

Thinking Through Special Education:

Charter SELPAs and Schools of the District



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2:00-3:15

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Presentation Agenda



- 1. Special Education Options**
- 2. Key Decision Points**
- 3. Charter SELPA Membership**
- 4. Case Studies: School of the district, Selpa member**

Download Today's Presentation at: EdTecInc.Box.com/CCSA2016.

Who Are We?



Business and Development Specialists
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Who is in the audience? What is your school's situation?



Directors?

Developers?

**School of the
district?**

Board Members?

**Special Education
Staff?**

**With your
County?**

**Business / Finance
Managers?**

**In a Charter
SELPA?**

Parents?

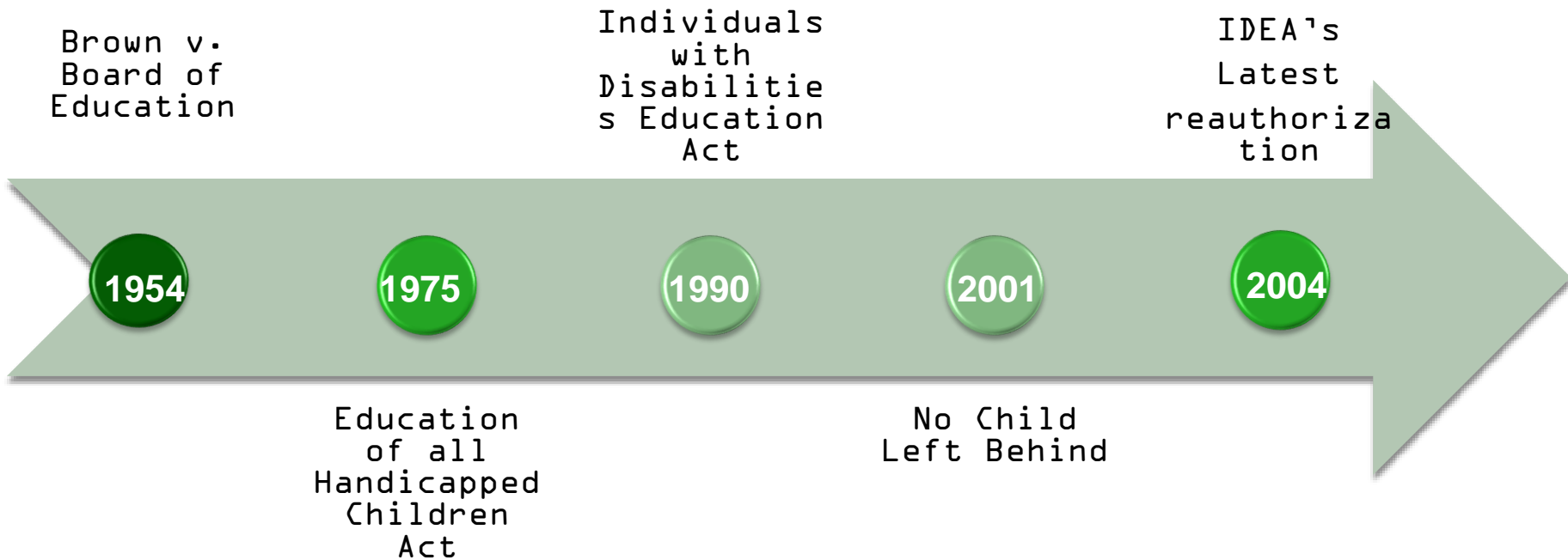
Others?

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Special Education Options

What are the options for charters to serve their special education students' needs?

History of Special Education



Appreciation to Alice D. Parker, Ed.D. for sharing these charts
National Director of Special Education Services
Cross & Joftus, LLC

Special Education Resources Administered Through Consortia



S Special

E Education

L Local

P Plan

A Area

- *Equal opportunities for education*
- *High-quality training, programs*
- *Collaboration with county agencies and LEAs*

In California, Charter Schools Can be LEAs or School of the District



Special Education Local Plan Area (SELPA)

Develops a plan for educating all students with disabilities, enabling districts to share services

Receives and allocates State and Federal funds (AU)



Local Education Agency (LEA) (Charter could be an LEA)

Participates in SELPA governance

Carries legal responsibility for special education

Receives and spends or allocates special education funds



Schools (Charter could be School of the District)

Supports service delivery for students at site

School of the District (SOD) is not considered an LEA for special education



- The district, as a member of a SELPA, would be considered to be the LEA.
 - District retains special education revenues generated by the charter's ADA, while providing services to the charter's students in line with those students' IEPs.
 - Default for district-authorized charters and some county-authorized charters
 - Since a district will likely end up subsidizing special education with general-purpose funds, the charter will pay an "encroachment" fee

County or Charter SELPA membership: Charter School is an LEA



- **County SELPA membership**
 - County-authorized charters often end up with Special Education arrangements through their authorizing county
 - In most cases, charters will receive revenues so that the charter can hire staff and provide services to its own special education population. It's not uncommon for the county to provide some services while retaining a portion of those revenues. Any specifics should be clearly articulated in a Sp. Ed. MOU.

Other *OPTIONS* for Charters

Hybrid Arrangements

- **Memorandum of Understanding:**
 - Funding
 - Service-delivery

LEA-Like Options

- **New SELPA Models that provide LEA-like status:**
 - LAUSD SELPA Reorganization (Option 3)
 - SDUSD (Option 2)

Charter SELPA Options

- **Out of Geographic Area SELPA**
 - Desert Mountain Charter SELPA
 - El Dorado Charter SELPA
 - Sonoma Charter SELPA
 - LA County Charter SELPA

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Special Education Decisions

What are the critical factors to evaluate?

What are the major factors influencing the choice of special education delivery?



Financial

- Budgeting Basics: revenues and expenses
- Risk management

Operational

- Expertise required to deliver and manage special education services
- Capacity to support direct special education services

Program

- How does the overall mission and program of the charter school fit with the choice of special education services delivery?

Budgeting Basics: School of District



- Revenues are retained by the district; no revenues for charter
- District provides services to the charter
 - District responsible for providing special education services
 - Charter pays an encroachment fee on a per-ADA basis, regardless of actual need for services
 - Fees range widely depending on district, with most falling in-between \$400-\$1,100 per ADA
- District assumes the risk in case of legal dispute
- In some cases, reimbursements/expenses may need to be budgeted, according to specific MOUs
- Case in point: River Islands Technology Academy

Budgeting Basics: Charter SELPA



- Tracking restricted revenues and reporting expenses increases administrative burden
- Each SELPA has an Allocation Plan that describes the distribution of funds to the members:

Charter SELPA option (example)

Charter SELPA option (example)		
Revenues:		
State	\$505/ADA	Based on current year P-2
Federal	\$120/ADA	Beginning in year 2 w/ SELPA for start up charters. Based on prior year enrolled.
Mental Health	Available	Take the conservative approach and don't budget for these funds
Expenses:		
	Personnel	How many Certificated Staff will be needed to appropriately manage your school's Sp. Ed. caseload? How many Classified Aides will be needed?
	Special Ed. Services	Examine your current special education population and their IEPs; identify the services – Psych, OT, Speech, etc. – required, and budget accordingly on an hourly basis.
	Additional Needs	What other expenses will your charter's program need? Increased Legal budget? Investment in Books and Supplies? Transportation needs?

With Charter SELPA, expenses rise with increased need for Special Education services



- SOD: No additional expenses with a higher-than-average proportion of special education students, or one/several students with particularly high service needs.
- SELPA member: if the charter has high special education costs, the school must find a way to pay for those increased costs from its general purpose funding.
 - How does a charter assess and prepare for this risk?

Assessing Fiscal Health of the Charter

Capacity to absorb additional SPED risk



- What is the school's current unrestricted fund balance?
- What does the school's overall 3-year budget and cash flow look like?
- What other financial risks might the school be dealing with? (Facilities, Legal, Personnel/Leadership changes, etc.)
- Does the charter mission/program attract students with special needs?
- What is the expertise/capacity of Admin to oversee Special Education?
 - Last two questions exemplify the intersection of Program and Finance!

How should we structure our Year 1 budget with Charter SELPA?



- Becoming familiar with IEPs
 - Starting with your current population
 - Elementary schools can expect learning disabilities to be revealed in early schooling years
- Personnel: How many resource specialists will your school need? What other staff is necessary?
 - Consider pros and cons of contracting services vs. hiring
- Admin support: tracking and reporting special education expenditures
- Plan to use all special education revenues, and more. **It is not uncommon for schools to spend an additional 20-40% from their general purpose funds on special education.**

Year 2 and beyond: how should we plan on an ongoing basis?



- Take care when reducing expenditures
 - If receiving federal funds, the charter must pass the Maintenance-of-Effort test
- Account for growth
 - If the charter is growing grade levels or enrollment in other ways, account for likely increases in demand for special education services
- Expect the unexpected
 - Budget contingencies if possible
 - Legal fees for special education issues
 - Note that a single student with high needs (NPS day or residential services) can significantly impact the operating budget

Operational Overview: SOD



- Stay on course: nothing additional needed on site, apart from liaison with the district (certificated admin) to coordinate service delivery
- Important to periodically evaluate relationship with the district

Operational Overview: Charter SELPA



- Critical to have the right set of expertise available to lead/counsel the special education program
 - Familiarity of legal requirements
 - Consideration for board recruitment
- Program administration capacity
 - Manage additional personnel/services
 - Must regularly monitor budget to assess the program's financial impact to the overall budget
 - Manage parental expectations
 - Classroom management (teachers)
 - Teachers may need additional training to accommodate students with special needs

Strategies to Manage Risk: Think creatively about Personnel



- Basic Services: Based on caseload needs, it'll likely be straightforward to determine the # of Certificated Special Ed. Teachers needed. Beyond that, how many Instructional Aides will be needed? Does it make sense to bring on additional staff?
- Additional Services: throughout the state, there are various options on a geographical basis. Some areas structure a consortium for schools to share resources, while others feature a JPA that may be able to assist charters in coordinating / negotiating services.

Is it worth
hiring a
Psychologist?

Anticipating
NPS
Placements?

Programmatic Overview: SOD



- No significant adjustments are necessary; other programs largely unaffected by special education services provided through the district

But is the SOD program effective?



- Equity/sufficiency:
 - Is the district providing the necessary staff and services to serve the charter's special education population well?
 - Are those services comparable to those of surrounding district schools?
- Personnel and program:
 - Do the district-provided staff and services fit into the charter's program well, and actually do well by students?
- Responsiveness:
 - Is the district transparent and responsive when the charter raises questions or requests?
 - Are district personnel knowledgeable and available?
- Encroachment fee transparency:
 - Is the district communicating any changes early and with sufficient back-up?

As a SOD, do you have more influence than you think?



- If a charter is currently a SOD, it should self-assess the earlier checklist of how satisfied the school is with the district's services.
 - The charter may find that – should the school express interest in joining a charter SELPA – it has influence to meaningfully change the current program/fees.
 - Because of this potential, EdTec recommends that schools submit a letter expressing the possibility of leaving the district on an annual basis each June; the submission of this letter is not a binding decision
 - ***Communicate with your current SELPA! This letter should not be the SELPA's first notice!***

Programmatic Overview: Charter SELPA



- The choice between SOD v. Charter SELPA may be driven by how special education services intersect with the mission of the school
- Decisions regarding service delivery under Charter SELPA option may depend on the mission/structure/program of the school
- Likely will affect other programs due to budget impact

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Charter SELPA Membership

What's the formal process for joining?

What is the timeline associated with joining a charter SELPA?



By June 30

- Present your authorizer with letter expressing intent to leave

Prior to October

- **Develop an internal plan to consider membership in a charter SELPA**

October-January

- Apply to a charter SELPA

March

- Receive notice from charter SELPA

July 1

- Begin operations as member of charter SELPA

P-1

- State Sp. Ed. Funding is triggered as member of charter SELPA

Is your school ready to become its own LEA for Special Education?



- Does your school have the capacity to:
 - Provide quality services immediately to ALL students with IEPs and their families?
 - Maintain compliance with state and federal laws and regulations?
 - Gather and maintain accurate and timely documentation for:
 - IEPs?
 - CASEMIS and other data requirements?
 - Participate in SELPA governance meetings?
 - Attend professional development?

Key elements include: willingness to consider all students, create service options that aren't currently available, quickly acquire staff & expertise and manage the funding

How to determine a school's Financial Readiness?



- Charter School's Fiscal Soundness is the Foundation
 - Audit report findings
 - Deficit spending
 - Adequate reserves
 - Accounting firm skill with special education
- Review current students' IEP for your ability to fund
- Review projected Special Education revenue from "target" SELPA (Sonoma, EDCOE, LACOE, Desert Mountain)
- Anticipate enrollment of other students with high-cost needs
- Anticipate that Sp. Ed. expenditures will exceed the revenue!

El Dorado Charter SELPA Application Program Review



- Vision
- Programs & Services
- Student Population
- Relationships
- Plans and capacity
- Financial Information
 - Special Education Budget
 - Net Assets
 - Cash Flow

El Dorado Charter SELPA Application CAPACITY INTERVIEW



A capacity interview with the school leadership to:

- Assess the applicant's capacity
- Address gaps and concerns from the application
- Determine if the proposed special education program is sound
- Ensure the plan is sufficiently detailed, comprehensive and cohesive
- Assess the applicant's capacity to function as an LEA successfully

The interview panel will consist of at least one current partner and Charter SELPA Staff.

Additional Resources



- For Additional online resources regarding the logistics of charter SELPAs, consult the following:
 - Sonoma Charter SELPA
 - <http://www.charter.sonomaselpa.org/>
 - El Dorado Charter SELPA
 - <http://www.edcoe.org/charterselpa/>
 - Desert Mountain Charter SELPA
 - <http://cahelp.ss8.sharpschool.com/cms/One.aspx?portalId=1093697>
 - LA County SELPA
 - <http://www.lacoe.edu/SpecialEducation.aspx>
 - Contact your local SELPA director for information specific to your charter's situation:
 - CDE SELPA Listings: <http://www.cde.ca.gov/sp/se/as/caselpas.asp>
 - If you are a school-of-the-district interested in your local option, contact that SELPA director and get a seat at the table to ask the proper questions.

4a

Case Study 1: School of the District

River Islands Technology Academy



River Islands Technology Academy Overview



- Located in Lathrop, CA (San Joaquin County)
- Technology-focused, one-to-one device ratio
 - “We are college-bound”
- 6% of students receive special education services
- School-of-the-District under Banta Elementary School District (LEA), with San Joaquin County Selpa
- Services provided: speech services, specialized instruction/accommodations, counseling, training for staff, consultation work
 - Push-in v. pull-out model

Special Education MOU with the District



- Encroachment: \$250/ADA (\$112.5K in 14-15)
- School and the district share responsibility of identification; the district bears all other obligations and responsibilities with respect to IDEA
- All services provided on-site; specialists visit campus to meet the IEP specifications
 - Education specialist
 - Psychologist
 - Contractor for speech
- District, as the LEA, will defend against any due process
- District will provide a detailed accounting of the School's total costs; overages will be retained to cover future costs

Reality Can Be Different from Theory of SOD Arrangement



- Relationship with the district can affect the special education services delivery
- Students and families not always satisfied with program quality
- School creatively engaged to support/supplement district offerings
 - Instructional aide
 - Dispute resolution

4b

Case Study 2: Charter SELPA

Community Learning Center Schools



Community Learning Center Schools Overview



- CMO operating two schools: ACLC and Nea
- Project-based, empowering independence & self-advocacy
- Increasingly attracting SPED students
- Current IEP rates: Nea = 14%; ACLC = 9%
- Combined SPED staff: 3.8 Ed. Spec; 6.5 paras; 1 Director
- Services provided:
 - By staff: SAI, Counseling, Psych
 - By consultants: Speech & Language, Psych, OT, BIS, AT

Member of El Dorado County SELPA



- Membership function of predecessor's wisdom
- SELPA is partner for information and support of programs
- How SELPA benefits us:
 - Education for staff (extensive offerings of PD at no cost)
 - Education for ED/Admin (financial, informational, compliance)
 - Document & file review to insure best practices
 - Policy templates
 - Legal consultation
 - Guidance & support with high-stakes IEPs
 - Assist with decision to proceed to due process vs settlement
 - Alternative Dispute Resolution to avoid due process

SELPA Saved Nea's Bacon!



- 2014-15
 - SPED student in NPS for 3 years; transitioning to HS
 - Parents unilaterally placed into another NPS during summer!
 - Student not ED – no SELPA reimbursement
 - SELPA advised throughout:
 - Parents threatened due process
 - Program Specialist facilitated IEPs to reduce tension and conflict
 - Improved working relationship with family
 - Avoided legal action

Current expense for NPS = \$35k + \$5k (transportation)/year

Est. cost of due process = 60k min (settlement + legal x 2)

And SELPA Saved ACLC's Bacon Too!



- 2014-15
- Had to budget for 4 possible NPS placements (200k)
- Outcomes?
 - Student A: Withdrew & enrolled in independent study
 - Student B: Placed in residential NPS (April). We covered educational costs; county covered residential and treatment costs. Transferred to family's school district at year's end.
 - Student C: Following repeated hospitalizations, student placed in residential NPS (UT). Given the ED diagnosis, we are reimbursed for residential, transportation and mental health at rate of 80-100%. Costs without reimbursement = approx. 95k/year. Costs with reimbursement = approx. 38k/year

More Bacon Saving!



- 2014-15 Outcomes (continued):
 - Student D: Another ED student – unilaterally placed in UT NPS (May). We did not agree with parents' placement decision. By August, parents threatening due process. Our attorneys got involved. (Parents have deep pockets!) SELPA suggested Alternative Dispute Resolution process. ADR resulted in negotiated settlement for far less than what due process would have cost, and we were able to preserve our working relationship with the family.

ADR Settlement = 38k (settlement for expenses incurred + legal fees)

Est. cost for due process = 175k+ (settlement + legal x 2)

Placement-related expenses to be reimbursed from SELPA

In Conclusion...



- Providing SPED is expensive.
- If we're doing so independently, we're able to insure best possible service that is flexible & responsive to students and families.
- SELPA is our partner in this endeavor:
 - Staff answers our questions
 - Provides ongoing no-cost education
 - Provides legal support and facilitation/mediation
 - Helps us ensure we are in compliance and applying best practices
 - Provides reimbursement for some of the neediest, most costly cases
 - We feel safer knowing we've got SELPA's resources – anytime!

Question and Answer

Special thanks to the co-presenters!
El Dorado County Charter SELPA
Community Learning Center Schools
River Islands Technology Academy

Thank you!

Additional questions? Contact us:

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