

**California Department of Education
Official Letter**

September 7, 2021

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

**The CDE Fall Special Education Monitoring and Engagement
with California's Local Educational Agencies**

On behalf of the Special Education Division (SED) at the California Department of Education (CDE), I would like to extend my gratitude and appreciation for all the work that you do as you begin a new school year. We understand that this has been a challenging and turbulent year, and I am encouraged and inspired by the work of our California educators to meet the diverse needs of our children with disabilities. I am excited that we will continue to work collaboratively to support our children and families as schools reopen for full-time in-person instruction for the 2021–22 school year. The purpose of this letter is to describe the manner in which the SED at the CDE will engage with your local educational agency (LEA) this fall. In this time of uncertainty, I want to make sure that the SED's monitoring activities are clearly outlined, so that collaboration with the SED staff will be transparent, clear, and consistent. The staff in the SED want to engage and collaborate with LEAs to support our goal of student success in a post-COVID future.

As you know, the CDE is charged with supporting the implementation of the Individuals with Disabilities Education Act (IDEA), Section 616(e) and Title 34, *Code of Federal Regulations (CFR)*. We understand that LEAs continue to face a wave of challenges during the start of this school year. While we are committed to our monitoring responsibilities, we want to be a source of support and not a burden on your efforts. To achieve this objective, we plan a scaled back approach that supports LEAs with resources and technical assistance and deploys monitoring where it is most needed.

Priorities for Monitoring and Support for the 2021–22 School Year

During the 2021–22 school year, the SED's work will be a directed approach to monitoring and support efforts, aligned to center around four priority areas:

1. High Quality Individualized Education Programs (IEPs)
2. Positive Behavior Supports
3. Assessing Learning Needs for Students with Disabilities
4. Equity and Disproportionality

Our first response to the needs of LEAs will be to provide technical assistance if needed. We will conduct directed monitoring activities to identify improvement areas, implement improvement, and support the improvement process for an LEA with the support of the Special Education Local Plan Area (SELPA).

CDE's Special Education Technical Assistance and Support Efforts for the 2021–22 School Year

The CDE is working with its technical assistance partners, including the Supporting Inclusive Practices project, the Positive Behavior Interventions and Supports Coalition, the SELPA Improvement Leads, the SELPA Content Leads, and the State Performance Plan Technical Assistance Project to curate a set of high-quality resources that align with high leverage practices. These will include a resource library, webinars, trainings and individualized technical assistance to support the needs of the LEAs identified by the leaders of the LEAs.

In the coming weeks, the SED will be releasing a set of resources that have been selected for their effectiveness in assisting LEAs to assess the needs of children as schools return to full-time in-person learning. Shortly after that, the SED will offer a series of webinars addressing positive behavior supports. All webinars and trainings will be recorded and posted to our CDE resource web page to ensure that LEAs have access to them when needed.

Finally, throughout the year, the SED will be working closely with LEAs to identify specific trainings or resources based on the needs of LEAs across the state. The individualized recommendations that we may make to LEAs will be based on plans identified by LEAs and SELPAs and through any monitoring activities. The CDE is sensitive to the fact there is an abundance of resources currently available, which is why the CDE is curating a list of high-quality resources for LEAs and making individualized recommendations based on the need specific to the LEA.

CDE's Special Education Monitoring Activities for the 2021–22 School Year

For the Fall of 2021, the CDE has focused its monitoring efforts to align with our priorities previously stated in this letter. To achieve this alignment, a few aspects of monitoring have been postponed or scaled down and full monitoring will recommence in January 2022. This fall, the CDE will continue to monitor child find and timelines for IEPs. This will include initial assessments, triennial assessments, and annual and triennial IEPs.

The CDE will provide your SELPA a compilation of data elements for initial assessments, triennial assessments, and annual and triennial IEPs based on the End of Year 2021 California Longitudinal Pupil Achievement Data System (CALPADS) submission. This will serve as a benchmark of data to allow LEAs to understand their current metric of compliance.

As a reminder regarding as teams are conducting special education evaluations, LEAs may not impose other conditions or timelines that are inconsistent with the LEAs criteria used to initiate its own evaluations and/or would deny the student's and parent's right to obtain an Independent Education Evaluation (IEE) at public expense. (34 *CFR* § 300.502 (e)(2)). LEAs should review current policies and practices related to IEEs to ensure compliance with the requirements of 34 *CFR* § 300.502.

Further guidance on conducting Independent Educational Evaluations can be found at

<https://www.cde.ca.gov/sp/se/lr/om031121.asp>.

As LEAs are working to assess student needs and hold high quality IEPs, the CDE will provide updated data to SELPAs on a monthly basis about their overdue IEPs and initial assessments of eligibility. It is our expectation that LEAs will use this data along with other local data to work with SELPA and identify the plans for Learning Recovery Funds allocated in the 2021–22 state budget. This plan is prepared and sent to the CDE by the SELPA and will identify the manner in the funds will be used to provide learning recovery supports to pupils associated with impacts to learning due to school disruptions stemming from the COVID-19 public health emergency. We encourage you to work with your SELPA to consider innovative solutions to address the learning gaps and equity concerns that have surfaced during this pandemic to meet the needs of your LEA. Those plans are due to the CDE on or before October 1, 2021.

The CDE will use these plans to provide targeted technical assistance through training and support. The CDE will also monitor the implementation of the plans through data and outreach to SELPAs throughout the fall. There will be no additional Special Education Plans (SEP) due to the CDE during the fall, with the exception of plans associated with Significant Disproportionality required by federal law. The CDE's engagement will center around supporting SELPAs to implement their Learning Recovery Plan with LEA.

More detailed information regarding Learning Recovery Plan, including a template, was provided to each SELPA on September 1, 2021. Data on initial assessments, triennial assessments, and annual and triennial IEPs based on CALPADS End Of Year 2021 submission will be included in communication to SELPAs in October.

In January of 2022, the CDE will notify LEAs of their annual determination required in 34 *CFR* 300.603 and their monitoring tier for the 2022 year. The 2022 monitoring tier will be based on previous years' monitoring tiers, the implementation of the Learning Recovery Plan, and additional data collected and reviewed on initial assessments, triennial assessments, and annual and triennial IEPs. LEAs that continue to have a high level of overdue assessments and IEPs may be required to participate in more intensive monitoring with targeted technical assistance. LEAs who fail to make progress may be placed into a more intensive tier of monitoring in Spring of 2022.

I hope this communication will provide you an overview of the engagement that you can expect to see from the CDE SED in the coming months. If you have additional questions, please contact your Focused Monitoring and Technical Assistance Consultant found at <https://www.cde.ca.gov/sp/se/qa/fmtacncnt.asp>.

The intent of IDEA is to secure a bright and successful future for all children who need supports and services to access their full potential for success. While the tenets of IDEA put to the test this past year, I am confident that you will ensure students with disabilities will have all the necessary supports to thrive this year. The State of California has made historic investments in education this year and we have a once in a lifetime opportunity to realize the vision of IDEA as we work with parents, teachers, administrators, and students to reimagine and improve special education. I look forward to our continued partnership and collaboration in the future and wish you, your staff and your students a productive, safe, and engaging school year.

Sincerely,

Heather Calomese, Director
Special Education Division

