEAs actually exit the Charter SELPA. To promote efficient use of its resources, the Charter SELPA seeks to impose a deadline for Charter LEAs to provide Final Notice on whether they are actually changing SELPAs.

A Final Notice deadline is authorized by law and consistent with the Charter SELPA’s governance authority. The Final Notice provision allows the Charter SELPA (as well as other agencies) greater flexibility in making responsible staffing decisions. Moreover, the Final Notice provision could not be simply imposed on the Charter LEAs. The proposed Final Notice deadline would require an amendment to the local plan. As such, all of the Charter LEAs, and the community advisory committee would have the opportunity to be involved in the process. In addition, the Final Notice deadline would have to be approved at a public hearing. This considerable process ensures that all affected parties have the opportunity to provide input as to whether to adopt the Final Notice deadline. For these reasons, the proposed deadline for a Charter LEA to provide final notice of its intent to leave a Charter SELPA is a consistent with the Charter SELPA’s governance authority.



4. PARTNER DEFINITION (Last revised ~~October 2018~~ September 2021)

Intent

In September 2013, the CEO Council created two categories of Partnership: **Single Charter Partner** and **Organization Partner**. The date of entry of the Partner is used to determine the administrative fee for the Partner's future expansion.

Charter SELPA Formula

Single Charter Partner - Charter SELPA LEA member with one school (CDS code) in the Charter SELPA

Organization Partner - Organization with multiple Charter SELPA LEA member schools (each with a CDS code).

An organization is defined as a non-profit with one governing board over multiple charters or an organization that is structured to include one Chief Executive Officer position that has defined responsibilities related to multiple charters. The title of CEO may differ by organization, but the intent is that the "CEO for the umbrella organization" has specific decision-making authority related to the multiple charters in matters involving special education programs and services.

Member charter LEAs within the Organization Partner "network" are afforded the same benefits as those that are available to the Organization Partner. When a Charter SELPA Partner expands with a charter new to the SELPA, the new charter school utilizes the Organization Partner's date of entry for calculation of the administrative fee. Another example would include, if the Organization Partner is put on a reimbursement basis for funding, all members of the Organization Partner's network may also be funded through a reimbursement mechanism. To ensure accurate considerations of an Organization Partner's member charters within their network, each Organization Partner would be asked to identify their member charters annually and the member charter school LEAs would be asked to affirm the relationship.

An Organization Partner would be asked to assist in the event of a member charter school closing and/or causing a financial impact on the Charter SELPA. CEO Policy 27, addressing when a charter within an Organization Partner's network closes, includes the following language:

"The Organization Partner has certified that funds were spent appropriately for special education and should issues arise at a later date; the Organization Partner will honor any obligations owing by the closing charter."

In the event where the Organization Partner is not able to mitigate a negative impact on the Charter SELPA caused by a member charter school(s), it is understood that actions would be taken to protect the

Charter SELPA, including the Organization Partner may be placed in a reimbursement funding position. In addition, the administrative fee sliding scale is predicated on a member being in good standing and increasing capacity over time. If a member is not in good standing and has a lower administrative fee based on years of participation in the SELPA, the administrative fee may be recalibrated and returned to a level reflective of a lower capacity and to cover increased costs created by the heightened monitoring required. This adjustment will also take effect when an Organization Partner dissolves their relationships with member charter schools and/or their network, and thus after the dissolution action, the remaining member charter schools are Single Charter Partners within the SELPA.





RTC Room & Board Daily Reimbursement Rate

Background

The Allocation Plan currently reimburses the room and board costs associated with a student non-public school placement (NPS) in a residential treatment center (RTC) as follows:

- a. Costs that may be claimed are the residential room and board costs related to a student in an NPS placement. The educational costs are the responsibility of the charter member and are not reimbursed. ERMHS costs for a student may also be claimed (Level 3 NPS ERMHS).
- b. Eligible students must meet ED eligibility criteria and be identified in SEIS with ED as primary or secondary disability.
- c. Approved NPS room and board costs are 100% reimbursed, with no required match. No facility/rent costs, direct support, or administrative costs are allowable for the 100% reimbursement.
- d. Indirect costs would be allowed for NPS residential costs, consistent with CSAM indirect cost provisions that do now allow for indirect costs to be claimed for contract costs beyond the first \$25,000.

An NPS bundling education and ERMHS services into a single rate is not new. Some vendors cooperate in splitting out the rate upon request. In other cases, Charter SELPA has navigated this pricing strategy by applying a formula that splits out the actual ERMHS portion (90% reimbursement) from the educational cost (no reimbursement). The formula calculates the percentage of the rate applicable to ERMHS using service minutes on the student's IEP. However, an emerging trend over the past two years is an NPS including room and board with ERMHS and education into a single rate. When room and board, a 24-hour service at 100% reimbursement, is a component of an all-inclusive rate, the methodology above yields a small percentage of time for ERMHS, and the room & board component is quite large. This poses a potential budget issue if not addressed because we are seeing increases in all-inclusive rates.

Bundled rates are increasing. In 2019-20, the average monthly room and board rate equated to \$313/day. In 2020-21, that average jumped to \$420/day, an increase of over 25%. A full year placement at \$420/day equates to \$153,300 in room and board costs. Last year we processed a placement carrying a very high "all inclusive" rate of \$858.23/day for what the NPS labeled a "crisis unit placement." In this case, the vendor refused to cooperate in breaking that rate out into education/ERMHS/room & board components, stating that the student receives services 24/7. For a full year placement, that would equate to \$313,254.

Issue

The fact is that the number of RTCs in California is relatively small and with a statewide footprint of 440 LEAs serving over 30,000 students with disabilities, the parameters of the Charter SELPA Allocation Plan are well known among vendors. We have experienced similar situations in the past and, in 2020-21, we learned of an NPS that supplied a partner with a completely different rate sheet upon learning that it was a Charter SELPA placement. We need a mechanism to fairly apportion cost between ERMHS and

room and board and stay ahead of this trend. There is an objective way of doing so using a published rate for like placements.

SELPA administration's recommendation is to place a reimbursement cap on the daily room and board component of a residential placement (detailed in the Recommendation section below). Taking this proactive approach now is a prudent step in equitably managing the annual ERMHS budget moving forward. The CEO Council has determined that the methodology to allocate annual ERMHS revenue should favor more costly Level 3 placements. However, if vendors continue to adjust pricing strategy to take advantage of 100% room and board reimbursement, it will require reductions in Level 2 funding. This would take the form of either a decrease in the per-service rate, which starts at \$3,000, or a reduction of the Level 2 reimbursement percentage, which begins each year at 80%.

To illustrate "worst-case," the following table compares three scenarios over two years:

1. Actual ERMHS budget results for 2019-20 and 2020-21 (columns A and D)
2. Budget results if all placements in each year carried an \$858/day all-inclusive rate (columns B and E)
3. Budget results if all placements in each year carried the recommended cap (columns C and F)

	A	B	C	D	E	F
Charter SELPA ERMHS	2019-20 Final	2019-20 w/Bundled Rate	2019-20 w/Cap	2020-21 Final	2020-21 w/Bundled Rate	2020-21 w/Cap
1 State	13,807,578	13,807,578	13,807,578	13,633,843	13,633,843	13,633,843
2 Federal	2,432,778	2,432,778	2,432,778	2,469,723	2,469,723	2,469,723
3 Prior Year Adjustments	136,413	136,413	136,413	-		
4 Total Revenue	\$ 16,376,769	\$ 16,376,769	\$ 16,376,769	\$ 16,103,566	\$ 16,103,566	\$ 16,103,566
5 Level 1 (2020-21 One-Time)				1,852,917	1,852,917	1,852,917
6 Level 2	10,316,094	10,316,094	10,316,094	12,689,431	12,689,431	12,689,431
7 Level 3 Therapeutic	597,228	597,228	597,228	494,506	494,506	494,506
8 Level 3 NPS	1,475,492	1,475,492	1,475,492	1,096,403	1,096,403	1,096,403
9 Level 3 Residential	1,683,053	3,981,329	2,140,549	1,671,052	4,189,021	2,252,214
10 SELPA ERMHS Administration	422,591	491,104	435,881	585,900	585,900	585,900
11 Total Expenditures	\$ 14,494,458	\$ 16,861,247	\$ 14,965,244	\$ 18,390,209	\$ 20,908,178	\$ 18,971,371
12 Revenue less Expenditures	\$ 1,882,311	\$ (484,478)	\$ 1,411,525	\$ (2,286,643)	\$ (4,804,612)	\$ (2,867,805)
13 Beginning Balance	\$ 1,991,787	\$ 1,991,787	\$ 1,991,787	\$ 3,874,098	\$ 1,507,309	\$ 3,403,312
14 Ending Balance	\$ 3,874,098	\$ 1,507,309	\$ 3,403,312	\$ 1,587,455	\$ (3,297,303)	\$ 535,507
15 Reserve (% of Revenue)	23.7%	9.2%	20.8%	9.9%	-20.5%	3.3%

Recommendation

Each year, the State of California publishes a monthly revenue rate for short-term residential therapeutic programs (STRTP). This rate is part of the newly reformed funding methodology for Out of Home Care placements. For 2021-22, the rate is \$14,603/month, which equates to a room and board reimbursement cap of \$480/day.

$$(\$14,603 \times 12) / 365 = \$480 \text{ (rounded to nearest whole dollar)}$$

This reimbursement cap would have covered 29 of the 30 residential placements at 100% last year. The \$858.23/day crisis unit placement being the only exception.

Administration recommends that CEO Council adopt the following amendments to the Charter SELPA Allocation Plan:

8. EDUCATIONALLY RELATED MENTAL HEALTH SERVICES (ERMHS)

6. Description of Level 3 Funding Formula

6.4 - Level 3 NPS Residential Room and Board

- a. Costs that may be claimed are the residential room and board costs related to a student in an NPS placement. The educational costs are the responsibility of the charter member and are not reimbursed. ERMHS costs for a student may also be claimed (Level 3 NPS ERMHS).
- b. Eligible students must meet ED eligibility criteria and be identified in SEIS with ED as primary or secondary disability.
- c. Approved NPS room and board costs are 100% reimbursed, with no required match. No facility/rent costs, direct support, or administrative costs are allowable for the 100% reimbursement.
- d. Indirect costs would be allowed for NPS residential costs, consistent with CSAM indirect cost provisions that do now allow for indirect costs to be claimed for contract costs beyond the first \$25,000.
- e. Effective October 15, 2021, the maximum daily room and board reimbursement is limited to the current monthly revenue rate for short-term residential therapeutic programs published by the State of California multiplied by 12 then divided by 365.
- ~~d.f.~~ Indirect costs would be allowed for NPS residential costs, consistent with CSAM indirect cost provisions that do now allow for indirect costs to be claimed for contract costs beyond the first \$25,000.

Review and Input Regarding the Draft Recommendations from the Examination of Special Education Governance and Accountability in California

Submitted by: Dr. Vicki L. Barber and Dr. Ed Manansala

On June 30, 2021, WestEd presented a webinar and released draft recommendations related to the Special Education Governance and Accountability (SEGA) Study which was authorized by Senate Bill 74, the Budget Act of 2020. The purpose of the study was to examine the state's current governance and accountability structures for students with disabilities and provide recommendations regarding improvements in the following areas (as set forth in the released document):

- ***Improving student outcomes, including those measured by state and federal accountability systems***
- ***Delivering special education services and supports in the least restrictive environment***
- ***Ensuring:***
 - ***Transparency in decision-making and distribution of state special education funding***
 - ***Family and community input in local (school/district) decision-making***
 - ***An equitable distribution of supports and services to local educational agencies (LEAs), defined for this study as school districts and charter schools***
 - ***Small LEA access to necessary fiscal and administrative resources and supports***
- ***Aligning state and federal accountability, compliance, and support systems toward the common aim of improved student outcomes***

The following is a presentation of the five recommendations set forth in the draft document from WestEd and some initial reactions and questions that are offered to seek clarity on the directions being considered. These are presented to assist stakeholders in reviewing the recommendations and to encourage further reflection on how the recommendations would support improvements in the areas noted above.

With the report due to the legislature by October 1, 2021, it is critical that robust and critical thought is directed toward providing input and meaningful dialogue regarding the implications of how the recommendations from this report would affect improved student outcomes, improved delivery systems, and the other areas noted above.

Draft Recommendations set forth in the report from WestEd for the local educational agency role and responsibilities in special education governance of and accountability.

1. ***The state should clearly establish that each LEA (i.e., school district, charter school, and, in limited circumstances, COE) is ultimately responsible for providing for the education of children with IEPs and therefore meeting all legal requirements under***

IDEA. This aligns with the accountability for improving outcomes for all students, including students with IEPs, through LCFF and the California Dashboard.

Comments and Questions:

- A. While we fully support an effort to increase clarity and transparency regarding accountability, we believe it is also important to acknowledge that the majority of school districts and charter schools in California are under 2,500 ADA and again the majority of those entities are actually below 1,000 ADA. With the number of smaller districts and charter schools that are recognized as LEAs in California, we believe it would be important to clarify that LEAs can contract with consortiums, CMOs, SELPAs, and/or COEs to meet a number of the state and federal special education requirements, including reporting mandates. Without such a provision, the result may be a tremendous amount of duplication and overwhelmingly burdensome requirements being placed on administrative and instructional staff that are already overtaxed in the smaller educational organizations. For example, in El Dorado County, the geographic SELPA includes 14 school districts and the county office of education. It would be highly inefficient to require each school district to conduct child find activities which include providing information to all pediatric medical personnel throughout the county, rather than relying on the county office to conduct this activity for all their member LEAs.
- B. The initial question regarding this recommendation is the use and definition of the term LEA. Not all charter schools are currently considered LEAs for purposes of special education. Charter schools can currently be schools of their authorizer or if accepted and recognized by a SELPA, they may be deemed an LEA. The recommendation does not distinguish between these two situations. Since charter schools that are considered schools of their authorizer, just as other schools operated by the authorizer, do not have a legal basis for making independent special education decisions from their authorizer and do not receive special education funds independent from the authorizer, it would appear to be a challenge to declare that they are to be treated as an LEA and thus ultimately responsible for providing the education for students with IEPs. Existing statute regarding charter schools of the authorizer may need to be reviewed and assurance given that these provisions will continue to be effective.
- C. It is relatively recent that charter schools in California were able to be recognized as LEAs for special education purposes. While the question was noted earlier about whether charter schools of the authorizer would continue to be treated as they currently are, under the recommendations set forth by the SEGA report, the question on the other side of this issue is also pertinent. Will charter schools that can demonstrate the capacity be allowed to be deemed LEAs for special education purposes? Charter SELPAs were created in California, largely due to some existing SELPAs not allowing charter schools to be recognized as LEAs, and therefore, not giving them any voice in governance and funding considerations. It would therefore be important to determine what entity would have the authority and responsibility to determine whether a charter school meets criteria to be granted LEA status. It may also be important to note that funding LEAs directly, including 58 county offices, approximately 1,000 school districts,

and over 500 charter schools that are currently deemed LEAs for special education purposes, may add tremendous administrative burden to state and county agencies.

- D. Clarification would also be helpful regarding the language that indicates that the term, LEA includes “*in limited circumstances, COE.*” Are we to interpret this as referencing students in juvenile court schools, or are there are settings being considered for inclusion of COEs as meeting the definition of LEA for special education purposes?
 - E. It is difficult to ascertain the intention of the recommendation with respect to the financial provisions *being shifted from SELPA governing boards (or charter school authorizers)* as noted in the document. Greater clarity is needed as to how this is envisioned to be implemented and what the consequences may be.
- 2. Consider providing all LEAs the authority and autonomy to enter into and leave agreements with other LEAs, consortia of LEAs, or other agencies (e.g., COEs, SELPAs) to meet the variable needs of the students they serve through a flexible continuum of services.**

Comments and Questions

- A. This is the recommendation that perhaps needs the greatest amount of clarity and further refinement to understand the implications of how this would work and the impact that would be experienced by all stakeholders. One would assume that there would continue to be notification timelines implemented for changes in governance structures. However, no assurance is offered regarding the process that would be employed.
- B. Questions as to whether there would be any size and scope requirements related to LEAs being able to enter into or leave current agreements. Would there be any demonstration of ability to meet the criteria of being able to serve as an LEA for a charter school? Would school districts be able to join consortiums, COEs, or SELPAs in other areas of the state, and if so, how would the special education funding work for those entities?
- C. Does this recommendation assume that LEAs would no longer be required to join a SELPA? If so, as noted in the questions under Recommendation 1, does this create much more duplication of effort by requiring all districts (regardless of size), charter schools that are deemed LEAs, and COEs for their mandated populations to complete all state and federal reporting requirements?
- D. Is there an assumption in this recommendation, that special education funding would go directly to all LEAs, without a SELPA type of organization in place for smaller educational organizations? If so, it is important to recognize the wide variances that exist in frequency or identification rates of students with the range of possible disabilities between LEAs. Some LEAs identify less than 1% of their population as students with disabilities. This in some instances is for small school districts that simply do not have eligible students in their geographic boundaries or who have one elementary age student with autism and one middle school student who is blind. Another example may be for charter schools that have a specific philosophical approach that does not

encourage the enrollment of students with disabilities (ie: a Mandarin language immersion program, etc.). At the other end of the spectrum would be districts and charter schools that have very large percentages of their populations (20% or higher) being identified as students with disabilities. This may be related to having a reputation for exceptional programs that serve as an attraction for families with children with disabilities, or licensed children's institutions that again serve as a magnet for students with disabilities. SELPAs can accommodate these wide swings between LEA identification rates by providing adjustments within their allocation plans.

- E. Under the purposes outlined for the paper is the following: "***An equitable distribution of supports and services to local educational agencies (LEAs), defined for this study as school districts and charter schools.***" It is important to note that "equitable" does not mean the same, rather it implies a fairness doctrine also being included. In the LCFF model there is a recognition of factors such as ELL, foster care, socio-economic issues etc. affecting the needs and thus funding considerations for student populations. In much the same manner, special education populations vary throughout LEAs, as noted above. SELPAs have been able to develop allocation plans that often address these differences in needs based on a multitude of factors. For example, high school populations statewide have a much lower identification rate for speech and language services. So one ramification of providing all LEAs direct funding at essentially the same state rate, is to provide high school districts funding assuming a similar set of needs as their elementary district counterparts, including speech and language services. It is important that careful consideration be given as to whether there will unintended consequences created by the changes suggested, and whether in fact there is evidence of a nexus between direct funding for LEAs and a subsequent improvement in student outcomes.
- F. Clarity is also needed to consider how the significant issue of the variance that occurs between LEAs regarding the severity of needs of students with disabilities identified would be addressed under this recommendation. It has been suggested that 20-30 percent of the students with disabilities may account for 70-80 percent of the costs. Students with low incidence disabilities, as well as students with multiple disabilities requiring intensive services are most often much more costly than students with less severe disabilities that may only require itinerant services. Again there is wide variance in the location of students requiring the most intensive services resulting in wide swings in costs between LEAs. SELPAs often have provisions within their allocation plans to address these variances, such as risk pools, additional funding for regional programs serving the most intensive needs, non-public school/agency pools, or other methods that protect LEAs from catastrophic costs. For example, a student requiring non-public school services may cost in excess of \$100K, and if this student resides in a small school district, the result could be a financial crisis for the district. Transportation needs due to the disabilities also varies significantly for districts, especially for rural districts who rely on regional programs operated away from their geographical boundaries. Issues around infant and pre-school programs, as well as out of home care services and funding would also need to be considered.

- G. SELPAs are currently responsible for negotiating and implementing inter-agency agreements with a variety of other entities, such as County Mental Health, Public Health, California Children's Services (particularly addressing physical and occupational therapy services), Probation Departments, Regional Centers, Head Start, etc. The question would be whether this responsibility would now fall on each LEA without the presence of SELPAs. Moving the responsibility to county offices of education may not be an appropriate response, given the size and scope of some LEAs within counties. A consideration could be for placing the responsibility on county offices of education that would be applicable for all LEAs within the county, except those that petition to negotiate and implement their own respective agreements.
- H. In the document, there is a reference to the Legal Review that indicates the following: *"Aligning budgeting and planning responsibilities could potentially reduce duplication."* Is there also the potential for this to increase duplication, by requiring every school district and charter school, deemed an LEA, to complete processes, procedures, and reporting requirements, that are currently being facilitated by SELPAs and/or other entities on a coordinated basis?
- I. In the document, there is a reference to the Legal Review that indicates the following: *"The study found that LEAs are currently independently entering into agreements with other LEAs, COEs, and other agencies to provide the full continuum of special education services to their student populations."* More detail is needed as to what this references? Is this a recognition of individual students being placed in programs in other LEAs, COEs, and agencies?

Draft Recommendations set forth in the report from WestEd for the intermediary agency role and responsibilities in special education governance and accountability.

- 3. The intermediary agency and its role in improvement planning and the statewide system of support should be the same for general and special education. This can meet the priorities of increased connections and coordination between general education and special education, shared priorities for improving outcomes for students, and capacity building of general education teachers and administrators to better service students with IEPs.**

Comments and Questions:

- A. This recommendation aligns with recommendations that were also set forth in the Statewide Special Education Task Force report published in 2015. Action plans had been drafted to move state organizations and policy makers toward a goal of creating One System: Reforming Education to Serve All Students.
- B. This bold vision for California's special education system is guided by the principles of equity, local decision-making, accountability, transparency and alignment. The focus is on high quality local implementation of evidence-based practices for educational improvement

and inclusive practices for all students with disabilities (SWD). This vision has naturally led to a reevaluation of current systems and structures to determine alignment and propose changes that will bring about an integrated educational system – One System for All Students.

- C. With respect to integrating and aligning the current COE and SELPA roles, consideration may need to be focused on how this works in counties with multiple SELPAs and between COEs and single district SELPAs.
- D. Currently SELPAs are required to participate and support LEAs to meet identified student needs through the LCAP process. Has there been a review as to how effective this effort has been and has it had a measurable impact on addressing student needs.
- E. The following statements were made in the document, supporting the recommendation, including:

“COEs and the statewide system of support should play the same role in special education improvement planning as they do for all students and other student groups, thereby modeling inclusive practices at all levels of the system. Supporting this infrastructure for inclusion will require, change of statute, change in practice, and potentially additional funding.

The state should make additional investments to ensure the statewide system of support (including COEs, geographic and expert leads, etc.) has the capacity to include considerations for students with IEPs in all levels and types of support. The statewide system of support and COE activities under the LCAP should focus on inclusive practices to improve outcomes for all students.”

The question becomes does this layer on top of the special education monitoring and data requirements, or is there a vision for combining and streamlining a coherent system of support that addresses the outcomes for all students?

Draft Recommendations set forth in the report from WestEd for the state’s role and responsibilities in special education governance and accountability.

4. Increase transparency, amplify the voices of special education stakeholders including families, and reduce duplication in the general education accountability system (LCFF) and special education monitoring and technical assistance systems.

Comments and Questions:

- A. As noted under recommendation 3, this recommendation aligns with recommendations set forth in the Statewide Special Education Task Force Report.
- B. Questions related to this recommendation may primarily be focused on providing clarity and information as to how this would be achieved? What processes, procedures, timeline for implementation, and resources would be established and dedicated to achieving the overall recommendation?

5.CDE should consider increasing its communication of clear priorities and sharing resources for improving outcomes and supporting best practice in special education to LEAs, communities, and families. All state general supervision and related activities should continue to be clearly oriented to improving outcomes of students with IEPs.

Comments and Questions:

- A. Statements within the document supporting this recommendation, include:

“CDE should consider establishing mechanisms to communicate directly with LEAs, in collaboration with COEs.....”

It may be helpful for the recommendation to recognize a two-way communication system that supports CDE with stakeholders, including LEAs, COEs, SELPAs, non-LEA charter schools, parents, special and general education leaders, teachers, other service providers, support staff, and other agencies. This type of a recommendation may facilitate a stronger communication system that fosters collaboration between and among all stakeholders.

Summary

Recognition and appreciation to WestEd should be acknowledged for their sharing the draft recommendations and providing an opportunity for input into the process. Information was shared through the webinar, a draft document, and a presentation made to the ACSE, as well as providing a means to submit input.



September 10, 2021

Dear County and District Superintendents, Charter School Administrators, and Special Education Local Plan Area Directors:

2021–22 Data Collections: Annual Back-to-School Letter

This letter kicks off the 2021–22 data collection season for the following California Department of Education (CDE) data systems:

- California Longitudinal Pupil Achievement Data System (CALPADS)
- California Basic Educational Data System (CBEDS)
- Consolidated Application and Reporting System (CARS)

The 2021–22 certification and amendment window deadlines for these data collections are posted on CDE's CALPADS, CBEDS, and CARS Submission Calendar web page at <http://www.cde.ca.gov/ds/dc/es/subcal.asp>.

It should also be noted that the coronavirus (COVID-19) pandemic has only heightened the need for timely, quality data, from all state agencies, including the CDE. Governor Newsom's vision of integrating existing data into a cradle-to-career longitudinal data system that will provide the data the state needs to effectively meet the needs of its citizens was authorized in postsecondary budget trailer bill, Assembly Bill (AB) 132 (Chapter 144, Statutes of 2021). The CDE will keep local educational agencies (LEAs) up-to-date on this significant data integration project and how it will benefit the public pre-K to grade 12 community.

CALPADS Update

CALPADS data are used for many functions critical to the mission of LEAs and the state. Therefore, the active involvement of superintendents, charter school administrators, and Special Education Local Plan Area (SELPA) directors is critical to ensuring the accurate and timely submission of CALPADS data. **LEA executive leadership should continue to ensure that policies, processes, adequate staff support, and timelines are in place that foster staff collaboration, resulting in ongoing CALPADS updates and the review and certification of submissions by the published deadlines.**

Pursuant to existing law, the CDE is required to develop indicators for the California School Dashboard in December 2022. These indicators will be based on data that LEAs submit during the 2021–22 school year and certify as part of the End-of-Year (EOY) CALPADS submissions.

To accommodate changes to Independent Study statute enacted in the K–12 budget trailer bill, AB 130 (Chapter 44, Statutes of 2021), the CDE will be adding one new field to the collection of data used to determine chronic absenteeism, that will identify student attendance in both traditional and course-based independent study. This will enable the CDE to meet the statutory requirement of reporting counts of students participating in 15 days or more in an independent study program during the school year. The CDE has already engaged in discussions with LEAs and the student information system (SIS) vendors on this change. Regarding other questions related to independent study, the CDE has posted a comprehensive set of Frequently Asked Questions (FAQs) which have been updated to reflect the changes made by AB 130. This document can be found on the CDE's Frequently Asked Questions page pertaining to independent study: <https://www.cde.ca.gov/sp/eo/is/faq.asp>.

Fall Submission Reminders

For the upcoming Fall 1 and Fall 2 submissions, LEAs are reminded of the important existing uses of these data:

- The data that LEAs certify on CALPADS Report 1.17 – *FRPM/English Learner/Foster – Count* in the Fall 1 submission is used as the basis for determining the unduplicated pupil percentage (UPP) which determines 2021–22 Local Control Funding Formula (LCFF) supplemental and concentration grant funding. LEAs are reminded that new students must be tested with the Initial ELPAC at least two days before October 6, 2021 in order for their English Language Acquisition Status of English Learner to be included in the Unduplicated Pupil Count.
- The data that LEAs certify as part of the Fall 2 submission are provided to the Commission on Teacher Credentialing (CTC) to populate the California State Assignment Accountability System (CalSAAS), and are used to identify potential certificated staff mis-assignments. Accurate Fall 2 data will reduce the number of potential mis-assignments that LEAs must resolve in CalSAAS.

In addition, AB 132 specifies that 2021–22 Census Day data shall be used to identify students eligible for a college savings account under the California Kids Investment and Development Savings (CalKIDS) program. Students certified as part of the Unduplicated Pupil Count in Fall 1 will be eligible for a CalKIDS account.

New Funding Allocations Based on 2020–21 Certified CALPADS Data

Assembly Bill 130 also authorized various new programs, some of which will use *2020–21 certified CALPADS data* to determine funding allocations. While these data can no longer be changed, LEAs may find it helpful to understand the CALPADS data that will be used as the basis for these new apportionments. This use of previously certified data also highlights the importance of always ensuring the accuracy of CALPADS data. The major new programs include the following:

- **Educator Effectiveness Block Grant:** AB 130 appropriates \$1.5 billion for the Educator Effectiveness Block Grant, (*Education Code* Section 41480), which will be apportioned to county offices of education, school districts, charter schools, and the state special schools in an equal amount per full-time equivalent (FTE) certificated staff and classified staff as certified in CALPADS and CBEDS in 2020–21. The FTE cannot exceed the total certificated staff and classified staff counts in the 2020–21 fiscal year.
- **A-G Completion Improvement Grant Program:** AB 130 appropriates \$547.5 million for the A-G Completion Improvement Grant Program (*Education Code* Section 41590), which provides funding to LEAs to help increase the number of students, particularly disadvantaged students, who graduate from high school with A-G eligibility. Funds will be apportioned based on the data used to calculate the Unduplicated Pupil Percentage (UPP) that LEAs certified as part of the 2020–21 Fall 1 submission, and the A-G completion rates determined from the 2020–21 four-year adjusted cohort graduation rate (ACGR) data.
- **Expanded Learning Opportunities Program:** AB 130 establishes the Expanded Learning Opportunities Program which apportions funding based on each LEA's prior year Transitional Kindergarten/Kindergarten-thru 6th grade (TK/K-6) classroom-based average daily attendance, and prior year UPP. The prior year UPP is based on data LEAs certified as part of their 2020–21 Fall 1 submission.

CALPADS 2021–22 Submission Deadlines

In response to an overall desire by state policy makers, local educational leaders and administrators, education advocates, and the public to have access to current data to enhance decision-making, the 2021–22 certification deadlines will remain similar to past years. LEAs are reminded that the certification of the Fall 1, EOY 3, and EOY 4 submissions require SELPAs to *approve* specified reports in the submission that include data related to students with disabilities (SWD). Therefore, the CDE also suggests dates by which LEAs approve submissions in order to provide SELPAs time to review and approve submissions by the deadlines. The 2021–22 CALPADS deadlines are summarized in Table 1.

Table 1: 2021–22 CALPADS Submission Deadlines

Submission	Suggested LEA Approval Deadline	Certification Deadline	Amendment Window Deadline
Fall 1	November 24, 2021	December 17, 2021	January 28, 2022
Fall 2	February 18, 2022*	N/A	March 4, 2022
EOY 1, 2	N/A	July 29, 2022	August 26, 2022
EOY 3, 4	July 11, 2022	July 29, 2022	August 26, 2022

*SELPA's do not approve the Fall 2 submission; however, since there is no Certification Deadline for Fall 2 prior to the close of the amendment window, this suggested LEA approval deadline provides an interim target that will help ensure that LEAs are able to certify by the close of the amendment window.

Importance of Maintaining CALPADS Data on an *Ongoing* Basis

In addition to reviewing and certifying data during the Fall and EOY submissions, **it is critical that LEA business processes include updating CALPADS on an *ongoing basis* throughout the year.** These data are maintained in the CALPADS Operational Data Store (ODS) and are used for multiple *operational* purposes that support LEAs and their ability to serve students, including:

- Registering students for statewide assessments, including the California Assessment of Student Performance and Progress (CAASPP) and the English Language Proficiency Assessments for California (ELPAC).
- Identifying whether students are English Learners (EL) or Initial Fluent English Proficient (IFEP). Student EL and IFEP statuses are now determined automatically based on student performance on the (online) Initial ELPAC, and are then made available to LEAs through CALPADS.
- To provide immediate information on incoming transfer students, such as whether they are English learners or students with disabilities, so that they can be served appropriately.
- To identify dropouts, enabling LEAs to efficiently target resources to recover those students.

CALPADS ODS data is increasingly being used to provide *direct benefits to individual students*:

- Identifying students, on a monthly basis, who are automatically eligible for free or reduced-priced meals under the National School Lunch Program.

- Identifying students, on a weekly basis, who are foster youth so that they may receive appropriate services.
- Identifying students eligible to receive benefits under the Pandemic-Electronic Benefits Transfer (P-EBT) program administered by the California Department of Social Services. Under this program, students identified at any time during the year receive direct cash support for the purchase of food and groceries.

CALPADS ODS data are also used by the CDE for important monitoring activities that impact LEAs, including:

- Enabling the CDE to monitor whether SWDs are receiving a free and appropriate education in the least restrictive environment as required by the Individuals with Disabilities Education Act (IDEA), and whether EL students are receiving appropriate instruction and services as required by state and federal law.

As evidenced by the continually increasing use of CALPADS data for uses that are high stakes for LEAs, schools, and students, it is critical that executive leadership ensure business processes are in place and staff are adequately supported to collect and maintain data in the CALPADS ODS on *an ongoing basis*, and to review and certify accurate data during the Fall and EOY submissions. Specific steps that executive leadership can take to support CALPADS staff and ensure data quality were provided in the Mid-Year Data Collection Update letter sent to superintendents and charter school administrators on April 21, 2021. This letter can be found here:

<https://www.cde.ca.gov/ds/sp/cl/data2021midyearupdate.asp>

CDE Continued Commitment to Support Data Submission

Given the important role CALPADS plays in so many areas, the CDE recognizes the importance of continuing to improve system performance and ensure system security. The CDE is currently working on significant system modifications which will greatly facilitate the movement of data between local systems and CALPADS, as well as enhance the use of CALPADS data by LEAs.

The CDE plans to roll out these changes following this year's fall submissions which end in early March 2022, and before the opening of the EOY submissions in May. Implementing the changes will require some system down time (5 – 7 days), and the CDE will select a time that minimizes, to the extent possible, the impact on LEA English Language Proficiency Assessments for California (ELPAC) and California Assessment Student Performance and Progress (CAASPP) testing schedules. The CDE will begin to provide more frequent communications regarding the anticipated changes beginning in November, and will communicate the anticipated system down time well in advance so that LEAs can plan their work accordingly. The CDE remains committed to supporting LEAs through the upcoming workflow and system changes and appreciates the continued patience of LEA users until the major changes are implemented this spring.

Recognizing that overall system performance has degraded, particularly in the fall, with both the need to acquire statewide student identifiers to register new students for the Initial ELPAC within required deadlines (5 CCR Section 11518.5(e)), and the addition of the Special Education data collections to CALPADS, the CDE will be implementing changes *this* fall to some of the legacy processes to improve system performance.

Other Updates and Educational Data Management

There are no changes to the CBEDS data collection this year. CBEDS materials and training are available on the CBEDS web page at <https://www.cde.ca.gov/ds/dc/cb/index.asp>.

The 2021–22 Consolidated Application Program Guidance and Instructions are available in the “What’s New” section of the CDE Consolidated Application web page at <http://www.cde.ca.gov/fq/aa/co/index.asp>.

Data governance resources are available on the CDE’s EDGO web page: <https://www.cde.ca.gov/ds/ed/>. LEAs are encouraged to follow @cdeprivacy on Twitter, Facebook, and Instagram, and to visit the CDE Data Privacy web page at <https://www.cde.ca.gov/ds/ed/dataprivacy.asp> for resources and information on data privacy mandates and best practices.

In Summary

Thank you in advance for your efforts in submitting quality and timely data to the CDE. The ongoing support of your staff, particularly LEA CALPADS Administrators and their staff, who through their work are playing a key role in so many critical functions, is much appreciated. Keeping CALPADS updated with student enrollments and exits, and program data, along with certifying accurate data during the submission windows, has become increasingly important because of the use of the data in mission critical functions and for high stakes purposes. Please remember that there will be no opportunity for LEAs to revise data once final certification deadlines have passed, and after announced dates that ODS data will be pulled for specific uses.

If you have any questions about this letter, please contact the CALPADS/CBEDS/CDS Operations Office by phone at 916-324-6738 or by email at calpads@cde.ca.gov, or Glenn Miller, Administrator, by phone at 916-319-0529 or by email at gmliller@cde.ca.gov.

Thank you for your support.

Sincerely,

Jerry Winkler, Director
Educational Data Management Division

JW:pm