



**WEST ORANGE COUNTY CONSORTIUM FOR SPECIAL EDUCATION  
REGULAR MEETING OF THE WOCCSE SUPERINTENDENTS' COUNCIL**

Huntington Beach Union High School District  
5832 Bolsa Avenue, Huntington Beach, CA 92649

**MARCH 8 2017  
4:00 PM**

# **A G E N D A**

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

WOCCSE Executive Director's Comments: Regular meetings of the WOCCSE Superintendents' Council on September 21, 2016 and December 14, 2016.

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2<sup>ND</sup> \_\_\_\_\_  
V \_\_\_\_\_

**IV. ITEMS OF INTEREST**

WOCCSE Executive Director's Comments: Staff will share information regarding upcoming retirements and newly hired administrative personnel.  
(Information)

**V. PRELIMINARY FUNCTIONS**

**V-A. WOCCSE Recognition**

WOCCSE Executive Director's Comments: Recognition will be presented to staff who have gone "above and beyond" to serve students in their districts.  
(Information)

**V-B. Public Comments:**

WOCCSE Executive Director's Comments: Anyone desiring to address the WOCCSE Superintendents' Council on any agenda item may request to do so at this time. Five minutes will be allotted each person at the time he or she speaks to the agenda item. Please speak from the podium.

**THE PROCEEDINGS OF THIS MEETING ARE BEING RECORDED.**

## **VI. REPORTS**

### **VI-A. WOCCE Budget**

WOCCE Executive Director's Comments: Staff will present Interim Budget Update for 2016-2017.  
(Information)

### **VI-B. Legislative Update**

WOCCE Executive Director's Comments: Staff will provide information on current legislative issues. (Reference VI-B)  
(Information)

### **VI-C. WOCCE Strategic Plan**

WOCCE Executive Director's Comments: Staff will present an update regarding key aspects of the 2016-2017 Strategic Plan. (Reference VI-C)  
(Information)

## **VII. PUBLIC COMMENTS**

## **VIII. ADJOURNMENT**

Next WOCCE Superintendents' Council Meeting:  
May 18, 2017  
4:00

**WEST ORANGE COUNTY CONSORTIUM FOR SPECIAL EDUCATION**  
**MINUTES OF THE WOCCSE SUPERINTENDENTS' COUNCIL**

**September 21, 2016**

**COUNCIL MEMBERS  
PRESENT**

Dr. Carol Hansen/OVSD  
Gregg Haulk/HBC  
Dr. Marian Phelps/WSD  
Dr. Alan Rasmussen/HBUHSD (Interim Superintendent)

**COUNCIL MEMBERS  
ABSENT**

Dr. Mark Johnson/FVSD

**ADMINISTRATIVE  
PERSONNEL ABSENT**

None

**PLACE AND DATE OF  
MEETING**

Huntington Beach Union High School District  
Board Room  
September 21, 2016

**CALL TO ORDER  
(I)**

The meeting was called to order by Dr. Marian Phelps at 4:01 p.m.

**FLAG SALUTE  
(II)**

The Pledge of Allegiance was lead by Dr. Carol Hansen.

**APPROVAL OF MINUTES  
(III)**

It was moved by Gregg Haulk, seconded by Dr. Hansen, that the minutes of the WOCCSE Superintendents' Council meeting on May 18, 2016 and June 15, 2016 be approved as presented.

Motion unanimously carried.

**WOCCSE Recognition  
(IV-A)**

Anne Delfosse, WOCCSE Executive Director, introduced the following honorees for the "Above and Beyond" recognition award from HBC and WSD. Anne shared the following on each honoree:

Brittany Baker

Brittany is HBC's Behavior Support Team Lead Paraprofessional. She is consistently described as "the Queen of Behavior Management" and is a master at her craft. In all situations, working with staff, parents, and students, she is professional, precise, compassionate, and a great communicator. When engaged in helping solve behavior challenges, she does it in a collaborative and efficient manner and never takes anything personal, which promotes effective communication and trust among staff. She is confident in her skills to stand firm on her expectations of staff.

**WOCCSE Recognition -  
continued**

Brittany makes every effort to promote staff learning. She is a master at modeling what she wants staff to do, and then coaches them as they learn and apply appropriate behavioral strategies. She has the ability to map her day assisting staff with consistency, and yet is flexible enough to honor requests when teams are in crisis mode.

Brittany is the first to celebrate students' and staffs' accomplishments. She is discrete, creative, hardworking, respectful, and always willing to go the extra mile! She assists team members in planning for behavioral data collection and assists in compiling and graphing this information so it can be used to assist the staff in recommending and implementing appropriate behavior targeted supports.

In addition to District duties, Brittany also participates in the WOCCSE Behavior Support Team PLC. Her collaboration with this group serves not only HBCSD, but other districts as well.

Mrs. Delfosse and the Council recognized Brittany for going above and beyond to serve students with disabilities.

Recognition was also given to the WSD Interpreters:

Spanish Interpreters: Christopher Carrillo, Monica Munoz, and Erika Weinraub and Vietnamese Interpreters: Lian Baker, Diep Vu, and Thu Vu.

Anne shared that the Westminster School District interpreters/translators each go above and beyond on a daily basis to support staff, special education students, and their families. Their primary role in IEP meetings is to serve as interpreters in the exchange of information and conversation.

However, they have developed and display skills that go beyond this. As they translate, they are each able to understand intent and read non-verbal language. This results in meetings that are truly meaningful, where parents feel they have participated in a significant way and where staff feel confident that the information was delivered with accuracy and sensitivity when called for.

Besides interpreting during meetings, they work with team members and parents to translate assessment scales and pages of multidisciplinary team reports. As a result, some might say that this group knows more about specific disabilities than many educators!

Their skill in interpreting and translating has helped us to build better parent relationships, build bridges to the community, and connect school and home so that our students can thrive.

**WOCCSE Recognition -  
continued**

The Superintendents' Council joined in congratulating this special group for going above and beyond in service to students with disabilities.

**PRELIMINARY FUNCTIONS –  
Oral Communication  
(IV-B)**

None

**REPORTS  
Legislative Update  
(V-A)**

Anne Delfosse presented a legislative update on the following bills:

**(SB) 123** which has been enrolled and presented to the governor....supported by CSBA. This bill *revises claiming options* for the school based Medi-Cal program. It is primarily aimed at allowing LEAs to contract directly with the state Department of Health Care Services to recover LEA Medi-Cal billing, rather than having to go through a management company.

**SB 884 (Beall)**—Use of Mental Health Funding. This bill was enrolled and presented to the governor on August 30<sup>th</sup>. In summary, it requires a **onetime audit** through the K12 Annual Audit Guide to include a procedure to review “*whether funding for educationally related mental health services was used by (LEAs) for its intended purposes* in the 2016–2017 fiscal year.”

The bill also requires the CDE to report to the Legislature by June 30, 2017, (1) its *compliance findings and corrective action plans related to the provision of mental health services* for pupils with individualized education programs using data the department collects through its verification and comprehensive reviews; and, (2) *outcomes for pupils receiving mental health services through an individualized education program*, including graduation rates, dropout rates, suspension/expulsion rates; participation in general education classes, statewide assessment results, and post-school outcomes. (Using Current Annual Performance Indicator Targets)

**SB 1113 (Beall)**—County and Local Educational Agency Partnership Fund. This bill has also been enrolled and presented to the governor on August 15<sup>th</sup>. This bill establishes a county mental health agency and school agency partnership fund for the purpose of covering the cost of certain mental health services provided to children with and without disabilities.

*There is no funding in the bill or in the 2016-17 State Budget to pay for the partnership pilot program, which makes it unlikely to be signed into law.*

## Legislative Update – continued

Mrs. Delfosse stated that there was a state collaborative group that was working on a remedy to the problem of a 20 day limit on non-credentialed subs for statutory leaves. Resulting from the work of this collaborative, there has been a change to the CA Code of Regulations allowing for the **Teaching Permit for Statutory Leaves**.

Anne summarized the following:

- Teaching Permit for Statutory Leaves allows LEAs to fill assignments where a teacher will be out for a statutory leave for more than 30 days (20 days for special education)
- Candidate requirements for Issuance of the Permit by the LEA
- Preparation requirements include a 45 hour focused training in 12 broad content areas
- Monitoring and Reporting Requirements
- Teaching Permit for Statutory Leave requirements are to be overseen by the LEA requesting the permit.

Anne also stated that although this seems like more work up front, having permit holders for statutory leave assignments may save the district in the long run from having to change out substitutes every 20 days.

It is a best practice for students when a highly qualified substitute can't be found for extended leaves.

Also, this permit is not to be used to fill vacancies.

Mrs. Delfosse presented information on the **California Children's Services** that was developed by the State SELPA Directors.

Anne shared with the Council that although school districts are responsible for working cooperatively with other public and private agencies, more than 30 years after the legislature established a mandate for interagency responsibility for OT and PT services, *the approach is no longer meeting the needs of CCS, our students, or school districts for these reasons:*

**Changes in delivery models.** Medical Therapy Units (one of which Westminster School Districts provides) no longer meet the requirements of the Least Restrictive Environment.

**Lack of Cooperation:** The last MOU that was signed between OC SELPAs and CCS was in 2003. CCS is no longer providing services to students in the school setting.

## **Legislative Update – continued**

**Legal Disputes:** Recent due process cases and court appeals (involving Orange County) have resulted in decisions that conflict regarding the amount of authority CCS has to make decisions that may impact a child's education outcomes and compliance with the IDEA.

### **Improper Use of Special Education Resources**

Local, state, and federal funds apportioned to SELPAs and LEAs are for the provision of special education and related services to individuals with exceptional needs. SELPAs and LEAs spend millions of dollars on Medical Therapy Unit facilities. Not all students served there are eligible under the IDEA. CCS provides medically necessary services, not what is educationally related, and do not need to comply with the IEP.

#### **Proposed Remedies**

- MTUs do not need to be located on public school campuses in order to provide quality medical care and coordination of medically necessary services and resources.
- MTUs should be folded into the proposed CCS whole-child model to better coordinate and ensure access to an array of medically necessary services; as schools continue to assess students' needs for educationally related services to be provided during the student's instructional day in the LRE.
- To accomplish this, one remedy would be to repeal the provisions of Government Code Sections 7570-7575 related to interagency responsibilities for OT and PT in the same manner that AB114 repealed the interagency responsibilities for mental health services.
- OC SELPA Directors, in conjunction with the OC Special Education Alliance, will be working toward advocacy efforts related to these proposed remedies.

## **REPORTS ADR/Due Process Update (V-B)**

Nancy Finch-Heuerman, WOCCSE Director, presented information regarding the number of alternative dispute resolution meetings, due process hearings and compliance complaints within the five member school districts for the last school year.

Charts were provided showing the total number of ADR meetings held for each school district and total number of ADR meetings for all of WOCCSE.

- **Alternative Dispute Resolution (ADR) Process**  
**Summary:** sessions held; ADR invitations declined by parents; unresolved or filed for due process; total ADR Settlement Agreements and pending ADR carried over into 2016-2017  
ADR requests went up significantly.

## ADR/Due Process – Update Continued

A similar chart was presented showing the number of all due process filings for each district and then the total number of filings for all of WOCCSE.

- **Due Process (DP) Summary:** DP filed by parents; DP filed by District; DP resolved at Resolution Session; DP resolved at Mediation; DP resolved outside Resolution/Mediation; DP withdrawn by parent/district; DP Hearings completed; DP filings carried over into 2016-2017  
The number of due process filings for all of the districts decreased by approximately 35%.
- **Compliance Complaints Summary:** received; withdrawn by parents; resolved with corrective actions ordered; resolved with no corrective actions ordered
- Presented was a year-by-year total of Due Process Filings and ADR Requests from 2010 to 2016.

Mrs. Finch-Heuerman stated that it is always preferable to have the number of ADRs on the rise and the number of due process requests on the decrease - indicating that our school districts are all making efforts to resolve disputes as quickly as possible. Nancy also stated that WOCCSE will continue its efforts to work with the districts through the ADR process to resolve parent concerns as soon as possible and reduce the number of due process filings.

## REPORTS Professional Development (V-C)

Lindy Leech-Painter provided an overview of the upcoming meetings and trainings that WOCCSE helps facilitate.

Brief descriptions of each meeting/training were outlined:

- Many of the meetings are regularly scheduled PLC meetings for WOCCSE's itinerant and support staff (OTs, PTs, VIs, Program Specialists, ATs and AAC)
- Other meetings focus on District level PLCs, such as Directors' Council, Key Leaders, and the districts' autism and behavior coaches as well as the PLC for the teacher facilitators of the Unique Learning System curriculum
- Several are professional development opportunities that are offered to the member districts
- Procedure Reviews - WOCCSE goes out and meets with the special education staff in each elementary district and individual high schools – these trainings happen twice a year – fall and spring - it's WOCCSE's opportunity to talk with specialist regarding new forms, updates to programs or procedures, etc.
- WOCCSE is offering a New Teacher Academy for any new specialist



## **Professional Development - continued**

- Michelle Anderson will be leading three five day trainings on the Principles of Applied Behavior Analysis to assist school teams as the Districts shift from individual DTT to more ABA embedded classrooms
- Melissa Pattullo will once again be offering the Assistive Technology Certificate course which helps the districts' specialist and SLPS build capacity in that area
- WOCCSE will be hosting three trainings offered by the Diagnostic Center of Southern California – the first one will be in November and center on Dyslexia, in January there will be a full day training on Cognitive Behavioral Techniques for Educators, and the last training will be in March and that one will center on the assessment and intervention of Executive Function Difficulties
- Trainings that are in the process of being scheduled: the DRDP, Better Speech & Hearing Month, and Administrators' Focus Group

Dr. Phelps thanked Michelle Anderson, Lindy Leech-Painter and Nancy Finch-Heuerman for participating in WSD's Professional Development Day. Michelle presented "Instructional Strategies for Working with Students with Autism" and Lindy and Nancy presented WOCCSEs Procedure Review.

## **REPORTS MOE and Excess Cost Report (V-D)**

Rachel Rios, WOCCSE Fiscal Manager, provided reports on the following:

- Ms Rios stated that the MOE and Excess Cost Reports are due to CDE by November 15, 2016. Summary and comparison reports will be presented at the December Superintendents' Council meeting.
- An update on the WOCCSE Budget for FY 2015-2016 was presented. The report shows the final 2015-2016 Unaudited Actuals close out compared to the Estimated Actuals presented at the June 15<sup>th</sup> meeting.
- Total WOCCSE Income without Non-Shared programs and WOCCSE Budget Administrative Costs increased by approximately \$77,000 from Estimated Actuals due to:
  - An increase in facilities cost at year-end
  - Carryover funds for Low Incidence materials and Staff Development funds to be utilized in the new year.
- Non-Shared programs increased by approximately \$363,000 from Estimated Actuals due to:
  - The Assistive Technology/Augmentative and Alternative Communication (AT/AAC) Specialist position added last year and not included in the Estimated Actuals

## MOE and Excess Cost Report - continued

- An increase in RTC/NPS Contract costs at the end of the year
- An increase in County Tuition costs for Special Circumstance 1:1 Aides was not included in Estimated Actuals
- Summaries of current NPS/NPA contract costs for each District were submitted for approval through September Board meetings. In total, there are approximately \$3.2 million in contract costs with \$1.7 million in Mental Health funding.
- An update of the FY 2016-2017 Mental Health Funding Distribution are as follows:
  - The Federal award is estimated based on last year's actual award amount.
  - The State entitlement award is estimated based on CDE's projection of \$60 per 2015-2016 P2 ADA.
  - The final state entitlement will be calculated in July 2017 based on 2016-2017 P2 ADA.
  - Total SELPA costs have been updated, including the \$1.7 million in NPS/NPA contract costs.
  - Remaining allocations have been distributed to Districts per 2015-2016 P2 ADA amounts.

## WOCCSE STRATEGIC PLAN (VI)

Mrs. Delfosse presented the 2016-2017 Strategic Plan for approval.

Following is an outline of what was presented:

***WOCCSE Mission and Vision.*** These drive the work of the SELPA. With student access, growth and success as our ultimate vision, we work collaboratively with our member districts to provide support to staff, students, and their families.

### ***The Process Summary***

In the Spring of each year, WOCCSE begins an analysis of strengths, weaknesses, threats and opportunities. WOCCSE surveys staff across all member districts and conducts at least four separate retreat days with WOCCSE staff and District Directors. Together they analyze data relative to several areas including program, student placement and staff development from the ending year in order to make recommendations for the coming year.

***Key Areas of Support*** provided to member Districts :  
The first is improving ***Student Outcome***. WOCCSE supports member districts through the provision of:

- program support and development (eg: MH, ED, Autism, Early Start, PreK)

## WOCCSE Strategic Plan – continued

- case management and support of NPS, RTC, infants (0 to 3 population)
- services for students (OT, PT, VI, Assistive Technology, DHH and Audiological Services)
- Behavior Intervention and Support
- Curriculum and Instruction Support

The next key area of support is ***Professional Development***. WOCCSE provides professional development in a variety of ways across several areas including:

- Administrator training
- Practitioner training in several areas including: assessment and evaluation, instructional strategies, behavior management and intervention, procedures and compliance.
- Coaching and Support of facilitators

Another Key area of support is ***Compliance and Dispute Resolution***. WOCCSE provides:

- Regular updates on procedures
- Facilitation of Alternative Dispute Resolution
- Compliance monitoring and support
- Support with Due Process proceedings
- Performance and compliance indicator support as needed

WOCCSE provides support in several areas related to ***general operations and communication*** (both internal and external) and advocacy.

### ***Goals and Objectives:***

#### **In the Area of Program Support:**

- WOCCSE will be building and leading a systematic approach toward evolutionary changes in the Autism program. In addition to providing training in evidenced based practices, WOCCSE is developing a coaching model that will involve a cohort for collaboration and support
- Revising the Behavior Support Team model to be more of a mentor/coaching model for site teams
- Continue Systems of Support for the Unique Learning System (the curriculum used k-12 for students with the most significant disabilities)

#### **In the Area of Professional Development:**

- Expand training opportunities for Psychologists and Speech Pathologists
- Continue to offer training to Administration (facilitating IEPs, program evaluation)

**WOCCSE Strategic Plan -  
continued**

- Develop and Implement New Teacher Training Modules
- Provide other teacher training in selected topics
- Continue Pro-ACT Training and Procedure Reviews
- Continue to explore development of web-based learning opportunities

**In the areas of General Operations:**

- Improve fiscal reporting process
- Institute a more efficient use of technology for sharing agendas
- Increase meeting times and adjust meeting schedules to allow for more discussion among district directors
- Continue to meet with key leaders
- Clarify the purpose, process, and structure of the Community Advisory Council
- Re-Develop the WOCCSE Website

It was moved by Dr. Rasmussen and seconded by Dr. Hansen that the WOCCSE Strategic Plan for 2016-2017 be approved as presented.

Motion unanimously carried.

**PUBLIC COMMUNICATION  
(VII)**

None

**CLOSED SESSION  
(VIII)**

None

**ADJOURNMENT  
(IX)**

Dr. Phelps adjourned the public meeting at 4:48 p.m.

# **WEST ORANGE COUNTY CONSORTIUM FOR SPECIAL EDUCATION**

## **MINUTES OF THE WOCCSE SUPERINTENDENTS' COUNCIL**

**December 14, 2016**

**COUNCIL MEMBERS  
PRESENT:**

Dr. Carol Hansen/OVSD  
Dr. Mark Johnson/FVSD  
High School was represented by Owen Crosby

**COUNCIL MEMBERS  
ABSENT:**

Gregg Haulk/HBC  
Dr. Marian Phelps/WSD  
Dr. Alan Rasmussen/HBUHSD (Interim Superintendent)

**ADMINISTRATIVE  
PERSONNEL ABSENT:**

None

**PLACE AND DATE OF  
MEETING:**

Huntington Beach Union High School District  
Board Room  
December 14, 2016

**CALL TO ORDER (I)**

The meeting was called to order by Dr. Mark Johnson at 4:01 p.m.

**FLAG SALUTE (II)**

The Pledge of Allegiance was lead by Dr. Mark Johnson.

**APPROVAL OF MINUTES (III)**

The minutes were tabled until the March 8, 2017 meeting due to lack of quorum.

Motion not carried.

**WOCCSE Recognition (IV-A)**

Anne Delfosse, WOCCSE Executive Director, introduced the following honoree for the "Above and Beyond" recognition award from WOCCSE. Anne shared the following:

"It is with a respectful and bittersweet heart that I present WOCCSE's Above and Beyond Recognition to you today.

Today, we honor our very own Rita Buccola, who is also retiring at the end of this month.

Honestly, it is difficult for me to describe what Rita has done for all of us over these many years. Through her service to WOCCSE, and her unyielding attempt to keep us all so organized and focused, I can't imagine how many staff and families she has helped through the years.

## **WOCCSE Recognition, Cont.**

Rita started her tenure in Huntington Beach Union High School District working as a substitute in the attendance office at Westminster High School. She loved (and I quote), “being around the students.” She then worked in the Human Services Department as a Sr. Personnel Clerk and through this job, she realized that she “loved the staff too.” When she worked to support the home teaching staff, she says that this is where she learned to be sensitive to hardships that many of our families face when they have sick or disabled children. So, WOCCSE at last became her work home in 1994, where she first served as an Administrative Secretary, then executive secretary under Jim Hemsley.

If you ask any staff in WOCCSE, they will tell you that Rita is a “rock”, a shoulder to cry on, and a model of care and concern.

If you ask parents, they will tell you that she is patient, compassionate, and helpful.

If you talk to her colleagues in other districts, they will tell you that they appreciate her friendly attitude and tenacity (especially when trying to schedule meetings.)

When asked what she likes best about her job, without a second hesitation, Rita will tell you “the people”. This attitude has been an example for all of us, as we deal with the many joys and complexities of service to students with disabilities.

Rita is always mindful about giving cause to celebrate, and she takes the lead in making sure that the WOCCSE staff always takes time to do so. Now, it is time for us to celebrate Rita. We offer her congratulations and wishes for continued good health and renewed energy as she makes plans to refocus on her own family and friends, and to launch herself on a new adventure. We will miss her, but we are so proud to know her and to honor her at this crossroad.

Please join me in recognizing our wonderful Rita for always going above and beyond in helping us to support students with disabilities and their families, and the staff who serve them.”

## **PRELIMINARY FUNCTIONS – Oral Communication (IV-B)**

None

## **REPORTS Orange County Special Education Alliance Review Committee Updates (V-A)**

An update regarding Orange County Special Ed Alliance was provided.

The Orange county Special Education Alliance Review Committee approved minutes from September and the draft minutes from November are included in the packet.

In summary...

**Orange County Special  
Education Alliance Review  
Committee Updates, cont.**

The Orange County Special Education Alliance is providing county-wide training for educational leaders.

- A legal panel is being held in January through which current topics related to case law and special education practice will be discussed. Each attorney will present on a specific topic, with a Q & A panel to follow.
- In addition to this, Gail Nugent (a trained mediator, trainer, and conflict resolution facilitator) has been contracted to provide a number of hours of training for each SELPA in Orange County. WOCCE's January Administrative Focus Group Training will feature a presentation by Gail, with a follow up plan for more specific coaching for district teams as needed. Please encourage your site leaders to attend this training.

The Alliance Advocacy committee is working on a plan to have teams (SELPA Directors, Parents, other district leaders) visit legislators when they are in town. Talking points for these visits are yet to be developed, but will most likely involve funding for special education preschool and follow up to the governor's budget.

There have been several applications approved for AB490 (foster youth) transportation support, and one application for District Support.

**WOCCE Strategic Plan Update  
(V-B)**

Nancy Finch-Heuerman, WOCCE Director, wanted to update the Council on WOCCE's efforts regarding the number of alternative dispute resolution meetings within the five member school districts for the last 6 months, from July 1 until December 31, 2016.

Page V-B (1) provides information about ADR meetings for each school district for that time period. The 5 districts are labeled across the top of the chart in alphabetical order with a column entitled "WOCCE Total" on the far right.

The first row provides information regarding the total number of ADR meetings held for each school district, and then provides a total number, 16, of ADR meetings for all of WOCCE.

The next row indicates the number of ADR meetings which were offered by WOCCE on behalf of the districts, but the ADR invitations were declined by the parents for various reasons.

The next row shows the number of ADR sessions where the districts and parents were unable to resolve the issues. In 5 of those cases the

issues still remain unresolved today, and in one case the parents thereafter filed for due process, which was settled at mediation.

**WOCCSE Strategic Plan Update,  
cont.**

The next row indicates the number of ADR sessions that were resolved, but no settlement agreement was entered into between the parents and District. In one case, the issues went back to the IEP team and were resolved, and the other case was simply resolved through discussion with District and WOCCSE staff.

The next row indicates the number of ADRs Pending—we have one ADR scheduled between now and the end of December, and another in which the agreement is being developed “as we speak.”

Finally, the last row indicates the total number of ADR settlement agreements that were entered into with parents and finalized by each district with the support of WOCCSE.

Lindy Leech-Painter, WOCCSE Director, presented to the Council an update on professional development opportunities offered through the SELPA.

Recent highlights include:

- 1) An October training for school psychologists on School Refusal. That training occurred here at the District Office and was led by Robyn Moses, Director of the Compass Center. Over 40 psychologists from the 5 member districts attended.
- 2) In November, staff from The Diagnostic Center of Los Angeles, presented a full day workshop on Dyslexia. WOCCSE thanks FVSD for allowing us to use their board room for the training. Over 60 people were in attendance. Westminster School District had 28 participants including not only specialists but general education staff as well.
- 3) Meryl Schrantz, Michelle Anderson, and Lindy Leech-Painter attended the 2 day C.A.P.T.A.I.N. Summit the first week of December – California Autism Professional Training and Information Network. There were representatives from all over Southern and Central California with a focus on gathering resources to bring back to SELPAs in order to facilitate training within SELPAs and Districts. WOCCSE will be hosting a meeting of the Orange County CAPTAIN members on January 23<sup>rd</sup> and they’ll be working on the action plan for the upcoming year which includes organizing a network of training, strengthening our relationship with Regional Center and local universities, and developing a brochure for distribution to local area preschools on early signs that would warrant screening or testing.

Upcoming Trainings include:

- 1) WOCCSE will host the second 5 day training – Principles of Applied Behavior Analysis the week of January 8<sup>th</sup>.

WOCCSE’s Autism Specialist, Michelle Anderson, leads that



## **WOCCSE Strategic Plan Update, cont.**

training. The first training offered at the end of September received great feedback from the attendees.

- 2) On January 12, Gail Nugent will meet separately with our new teachers after she leads the Administrative Focus Group in the a.m. One of the areas new teachers asked for help in is dealing with difficult personalities and we're pleased to be able to support them in that area.
- 3) On January 26<sup>th</sup>, WOCCSE will host the second Diagnostic Center Training of the year – Cognitive-Behavioral Techniques for Educators. This training is geared for teachers, specialists, psychologists, administrators working with students with mental-health needs. A thank you to WSD for opening up the TLX room at Wilmore for the training.
- 4) There will be a Special Education Legal Panel offered through the Alliance at the end of January. January is a busy month in terms of our PD offerings!

## **Fiscal Update (V-C)**

Rachel Rios, WOCCSE Fiscal Director, provided reports on the MOE and Excess Cost Reports which were due to CDE by November 15, 2016. Summary and comparison reports have been prepared as informational items in Councils' packet.

**MOE Reports** – Background information: In 2014-15 the federal Subsequent Year Rule (SYR) was implemented to define what level of effort an LEA must meet in the year after an MOE failure, and the Subsequent Year Tracking (SYT) is a tracking mechanism that will be updated annually to ensure LEAs are meeting the requirement. LEAs

are only required to pass one of four tests to meet the MOE requirement. However, each LEA is required to show results for all

four methods. These results are necessary both for historical purposes

and for the possibility that an LEA may want, or need, to switch methods in future years.

Effective with the November 15, 2016, reporting, LEAs were required to submit a Subsequent Year Tracking (SYT) worksheet with their MOE reports. The worksheet begins with the 2011-12 year, the baseline year for LEA MOE calculations established by the Office of Special Education Programs. The SYT worksheet will be a "rolling aggregate" data collection, meaning LEAs will add to the data as each year comes to a close. If an LEA met the LEA MOE compliance standard by one of the four methods for any year after 2011-12, that becomes the baseline year for that method. Pages V-C (5) through (10) show the test results for each district for each test method beginning with 2011-12 Actuals through 2016-17 Budget.

## **Fiscal Update, cont.**

In summary each district's MOE tests for 2015-16 Actuals to 2014-15 Actuals. MOE requirement was met by all Districts.

Page V-C (2) and (3) are summaries of each district's MOE tests for 2016-17 Budget to 2015-16 Actuals. MOE requirement was met by all Districts EXCEPT for HBUHSD. Test 2 was required by HBUHSD to compare 2016-17 Budget to 2014-15 Actuals (most recent year where MOE was met). MOE requirement was met by HBUHSD.

Page V-C (4) is a comparison report by District for Pupil Counts, Excess Cost, and MOE amounts from 2014-15 to 2015-16. Pupil counts (Enrollment, CASEMIS UDC, and Spec Ed Student FTE) across all districts decreased. Excess Costs and MOE levels increased.

Page V-C (11) and (12) are SELPA Excess Cost calculation summaries for FY 2015-16 and FY 2014-15.

All of these reports were presented to District Special Ed Program Directors and Business Directors. The SELPA recommended and encouraged districts to review information and have discussions with pertinent staff to ensure that programs are being operated efficiently.

## **Legislative/Policy Update (V-D)**

Mrs. Delfosse presented an update on various state and local issues that have been shared previously.

### **1. Memorandum of Understanding that Districts hold with California Children's Services.**

The last signed MOU between Orange county and CCS was in 2001.

You can see that this MOU is significantly outdated, and is not being adhered to, primarily because at this time, there is such a separation between educationally necessary and medically necessary services; and the law upon which this MOU is based grew out of necessity in the 1940s when students needed access to medical care for significant disabling conditions.

Upon recent engagement with CCS, neither party wants to create or update an MOU.

At this point, SELPAs are calling for a legislative approach that would separate the health care entitlement from the educational entitlements.

Districts pay for facilities (the medical therapy units) and materials for CCS, but there are no IEP services being provided to our students by CCS.

## **Legislative/Policy Update, cont.**

As an example, CCS PTs previously provided equipment analysis and transfer training to staff in classrooms. Now, because CCS no longer serve students in the classroom or through an IEP, WOCCSE PTs are providing these services for our students and staff. (If we had not developed our WOCCSE PT program, our districts would have to contract for these services).

### **2. Child Welfare Improvement Partnership.**

Historically, School Districts have been left out of this discussion. However, in Orange County, SELPA Directors have been invited to participate and are attempting to build bridges for interagency collaboration.

Mrs. Delfosse stated that it is important for us to stay in the conversation regarding our foster youth. The lines often blur when we are addressing needs of children. However, without SELPAs at the table, the roles of the IEP team and the Child Family team can be confused. The home/school needs have to stay bifurcated, but coordinated.

SELPA Directors are working to stay involved in these inter-agency discussions because issues such as

- funding that SELPAs receive based on out of home bed count,
  - keeping students in district of origin when they move to a new foster home, and
  - placing students who have been failed by the systems
- all call for engaging discussion and collaborative solutions.

In January, a small group of OC SELPA Directors (Anne included) will be meeting with juvenile court judges to discuss more ways to build interagency collaboration.

The ultimate goal for all agencies is to have students reside in home and attend schools in secure, effective, successful environments for both living and learning.

### **3. Restructuring credentials in California**

Mrs. Delfosse stated that she is representing WOCCSE and the State SELPA Directors Association as a member of a state-wide workgroup with the Commission on Teacher Credentialing for the purpose of revising the Education Specialist Credential.

An Information/Action Item summary updating the Commission on the progress of this group is included in packet on page V-D 30-38.

## Legislative/Policy Update, cont.

In summary, the newly adopted teaching performance expectations for general education are foundational, and define what both prospective general education and special education teachers must know and be able to do.

Mrs. Delfosse shared that in addition to these, there will be a set of core expectations for all special education teachers. It is the recommendation that the focus be on student needs and appropriately responsive instruction and intervention, rather than on disability categories (as is currently the focus with all of the specialized authorizations for special education).

The workgroup has also asked the commission to consider expanding the Early Childhood Specialist Credential to Kindergarten (which would require some regulatory changes), and has discussed, for the Commission's consideration, three possible credential structures.

Moving forward, the workgroup will finalize recommendations for structure and teaching performance expectations for ed specialists. There are 2 more work sessions scheduled before final recommendations go before the Commission.

### **4. Special education finance report from the Public Policy Institute of California.** (The report and appendixes are included in packet on Page V-D 36-90)

Mrs. Delfosse stated that last year, there was bipartisan support for SB1071, which was a bill to provide funding for special education

preschool. The governor pulled the bill and called for an independent study on special education finance to be completed.

The PPIC released their report on November 29<sup>th</sup>. A publically broadcasted panel discussion with Michael Kirst, State Board President, was held. The report has served as a launch platform for further discussion around the state.

In brief, the institute's recommendations were to:

#### ***Consider new funding distributions***

- Direct funds to LEAs rather than SELPAs
- Add special ed funding to LCFF, keeping the requirement to spend funds only on special education or add special ed funding to LCFF without firm restrictions, allowing for maximum flexibility, while maintaining MOE requirements

## Legislative/Policy Update, cont.

*Continue other SELPA functions through some type of regionalized organization similar to SELPAs* (Eg. Consortiums, COEs, CDE, statewide small district SELPAs)

**Update AB602:** Equalize up toward the highest per ADA rate at (90<sup>th</sup> percentile) or to the 2007 per ADA rate (which would be approximately equal to the 90<sup>th</sup> percentile (\$653.00 per ADA)

(WOCCSE is currently funded below the 90<sup>th</sup> percentile level at a base rate of \$578.72.)

### ***Simplify other funding programs***

- Include mental health funding in AB602
- Base Out of Home Care funding on actual placements instead of bed counts
- Increase state support for infants and preschoolers with disabilities

Several groups are watching closely to see if the special education reform discussion is picked up in the governors January budget proposal, or if it is separately pursued in the Legislature.

Given the complexity of the topic and the many competing interests, it is possible that the finance reform conversations will result in minimum or no changes at this time.

Some political analysts speculate that state policy makers will most likely be inclined to wait before taking any action until possible changes in federal education programs and funding are proposed by the new administration.

Going forward, ACSA and several other groups have made special education a policy priority for this year.

As more information becomes available regarding fiscal and/or structural reform of special education, WOCCSE district leaders will be

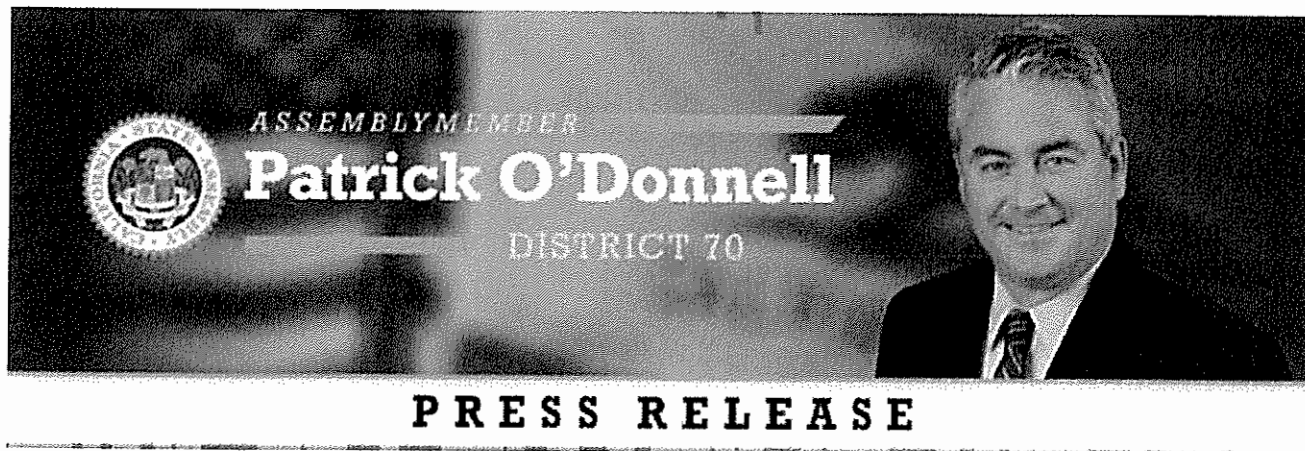
kept informed, as there would be a lot to discuss, especially relative to how to maintain and support programs and services to our students.

## **PUBLIC COMMUNICATION (VI)**

None

## **ADJOURNMENT (VII)**

Dr. Johnson adjourned the public meeting at 4:40 p.m.



**FOR IMMEDIATE RELEASE:**  
**February 6, 2017**

**CONTACT:** Jesse M. Switzer  
(562) 429-0470

**Assemblymember O'Donnell Leads the Charge to Deliver  
Academic Equality for Students with Disabilities**

**(SACRAMENTO)** – Today, Assemblymember Patrick O'Donnell (D – Long Beach) introduced AB 312, which strengthens California's support for students with disabilities by creating a state funding source for special education preschool services and addressing long-standing special education funding inequities.

California currently provides no financial support for special education preschool programs, which are highly effective at improving academic outcomes for students with special needs. Investing in special education preschool programs may reduce the need for future special education interventions by as much as 40 to 60 percent. Additionally, AB 312 requires the state to commit more resources to special education in order to balance out California's special education funding rates.

"California's public schools must support all students, and that includes our children with disabilities," said Assemblymember O'Donnell, Chair of the Assembly Education Committee and teacher. "AB 312 will address a fundamental issue of fairness in funding, while providing critical special education services that empower students to achieve their full academic potential."

"We applaud Assemblymember O'Donnell's efforts to address the inequities in special education funding," said David Toston, Associate Superintendent of the El Dorado County SELPA and Chair of the Coalition for Adequate Funding for Special Education. "Establishing a funding stream for early interventions will produce significant educational and social benefits as well as cut costs over the long-term."

The bill now awaits referral to its first policy committee.

###

*Assemblymember Patrick O'Donnell represents the 70<sup>th</sup> Assembly District which includes Long Beach, Signal Hill, San Pedro and Catalina Island.*

**ASSEMBLY BILL**

**No. 312**

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**Introduced by Assembly Member O'Donnell**

February 6, 2017

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An act relating to school finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 312, as introduced, O'Donnell. School finance: special education funding.

Existing law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula. Existing law requires the Superintendent of Public Instruction to determine the amount of funding to be provided for each special education local plan area (SELPA) in accordance with specified calculations.

This bill would express the intent of the Legislature to phase-in equalization of SELPA funding rates to an unspecified percentile, commencing with the full implementation of the local control funding formula. The bill would also express the intent of the Legislature to establish a state funding mechanism to provide all local educational agencies with the funding necessary to establish high-quality preschool programs for California's preschool-age children with disabilities in order to give those children the best chance for educational success in the most cost-efficient manner.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Special education is a federal- and state-mandated  
4 educational program that entitles children with disabilities to  
5 receive a free appropriate public education (FAPE).

6 (b) California's special education funding formula established  
7 by Assembly Bill 602 of the 1997–98 Regular Session (Chapter  
8 854 of the Statutes of 1997) (AB 602) does not adequately or  
9 equitably provide the necessary funding to pay for the true and  
10 increasing costs of providing educational services to pupils with  
11 disabilities.

12 (c) State special education funding rates among special education  
13 local plan areas vary considerably and have not kept pace with  
14 rising special education pupil enrollment.

15 (d) The Legislative Analyst's Office has consistently  
16 recommended that the Legislature adopt legislation to equalize  
17 special education AB 602 funding rates.

18 (e) The Public Policy Institute of California (PPIC) and the  
19 Statewide Special Education Task Force both recommend that the  
20 state provide funding for special education equalization.

21 (f) Children who receive high-quality care and education before  
22 kindergarten are 40 to 60 percent less likely to require special  
23 education interventions when they reach school age.

24 (g) Funding early intervention programs, such as preschool for  
25 children with disabilities, provides educational and social benefits  
26 to children and results in significant future cost savings to state  
27 and local educational agencies.

28 (h) Under the federal Individuals with Disabilities Education  
29 Act (20 U.S.C. Sec. 1400 et seq.) and California's special education  
30 laws, local educational agencies are required to provide services  
31 to children with disabilities beginning at birth to age 22. In  
32 California, the only funding designated specifically for  
33 preschool-age children with disabilities comes from the federal  
34 government.

35 (i) In the 2014–15 fiscal year, local educational agencies  
36 reported \$490 million in expenditures for preschool-age children  
37 with disabilities to the State Department of Education through the  
38 Standardized Account Code Structure, while in the 2014–15 fiscal



1 year, the federal preschool grants appropriated to California only  
2 amounted to \$97 million.

3 (j) High-quality public preschool programs for children with  
4 significant disabilities are limited or nearly nonexistent in some  
5 areas of the state.

6 (k) There has been a significant increase in the population of  
7 preschool-age children with autism spectrum disorder, many of  
8 whom require intensive services.

9 (l) In March 2015, the Statewide Special Education Task Force  
10 recommended that the state establish a new state preschool funding  
11 model that is calculated on a per-pupil rate that is based on a set  
12 amount of state funding.

13 SEC. 2. (a) It is the intent of the Legislature to phase-in  
14 equalization of special education local plan area funding rates  
15 established by Assembly Bill 602 of the 1997–98 Regular Session  
16 (Chapter 854 of the Statutes of 1997) to the \_\_\_\_ percentile,  
17 commencing with the full implementation of the local control  
18 funding formula.

19 (b) It is further the intent of the Legislature to establish a state  
20 funding mechanism to provide all local educational agencies with  
21 the funding necessary to establish new or expanded high-quality  
22 preschool programs for California’s preschool-age children with  
23 disabilities in order to give those children the best chance for  
24 educational success in the most cost-efficient manner.

O

— DIMARE | BROWN —  
**DBHK**  
 — HICKS | KESSLER —  
 INNOVATIVE ADVOCACY. TRUSTED ADVICE.

SELPA

Legislative Matrix Friday, February 24, 2017 1:40 PM

Hot List Bills

**AB 254** ( Thurmond D ) Medi-Cal: local educational agencies: mental health services.

Introduced: 1/31/2017

Status: 2/1/2017 - From printer. May be heard in committee March 3.

Location: 1/31/2017 - A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

HOT

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed by, and funded pursuant to, federal Medicaid Program provisions. Existing law provides that specified services provided by local educational agencies (LEAs) are covered Medi-Cal benefits, including, but not limited to, mental health evaluations, mental health education, and mental health and counseling services, are covered Medi-Cal benefits. Existing law establishes an administrative claiming process under which the department is authorized to contract with local governmental agencies and local educational consortia for the purpose of obtaining federal matching funds to assist with the performance of administrative activities relating to the Medi-Cal program. This bill would state the intent of the Legislature to enact legislation that would increase services provided to Medi-Cal beneficiaries enrolled in schools in order to address their mental health needs.

**AB 312** ( O'Donnell D ) School finance: special education funding.

Introduced: 2/6/2017

Status: 2/7/2017 - From printer. May be heard in committee March 9.

Location: 2/6/2017 - A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

HOT

**Summary:** Existing law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula. Existing law requires the Superintendent of Public Instruction to determine the amount of funding to be provided for each special education local plan area (SELPA) in accordance with specified calculations. This bill would express the intent of the Legislature to phase-in equalization of SELPA funding rates to an unspecified percentile, commencing with the full implementation of the local control funding formula. The bill would also express the intent of the Legislature to establish a state funding mechanism to provide all local educational agencies with the funding necessary to establish high-quality preschool programs for California's preschool-age children with disabilities in order to give those children the best chance for educational success in the most cost-efficient manner.

**AB 340**

**( Arambula D) Early and Periodic Screening, Diagnosis, and Treatment Program: trauma screening.**

**Introduced:** 2/7/2017

**Status:** 2/21/2017 - Referred to Com. on HEALTH.

**Location:** 2/21/2017 - A. HEALTH

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

HOT

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services, including early and periodic screening, diagnosis, and treatment for any individual under 21 years of age who is covered under Medi-Cal consistent with the requirements under federal law. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. The bill would require, consistent with federal law, that screening services under the EPSDT program include screening for trauma, as defined by the bill and as specified. The bill also would require the department, in consultation with the State Department of Social Services and others, to adopt, employ, and develop, as appropriate, tools and protocols for screening children for trauma and would authorize the department to implement, interpret, or make specific the screening tools and protocols by means of all-county letters, plan letters, or plan or provider bulletins, as specified.

This bill contains other existing laws.

**AB 348**

**( O'Donnell D) Special education: deaf and hard-of-hearing pupils.**

**Introduced:** 2/8/2017

**Status:** 2/9/2017 - From printer. May be heard in committee March 11.

**Location:** 2/8/2017 - A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

HOT

**Summary:** Existing law authorizes the Superintendent of Public Instruction to authorize the California School for the Deaf to establish and maintain a testing center for the deaf and hard-of-hearing minors. This bill would state that it is the intent of the Legislature to enact legislation that would improve the education of pupils who are deaf and hard-of-hearing.

**AB 481**

**( Thurmond D) Medi-Cal: administrative claiming.**

**Introduced:** 2/13/2017

**Status:** 2/14/2017 - From printer. May be heard in committee March 16.

**Location:** 2/13/2017 - A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

HOT

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed by, and funded pursuant to, federal Medicaid program provisions. Existing law establishes an administrative claiming process under which the department is authorized to contract with local governmental agencies (LGAs) and local educational consortia (LECs) for the purpose of obtaining federal matching funds to assist with the performance of administrative activities relating to the Medi-Cal program that are provided by local educational agencies (LEAs) contracting with the LGAs or LECs. Existing law provides that the state shall be held harmless from a federal audit disallowance and interest resulting from payments made to an LGA or LEC for a disallowed claim. Existing law provides that if the department denies a claim submitted through the Administrative Claiming process, the LGA or LEC contracting with the department may request that the department reconsider the denial, and provides that the Director of Health Care Services' decision after reconsideration is final. This bill would provide that the direct contracting provisions for LGAs and LECs described above shall not preclude a school district with an enrollment of greater than 400,000 students from having a random moment time survey implementation plan that is approved by the federal Centers for Medicare and Medicaid Services. The bill would provide that an LGA or LEC may only require an LEA to contract for services that are actually provided and necessary for the performance of specified oversight and monitoring activities, and that an LEC shall be considered a vendor for services other than oversight

and monitoring. The bill would provide that the state shall not be held harmless from a federal audit disallowance and interest resulting from payments made to an LGA or LEC for a disallowed claim if the federal audit finds the state at fault. The bill would require the department to develop a process by which an LEA may appeal an action of the department with respect to the Administrative Claiming process, as specified. The bill would require the department to establish an advisory committee to represent the interests of LEAs, LECs, and LGAs participating in the Administrative Claiming process.

**AB 501**

( Ridley-Thomas D) **Mental health: community care facilities.**

**Introduced:** 2/13/2017

**Status:** 2/14/2017 - From printer. May be heard in committee March 16.

**Location:** 2/13/2017 - A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

HOT

**Summary:** (1)Existing law, the California Community Care Facilities Act, provides for the licensing and regulation of community care facilities, as defined, by the State Department of Social Services. Existing law includes within the definition of community care facility a short-term residential therapeutic program, which is a residential facility licensed by the department and operated by any public agency or private organization that provides an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term, 24-hour care and supervision to children. A violation of the act is a misdemeanor. This bill would authorize a short-term residential therapeutic program to be operated as a children's crisis residential center, as defined, and would require the department to regulate those programs, as specified. The bill would require the State Department of Health Care Services, in consultation with the County Behavioral Health Directors Association of California and representatives of provider associations, to establish interim Medi-Cal rates for children's crisis residential services, as prescribed. By expanding the types of facilities that are regulated as a community care facility, this bill would expand the scope of an existing crime, thus creating a state-mandated local program.

This bill contains other related provisions and other existing laws.

**AB 540**

( Mullin D) **Child care and developmental services.**

**Introduced:** 2/13/2017

**Status:** 2/14/2017 - From printer. May be heard in committee March 16.

**Location:** 2/13/2017 - A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

HOT

**Summary:** The Child Care and Development Services Act has a purpose of providing a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. Existing law requires the Superintendent of Public Instruction to develop standards for the implementation of quality child care programs. Existing law authorizes various counties, as a pilot project, to develop an individualized county child care subsidy plan, as provided. This bill would provide that it is the intent of the Legislature to create legislation that would establish an optional statewide child care and education subsidy policy program to increase and encourage county and regional collaboration among subsidized early care and education programs and providers in order to increase access to subsidized services for children and families, promote local flexibility to meet the unique needs of children and families in each county or region, and maximize the utilization of the allocated funding within the county or region.

This bill contains other related provisions and other existing laws.

**AB 752**

( Rubio D) **Child care: expulsion.**

**Introduced:** 2/15/2017

**Status:** 2/16/2017 - From printer. May be heard in committee March 18.

**Location:** 2/15/2017 - A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

HOT

**Summary:** Existing law, the Child Care and Development Services Act, requires the Superintendent of Public Instruction to administer child care and development programs that offer a full range of services for eligible children from infancy to 13 years of age. The act requires families to meet certain requirements in various areas to be eligible for federal and state subsidized child development services. The act authorizes the Superintendent of Public Instruction to enter into and execute local contractual agreements with any public or private entity or agency for the delivery of child care and development services. This bill would prohibit a contracting agency from expelling or unenrolling a child because of a child's behavior unless the contracting agency has explored and documented all possible steps to maintain the child's safe participation in the program and determines, in consultation with the parents or legal guardians of the child, the child's teacher, and, if applicable, the local agency responsible for implementing the Individuals with Disabilities Education Act, and that the child's continued enrollment would present a continued serious safety threat to the child or other enrolled children. The bill would require, if a child is expelled or unenrolled, the contracting agency to facilitate the child's transition to a more appropriate placement. The bill would require the State Department of Education to develop criteria to ensure that children are not expelled or unenrolled from a program due to challenging behaviors without a documented process and with due consideration of the requirement to facilitate transition to a more appropriate placement.

This bill contains other related provisions and other existing laws.

**AB 834**

**( O'Donnell D) School-based health programs.**

**Introduced:** 2/16/2017

**Status:** 2/17/2017 - From printer. May be heard in committee March 19.

**Location:** 2/16/2017 - A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

HOT

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed by, and funded pursuant to, federal Medicaid program provisions. Existing law establishes the Administrative Claiming process under which the department is authorized to contract with local governmental agencies and local educational consortia for the purpose of obtaining federal matching funds to assist with the performance of administrative activities relating to the Medi-Cal program that are provided by a local governmental agency or local educational agency (LEA). Existing law also provides that specified services provided by LEAs are covered Medi-Cal benefits and are reimbursable on a fee-for-service basis under the LEA Medi-Cal billing option. This bill would require the State Department of Education to, no later than July 1, 2018, establish an Office of School-Based Health Programs for the purpose of, among other things, administering health-related programs under the purview of the State Department of Education and advising on issues related to the delivery of school-based Medi-Cal services in the state. The bill would authorize the office to develop a workgroup for the purpose of assisting the office's efforts that shall be representative of the diversity of California LEAs and include representatives of specified entities involved in the delivery of school-based Medi-Cal services, as specified. The bill would authorize the office to form additional technical advisory groups, as specified, and would require the State Department of Education to make available to the office any information on other school-based dental, health, and mental health programs.

**AB 1449**

**( Muratsuchi D) Education finance: local control funding formula: special education grant.**

**Introduced:** 2/17/2017

**Status:** 2/19/2017 - From printer. May be heard in committee March 21.

**Location:** 2/17/2017 - A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

HOT

**Summary:** Existing law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, as specified. Existing law requires funding pursuant to the local control funding formula to include, in addition to a base grant, supplemental and concentration grant add-ons that are based on the percentage of pupils who are English learners, foster youth, or eligible for free or reduced-price meals, as specified, served by the county superintendent of schools, school district, or charter school. This bill would require funding pursuant to the local control funding formula to include, in addition to a base, supplemental, and concentration grant, a special education grant add-on that is based on the percentage of individuals with exceptional needs, as defined, served by the county superintendent of schools, school district, or charter school, as specified. The bill would require, under procedures and timeframes established by the Superintendent of Public Instruction, county superintendents of schools, school districts, and charter schools annually to report the enrollment of individuals with exceptional needs served by those local educational agencies to the Superintendent using the California Longitudinal Pupil Achievement Data System. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program. The bill also would make conforming changes.

This bill contains other related provisions and other existing laws.

AB 1685

( Maienschein R) Children's mental health.

Introduced: 2/17/2017

Status: 2/19/2017 - From printer. May be heard in committee March 21.

Location: 2/17/2017 - A. PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

HOT

**Summary:** Existing law, the Children's Mental Health Services Act, establishes an interagency system of care for children with serious emotional and behavioral disturbances that provides comprehensive, coordinated care. Existing law states that the programs are intended to ensure services will be provided to severely mentally ill children and that they be part of the children's system of care. This bill would make technical, nonsubstantive changes to those provisions.

SB 18

( Pan D) Bill of Rights for Children and Youth in California.

Introduced: 12/5/2016

Status: 1/12/2017 - Referred to Com. on RLS.

Location: 12/5/2016 - S. RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

HOT

**Summary:** Existing law provides for the care and welfare of children and youth in various contexts, including, but not limited to, child welfare services, foster care, health care, nutrition, homeless assistance, and education. This bill would declare the intent of the Legislature to expand and codify the Bill of Rights for Children and Youth of California to establish a comprehensive framework that governs the rights of all children and youth in California, outlines the research-based essential needs of California's children, and establishes standards relating to the health, safety, well-being, early childhood and educational opportunities, and familial supports necessary for all children to succeed. The bill would declare the intent of the Legislature, by January 1, 2022, to enact legislation for the purpose of ensuring that the Bill of Rights for Children and Youth of California, in its totality, is applied evenly, equitably, and appropriately to all children and youth across the state.

This bill contains other existing laws.

SB 191

( Beall D) Pupil health: mental health and substance use disorder services.

Introduced: 1/30/2017

Status: 2/23/2017 - Set for hearing March 15.

Location: 2/9/2017 - S . ED.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Calendar: 3/15/2017 9 a.m. - John L. Burton Hearing Room (4203) SENATE EDUCATION, ALLEN, Chair

HOT

**Summary:** Existing law requires school districts, county offices of education, and special education local plan areas (SELPAs) to comply with state laws that implement the federal Individuals with Disabilities Education Act, in order that the state may qualify for federal funds available for the education of individuals with exceptional needs. Existing law requires school districts, county offices of education, and SELPAs to identify, locate, and assess individuals with exceptional needs and to provide those pupils with a free appropriate public education in the least restrictive environment, and with special education and related services, including mental health services, as reflected in an individualized education program. This bill would authorize a county, or a qualified provider operating as part of the county mental health plan network, and a local educational agency to enter into a partnership to create a program that includes, among other things, targeted interventions for pupils with identified social-emotional, behavioral, and academic needs and an agreement to establish a Medi-Cal mental health and substance use disorder provider that is county operated or county contracted for the provision of mental health and substance use disorder services to pupils of the local educational agency and in which there are provisions for the delivery of campus-based mental health and substance use disorder services through qualified providers or qualified professionals to provide on-campus support to identify pupils with an individualized education program (IEP), and pupils who do not have an IEP, but who a teacher believes may require mental health or substance use disorder services and, with parental consent, to provide those services to those pupils.

This bill contains other related provisions.

**SB 304**

( Portantino D ) Juvenile court school pupils: joint transitions planning policy.

Introduced: 2/13/2017

Status: 2/23/2017 - Referred to Coms. on ED. and PUB. S.

Location: 2/23/2017 - S . ED.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** Existing law provides that a county office of education and county probation department shall have a joint transition planning policy that includes collaboration with relevant local educational agencies to coordinate education and services for youth in the juvenile justice system. This bill would require the joint transition planning policy to include specified components, including an individualized transition plan for each pupil detained for more than 4 consecutive schooldays and a transition portfolio for each pupil, as specified. By imposing additional requirements on local agencies, the bill would impose a state-mandated local program.

This bill contains other related provisions and other existing laws.

HOT

## Tracked Bills

**AB 11**

( McCarty D ) Child care: Early Head Start.

Introduced: 12/5/2016

Status: 12/6/2016 - From printer. May be heard in committee January 5.

Location: 12/5/2016 - A . PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:** The Child Care and Development Services Act has a purpose to provide a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including

programs, thereby reducing or eliminating the need for a payment deferral. Were the Legislature to adopt a deferral for 2016-17, we recommend eliminating the deferral as soon as possible thereafter. Barring a recession in 2017-18, we recommend the Legislature take the same approach as the Governor and eliminate the deferral in 2017-18. Making payments on time is a responsible fiscal practice and ensures school districts do not experience the unintended consequences of higher borrowing costs or programmatic cuts.

***Prioritizing LCFF Implementation Consistent With State's Prior-Year Actions.*** The Governor's plan to dedicate most new ongoing K-12 funding to LCFF implementation is consistent with the Legislature's approach over the past four years. By continuing to prioritize LCFF implementation, both the Governor and the Legislature would be fostering greater local control and flexibility while simultaneously providing more funding for disadvantaged students. Come May, the Legislature might decide it could dedicate even more to LCFF implementation. As we discuss earlier in this

report, we believe the Governor's revenue estimates, and related estimate of the Proposition 98 minimum guarantee for 2017-18, are low. Were these estimates to be revised upward, more funds would become available for Proposition 98 priorities in 2017-18.

***Some Districts Experiencing More Growth Under LCFF Than Others.*** Districts do not all benefit in the same way under LCFF. By design, LCFF provides larger funding increases to districts with more EL/LI students and to districts that historically received less state funding than their peers. Though LCFF funding statewide would increase 1.4 percent in 2017-18 under the Governor's proposal, districts would continue experiencing their own unique growth rates depending upon their EL/LI counts and their existing funding levels. We estimate about 70 districts (7 percent) would experience growth of 2 percent or more, about 440 would experience LCFF growth of between 1 and 2 percent, and the remaining 435 districts would experience LCFF growth of less than 1 percent.

## SPECIAL EDUCATION

In this section, we provide background on special education in California, describe the Governor's special education budget proposals, and discuss various issues we believe the Legislature should consider if it is interested in changing the state's special education funding system.

### Background

***Federal Law Requires Schools to Provide Additional Services to Students With Disabilities.*** Special education is instruction designed to meet the unique needs of each child with a disability. The federal Individuals with Disabilities Education Act (IDEA) requires schools to identify students with

disabilities and develop an individual service plan for each one.

***State and Federal Governments Provide Categorical Funding to Cover Some Special Education Costs.*** Schools receive billions of dollars each year (mostly from LCFF) to educate all students, including students with disabilities. These funds primarily are intended to cover general education costs such as teacher salaries. Beyond these general education costs, schools incur additional costs, such as specialized support staff salaries and adaptive equipment, to serve students with disabilities. To help cover these additional costs, both the state and federal governments



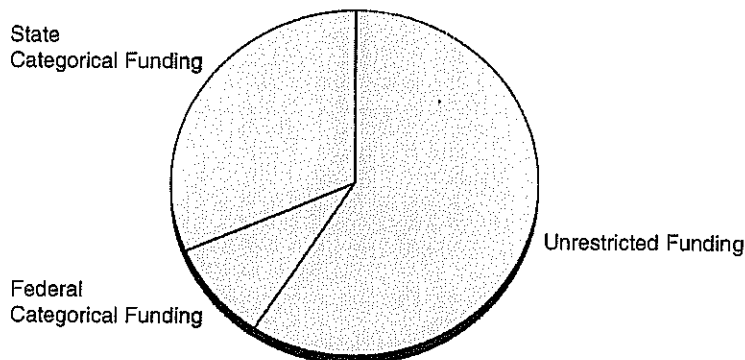
provide categorical funds specifically for special education. As Figure 17 shows, state and federal categorical funding covers about 40 percent of special education costs in California. Schools cover remaining special education costs with unrestricted funding (mostly from LCFF).

**Most Categorical Funds Allocated to Special Education Local Plan Areas (SELPA)s.** In the late 1970s, the state began requiring all districts to belong to SELPA)s. Currently, California has 131 SELPA)s. Of these SELPA)s, 42 consist of a single school district, most of which have more than 20,000 students (ADA). The state considers these districts large enough to serve all their students with disabilities. As Figure 18 shows, these SELPA)s account for about one-third of all students in the state. The state's remaining districts (most of them small or mid-sized) belong to one of 84 collaborative SELPA)s. Each of these SELPA)s is a collection of neighboring districts that by themselves are considered too small to serve all their students with disabilities. Since 2003-04, the state has allowed charter schools to join charter-only SELPA)s. These SELPA)s are collections of charter schools from across the state that have agreed to share administrative costs.

Figure 17

### Districts Cover Majority of Special Education Costs With Unrestricted Funding

*California Special Education Costs by Fund Source, 2014-15*

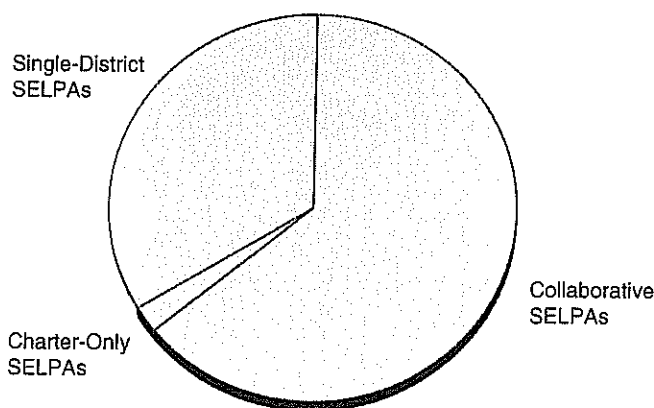


In 2016-17, four charter-only SELPA)s existed. Though they serve a small share of overall statewide attendance (about 2 percent in 2015-16), they serve about a quarter of charter school students statewide. (The state's remaining SELPA serves only students attending Los Angeles County court schools.)

Figure 18

### California Has Three Types of SELPA)s

*Share of Statewide Attendance, 2015-16*



SELPA = Special Education Local Planning Area.

***Most State Categorical Funds Distributed According to Overall Student Population.*** About 85 percent of state special education funding is distributed according to a student-based formula commonly called AB 602 (after the legislation that introduced it in 1998). This formula allocates funds to SELPAs based on their total student attendance, regardless of how many students are served in special education. By distributing funding based on total student attendance rather than a more direct measure of special education costs (for example, the number of students identified for special education or the types of services these students are provided), AB 602 ensures no SELPA has an incentive to over-identify students for special education or serve these students in unnecessarily expensive settings.

***Some State Special Education Categorical Funds Distributed According to Other Factors.*** In addition to AB 602 base funding, the state has several other special education categorical programs. Figure 19 describes each of these program's allocation formula and spending

restrictions. (For simplicity, we have condensed a few small categorical programs into larger categories in the figure. Most notably, the state technically has two extraordinary cost pools and two programs for Necessary Small SELPAs.) After AB 602 base funding, the largest special education categorical program distributes \$360 million on a per-student basis specifically for mental health services. The next largest program distributes \$145 million to SELPAs according to the number of Licensed Children's Institutions (such as group homes) located within their boundaries.

***Collaborative SELPAs Retain Some Funds for Regional Services, Allocate Rest to Members.*** Each collaborative SELPA must decide for itself how to allocate its share of categorical special education funding to member districts. Typically, SELPAs adopt allocation plans that retain some funding for regional services and distribute remaining funding to member districts. Member districts vote to adopt their allocation plans. Specific voting rules vary among SELPAs. For example, in some SELPAs, each district has one vote regardless of its size, whereas

Figure 19

### California Has Several Special Education Categorical Programs

(In Millions)

Program	2016-17 Funding	Allocation Formula	Spending Restrictions
AB 602	\$3,136	Each SELPA receives a unique rate per student	Any special education expense
Mental Health Services	360	Flat rate per student	Mental health services for special education students
Out-of-Home Care	145	Location and capacity of Licensed Children's Institutions	Any special education expense
Workability	40	Number of students enrolled in qualified program	Employment training and assistance
Low Incidence Disabilities	17	Number of students who are deaf, hard of hearing, visually or orthopedically impaired	Services or materials for students with qualifying disabilities
Extraordinary Cost Pools	6	SELPAs can be reimbursed for documented exceptional costs	Unusually expensive single-student services
Necessary Small SELPAs	2	Must be countywide SELPA with less than 15,000 ADA	Any special education expense

SELPA = Special Education Local Planning Area and ADA = average daily attendance.

in other SELPAs, larger districts have more votes than smaller districts.

***State Has Separate Planning Requirements for General and Special Education.*** With the introduction of LCFF, the state began requiring districts to develop annual plans outlining the services they provide to all students, and in particular the services they plan to provide certain student groups such as English learner, low-income, and foster youth students. Before adopting these plans, school administrators must talk to parents and other local stakeholders about the types of services they want schools to provide. Special education is not specifically included in this annual planning process. Instead, SELPAs engage in a separate planning process, including separate conversations with parents and other local stakeholders. Under this process, SELPAs submit annual budget and service plans to CDE.

### **Governor's Proposal**

***Governor's Budget Proposes Slight Increase in Special Education Funding.*** The Governor's budget includes \$3.8 billion in state categorical funding for special education, representing a \$46 million increase over the 2016-17 Budget Act level. This year-over-year increase reflects a small decrease for declining student attendance and a 1.48 percent COLA. We have no concerns with these proposed adjustments.

***Governor Proposes Statewide Conversation on Special Education Funding.*** In *The 2017-18 Governor's Budget Summary*, the administration expresses concern with the current special education funding model and proposes a series of stakeholder meetings to discuss possible changes. Though not explicitly stated in the budget summary, the administration has indicated an interest in rolling special education into LCFF and directing all special education funding to districts rather than SELPAs. The administration believes

this change would increase district autonomy, make K-12 funding simpler and more equitable, and better integrate general and special education. Before undertaking a significant restructuring of special education, we think the Legislature has several key issues to consider, as discussed below.

### **Issues for Consideration**

***Many Concerned About Silos Between General and Special Education.*** In 2015, a statewide task force of special education experts expressed concern that special education programs in California are developed separate from other school services, with little discussion between general and special educators about how best to serve students. Whereas special education directors focus on their AB 602 funding and developing their special education budget and service plans for CDE, district budget directors focus on their LCFF funding and developing a comprehensive, coordinated plan for general education services. Given these separate funding streams and planning processes, special education directors and district budget directors tend to have little regular interaction. This lack of regular communication and coordination could be resulting in inferior or inappropriate services for students with disabilities. Most notably, the disconnect could result in more students with disabilities being served in separate classrooms where they are largely isolated from other students. Our office has heard concerns about the disconnect between general and special education not only from state-level groups but also from district-level teachers, administrators, and parents.

***Many Believe LCFF Has Removed Similar Silos Between Program and Budget Experts.*** Prior to LCFF (when many state categorical programs existed), stakeholders commonly complained about the lack of cooperation between program and budget experts at the district level. Program experts

tended to focus narrowly on the programmatic requirements associated with the specific categorical programs that applied to them. School district budget officers devoted much of their time to familiarizing themselves with state categorical programs and ensuring their districts appropriately accounted for all associated spending. Rarely did program and budget experts come together to consider how best to build comprehensive, coherent, and coordinated academic plans. Many administrators believe that eliminating most categorical funding and introducing a streamlined LCFF planning process significantly improved cooperation between program and budget experts. The administration believes consolidating special education into LCFF would achieve similar benefits—removing silos between general and special education.

***Federal Law Limits District Discretion Over Special Education Services and Spending.*** By eliminating most state categorical programs and folding associated funding into LCFF, the state effectively freed up funding for districts' local priorities. Eliminating special education categorical programs and folding associated funding into LCFF, however, would not allow districts that same flexibility. This is because federal law requires districts to spend at least as much on special education each year as they spent the previous year. Consequently, districts would be unable to repurpose the increase in their LCFF funding to support other local programs and priorities. Though the lack of discretion could be viewed as a downside to rolling special education into LCFF, it also could be viewed as an upside, ensuring districts do not reduce their spending on students with disabilities even under a simpler, streamlined funding model.

***Current Special Education Funding Model Does Not Offer Any Clear Benefit to Single-District SELPAs.*** Categorical programs can be

justified either because they direct more funding to areas with unusually high costs or they protect important services that educational providers might otherwise not offer. Categorical special education funding for single-district SELPAs satisfies neither of these conditions. These districts receive both LCFF and AB 602 funding based on total student attendance, and their spending on special education services is dictated by federal law. In these districts, the state's categorical special education program likely could be eliminated and associated funding allocated under LCFF without much, if any, effect on student services.

***Collaborative SELPAs Provide Three Benefits to Small and Mid-Sized Districts . . .***

The main advantage of categorical special education funding is for collaborative SELPAs, which provide members three valuable benefits. First, collaborative SELPAs provide economies of scale to districts that otherwise could not afford appropriate services. For example, a small district might be unable to afford a specialized teacher to assist a single student who is visually impaired, but a collection of neighboring districts typically can afford a teacher who collectively serves all of their visually impaired students. Second, collaborative SELPAs smooth year-to-year fluctuations in their members' special education costs by redirecting funds from districts with unusually low costs to those with unusually high costs. Pooling resources within a collaborative SELPA effectively protects districts, particularly small districts, when their own special education population increases unexpectedly or some of their special education students require expensive services in a given year. Finally, collaborative SELPAs can reduce administrative costs by providing centralized data management and legal services to member districts.

***. . . But Also Can Affect Mid-Sized Districts Negatively.*** Though collaborative SELPAs provide key benefits to small and mid-sized districts, they

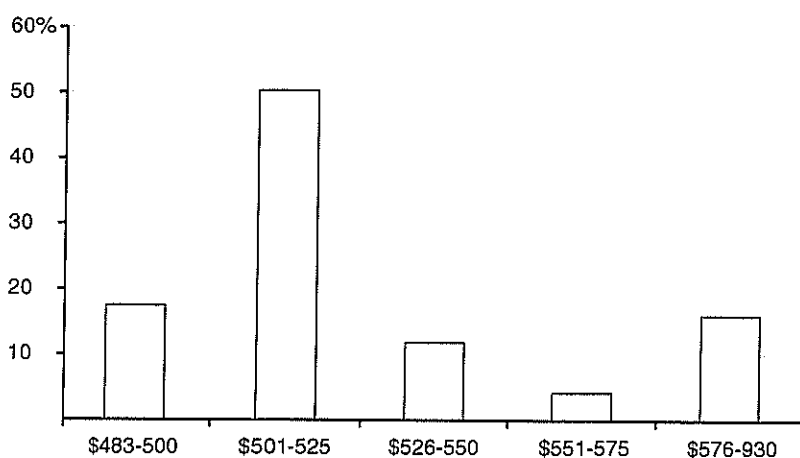
also can affect mid-sized districts in negative ways. Some administrators of mid-sized districts within collaborative SELPAs claim their SELPA policies discourage them from pursuing some programmatic improvements. For example, some collaborative SELPAs retain a portion of categorical special education funding to provide regional programs. Districts in these SELPAs can choose between serving their students in neighborhood schools (and directly paying the full cost of these services) or busing their students to a regional program (where services would be provided at little, if any, additional cost to the district). A district that believed it could provide better services locally might still send students to the regional program because of this cost disparity. We have heard that mid-sized districts are most likely to be adversely affected by these kinds of SELPA policies. Unlike large districts, mid-sized districts typically are unable to become single-district SELPAs, and unlike small districts, mid-sized districts often are able to directly serve most of their students with disabilities. While in theory these districts should be able to work within their SELPAs to negotiate better arrangements, in practice some SELPAs retain voting structures designed decades ago. In some of these voting structures, a mid-sized district might find itself consistently out-voted by neighboring small districts, leaving it with little voice in how categorical special education funding is spent.

***State Could Support Small and Mid-Sized Districts Without Current SELPA Model.*** We believe the state has several options for maintaining the benefits of collaborative SELPAs even while providing most special education funding directly to districts. For example, the state could address the economies of scale issue by requiring county offices of education to be a special education provider of last resort for small and mid-sized districts. The state could manage yearly fluctuations in special education costs by increasing the size

of its extraordinary cost pools and making it easier for districts to access these funds. The state could reduce administrative costs by encouraging districts to purchase data management services from providers located anywhere in the state (just as the state currently allows charter schools to purchase these services from statewide providers). If the state wanted to move away from the current SELPA model, there are likely several more options that preserve valuable attributes of the existing system without maintaining its exact organizational structure.

***Alternatively, State Could Increase District Autonomy and Accountability While Retaining Current SELPA Model.*** Just as we believe the state could maintain the benefits of SELPAs even while providing most special education funding directly to districts, we also believe the state could increase district autonomy and accountability even while providing some or most special education funding directly to SELPAs. For example, the state could increase district autonomy by establishing a formal process for mediating disagreements between SELPA members or making the process of becoming a single-district SELPA easier. The state also could increase district-level accountability by formally integrating special education into the LCFF yearly planning process.

***Per-Student Funding Rates Vary Notably Between SELPAs.*** One key problem the administration cites with the state's existing special education funding system relates to funding inequities. As Figure 20 (see next page) shows, SELPAs' AB 602 per-student rates vary notably—with a nearly \$100 per pupil difference between the lowest- and highest-funded deciles. These inequities reflect historical anomalies and are not justified by current differences in special education costs. Regardless of whether the state pursues larger changes to special education funding, we recommend it work to eliminate these inequities.

**Figure 20****Special Education Per-Student Funding Rates Vary***Share of Statewide Attendance, 2015-16*

***Some Special Education Categorical Programs Have Questionable Merit, Others More Obvious Benefits.*** We also share the administration's concerns about the complexity of current special education funding and think some existing special education categorical programs have little merit. Most notably, the state has no clear, strong rationale for earmarking funding for mental health services given no other special education services receive earmarked funding. Though some special education categorical programs do not seem justified, we believe others continue to serve valuable functions. Most notably, Necessary Small SELPAs (which serve counties with fewer than 15,000 students) do not have the same level of economies of scale as larger SELPAs and thus can experience unusually high special education costs. The state might wish to continue providing targeted funding to these areas even if it eliminates most other special education categorical programs.

***Special Education Restructuring Likely to Involve Several Complex Components.*** Any effort to include special education in LCFF will require decisions about the LCFF formula, state SELPA requirements, the treatment of charter schools, property tax revenue, academic planning, and accountability, along with many other related issues. Not only do many decisions need to be made, but those decisions would affect many stakeholders, ranging from districts of all sizes to county

offices of education, charter schools, general and special educators, parents, advocates, and students.

***Suggest Legislature Take Time to Consider Options and Examine Potential Consequences.*** Given the complex issues involved and the number of groups potentially affected, we encourage the Legislature to take its time in evaluating any overarching change to special education funding. Though the administration's restructuring goals sound laudable, restructuring could have unintended consequences without sufficient study. The overall endeavor, however, could be worthwhile. Potentially, the state could discover new and better ways to provide reasonable protections for small and mid-sized districts and the students they serve while also doing a better job of encouraging innovation and cooperation at the district level.

# *The* FISCAL REPORT *32 informational update*

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Volume 37

For Publication Date: March 10, 2017

No. 5

## **Special Education Input Sessions Take Center Stage**

On February 22, 2017, the Advisory Commission on Special Education (ACSE) held a two-day hearing to discuss various special education funding and program issues. The ACSE is a federally mandated special education advisory body, comprised of representatives appointed by Governor Jerry Brown, the State Board of Education (SBE), and legislative leadership, for the purpose of providing recommendations and advice to the SBE, the State Superintendent of Public Instruction, the Legislature, and the Governor regarding new or continuing areas of research, program development, and evaluation of California special education programs.

Before a standing room only audience, the ACSE heard an overview by the Public Policy Institute of California (PPIC) regarding its November 2016 report recommendations to send special education funding directly to school districts instead of through Special Education Local Plan Areas (SELPA), to equalize special education Assembly Bill (AB) 602 funding to the 90<sup>th</sup> percentile, and then roll that funding into the Local Control Funding Formula (LCFF) base without restrictions on use.

As previously reported, Governor Brown picked up some of PPIC's themes in his January 2017-18 State Budget proposal, which has raised many questions from local educational agencies. Following PPIC's presentation, the Department of Finance (DOF) representative Ian Johnson provided an overview of how Governor Brown plans to seek additional input on how best to align special education funding mechanisms with the LCFF that are 'equitable, transparent, and easy to understand.'

Following DOF's presentation, the ACSE heard from Maureen Burness, Co-Executive Director of the California Statewide Task Force on Special Education (Task Force), Mary Samples, the Finance Committee Chair of the Task Force and Assistant Superintendent with the Ventura County SELPA, and Kathy Skeels, SELPA Director from San Joaquin County Office of Education and chair of the SELPA Administrators Association. Ms. Burness highlighted the two common recommendations contained in the reports: (1) Funding AB 602 equalization base rates to the 90<sup>th</sup> percentile and (2) Establishing a funding mechanism for preschoolers with disabilities. Mary Samples focused on several potential impacts of rolling special education funding into LCFF, and Kathy Skeels discussed the unintended fiscal and program consequences should SELPAs be eliminated. A copy of the presentation can be found [here](#).

Following breakout discussions between ACSE Commissioners and meeting attendees, and after public comment, the ACSE voted to send a letter to its appointing bodies recommending that special education funding not be rolled into the LCFF, noting that the SELPA structure should remain and additional measures discussed to increase accountability and transparency.

On February 24, 2017, the DOF announced the schedule for the upcoming stakeholder input session. The sessions will include an overview of the PPIC recommendations and allow for input from attendees. The dates and locations are as follows:

### **March 3, 2017**

9:00 a.m. to 12:00 p.m.

California Department of Education

1430 N Street, Room 1101  
Sacramento, CA 95814

**March 10, 2017**

1:00 p.m. to 4:00 p.m.  
Los Angeles County Office of Education  
9300 Imperial Hwy, Room 281  
Downey, CA 90242

**March 17, 2017**

10:00 a.m. to 1:00 p.m.  
San Mateo County Office of Education  
101 Twin Dolphin Drive, California Suite Board Room  
Redwood City, CA 94065

**March 24, 2017**

10:00 a.m. to 1:00 p.m.  
Fresno County Office of Education  
1111 Van Ness Ave, Room 101T  
Fresno, CA 93721

The DOF asks that interested parties RSVP for one of the four discussions listed above by sending an email to [sped@dof.ca.gov](mailto:sped@dof.ca.gov) and indicates that the public may submit feedback, specific recommendations, and letters to that email address.

—*Nancy LaCasse and Michelle Underwood*

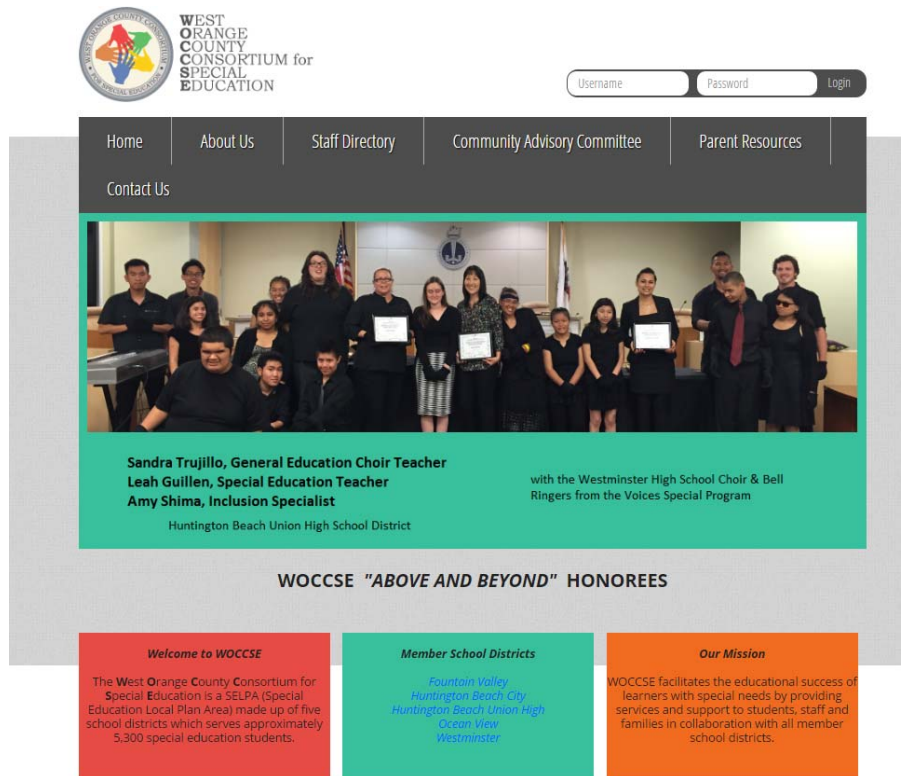
posted 02/28/2017



## PROCEDURAL REVIEW SCHEDULE SPRING, 2017

DISTRICT	DATE	TIME	CONTACT	PHONE	ADD 10
FVSD <i>Board Room</i>	2/23/2017	1:30	Sheila Blain	843-3273	75
SAC <i>Computer Lab</i>	2/27/2017	8:00	Jody Davis Cheryl Rogers	#11 x4456 #11 x4327	35
HBC <i>Sowers, Rm. 402</i>	2/28/2017	3:15	Linda Stame	378-2046	70
FVHS <i>Rm. 115</i> <i>(VVHS same time)</i>	3/20/2017	7:30	Carter Keyser Jason Smith	#12 x4107 #12 x4151	25
VVHS <i>(do with FVHS)</i>	3/20/2017	7:30	Roger Holmes	#16 x4221	5
OVHS <i>Room 115</i>	3/20/2017	1:30	Jeff Anger Mona Ducharme	#14 x4215 #14 x4207	11
HBHS <i>Room A-5</i>	3/27/2017	7:30	Rose Haunreiter	#10 x4677 #10 x4655	30
OVSD <i>Board Room</i>	4/5/2017	2:00	Sarah Karlsson	714-847-2551 x1317	100
MHS <i>Room 412</i>	4/10/2017	7:30	Matt Galindo Judy Goodhue	#13 x4812 #13 x4823	35
WHS <i>Room M-7</i>	4/12/2017	1:30	Jill Hollerbach	#15 x4195 #15 x4196	25
WSD <i>Loc is TBD</i>	5/3/2017	1:30	Carol Galaz	894-7344	115
EHS	5/15/2017	7:30	Jeff Lamb Matt Cox	#11 x4233	15

## Old Site



## New Site



To see the entire site (which is still under development), visit:  
[woccse.hbuhsd.edlioschool.com](http://woccse.hbuhsd.edlioschool.com)