

District SELPA vs. Charter SELPA: Navigating Your School's SpEd Options

MARCH 14, 2019

About the Presenters



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1. Special Education (SpEd) in CA

A. Timeline and History

B. Facts and Stats

2. Charter School Options for SpEd

A. District SELPA

B. Charter SELPA

3. Considerations

4. Case Study

A. Leadership High School: SoD

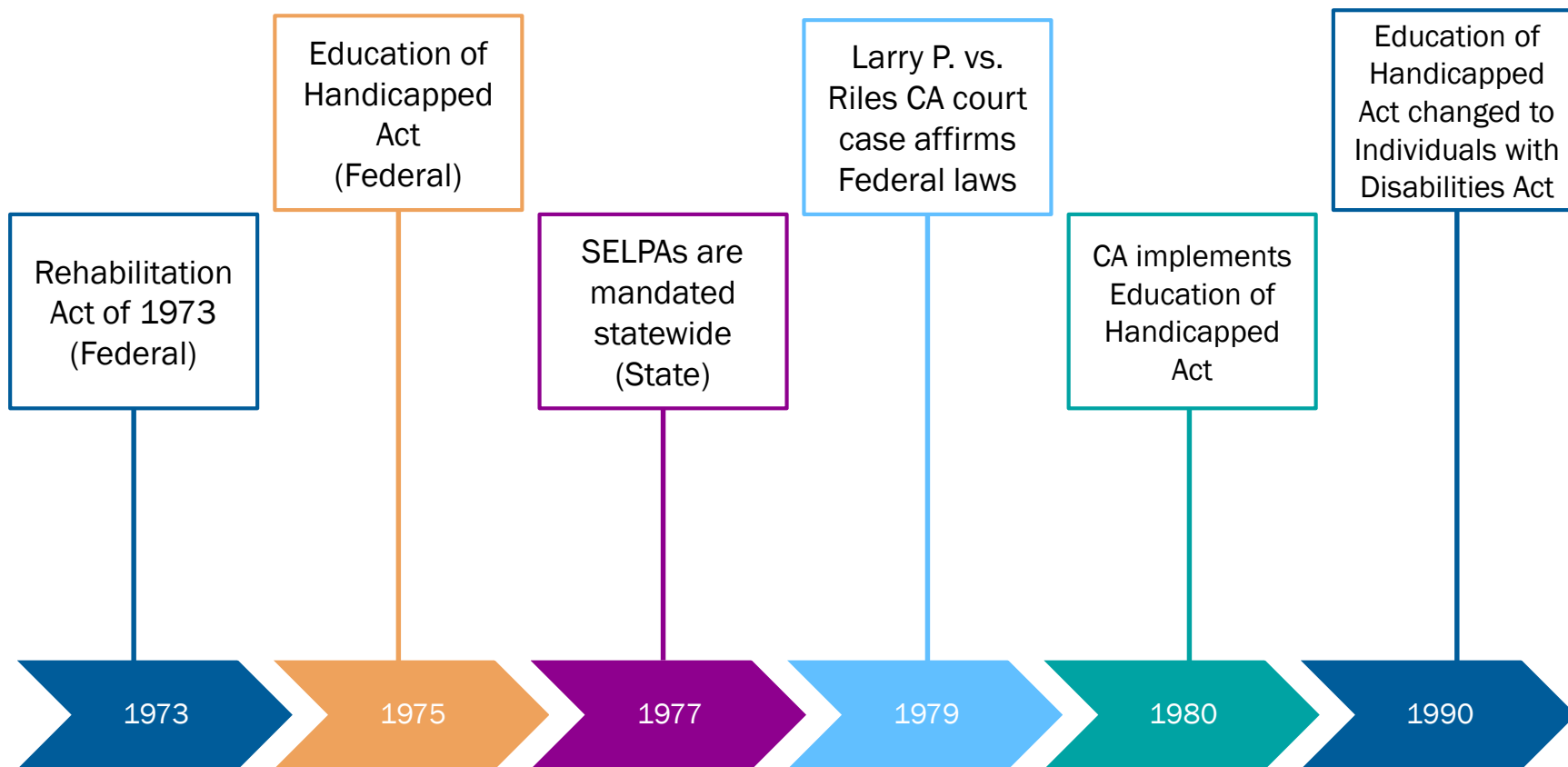
B. Community Learning Charter School: El Dorado SELPA

5. Questions

Special Education in CA

History of the SELPA (Special Education Local Plan Area)

Measures to ensure equal education for SpEd students started in the 1970s



What is a SELPA?

- Consortium of local education agencies (LEAs) responsible for the development of special education policies and procedures, distribution of federal and state funds, and providing a range of professional development pertaining to special education

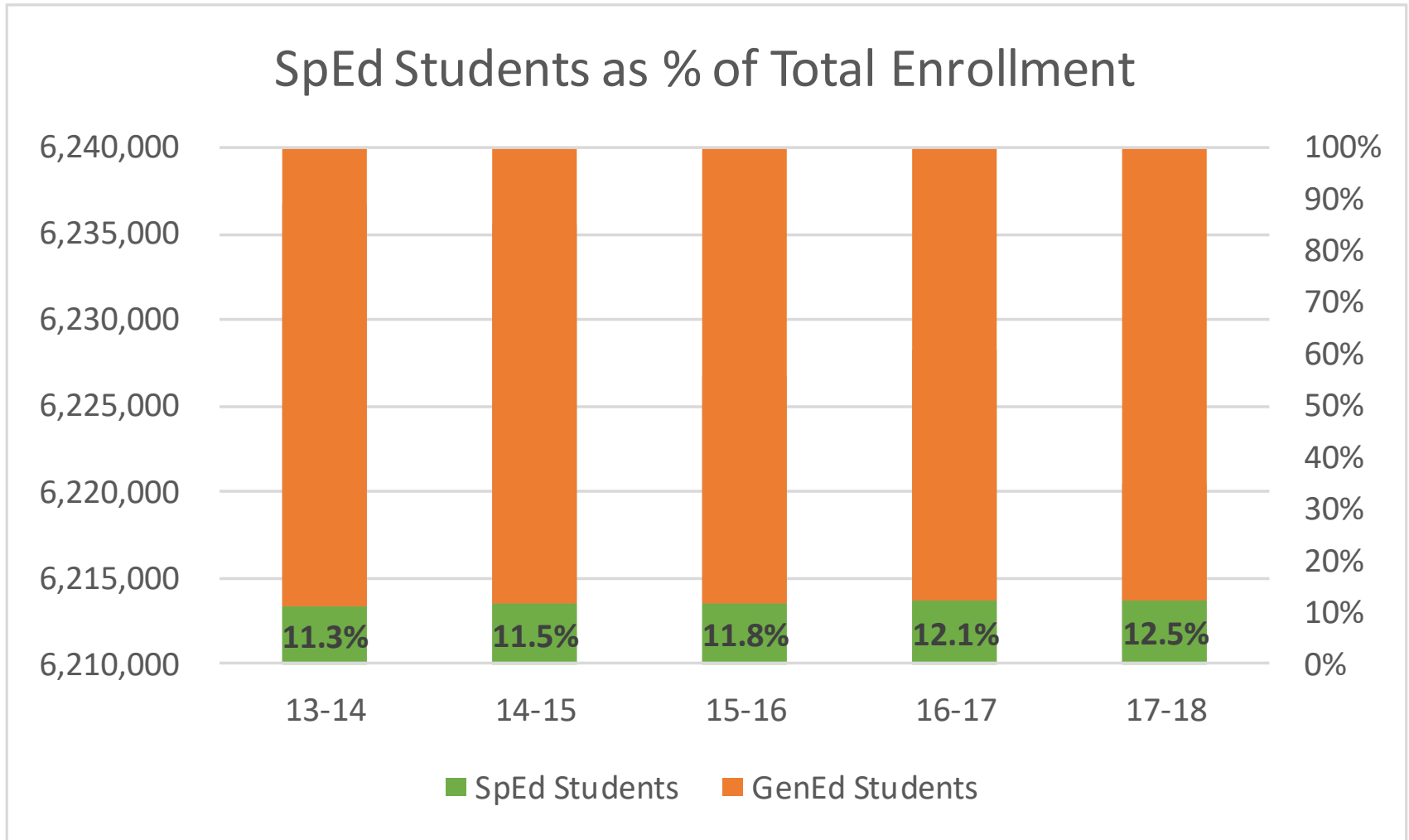
Is my school required to join a SELPA?

- Yes. Authorizing LEAs must provide charter schools with equitable share of special education services, funding, or both

Can I opt out of my District or County SELPA?

- Yes. You must notify your authorizing District or County if your school plans on leaving the SELPA. If joining a Charter SELPA, you must apply in advance

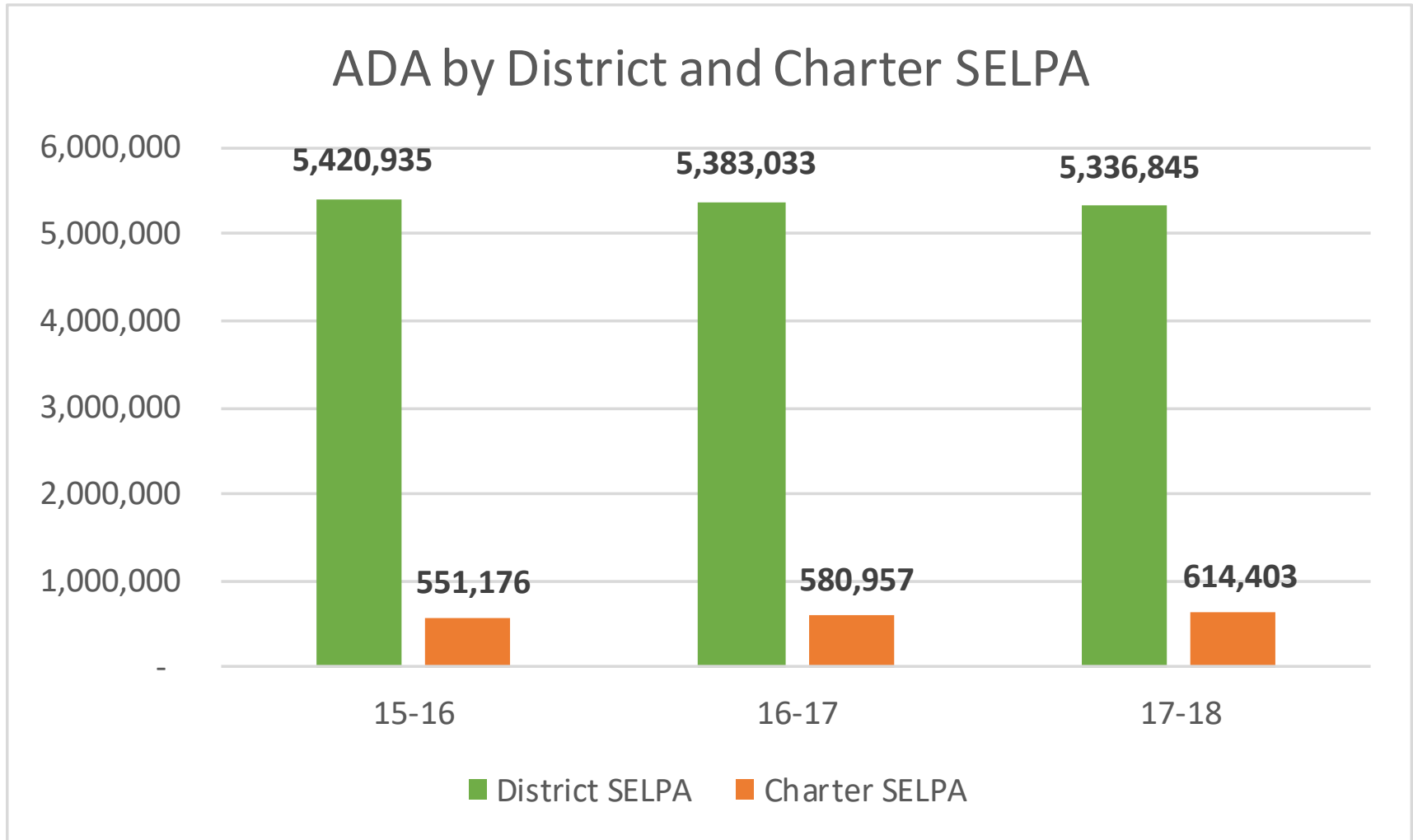
Increasing percentage of students are being designated SpEd



Breakdown of SpEd students by disability; trends in certain designations

	15-16		16-17		17-18	
	CA	Charter	CA	Charter	CA	Charter
Intellectual Disability	6.0%	1.4%	5.8%	1.5%	5.7%	1.7%
Hard of Hearing	1.4%	0.7%	1.4%	0.8%	1.4%	0.7%
Deaf	0.5%	0.0%	0.4%	0.0%	0.4%	0.0%
Speech or Language Impairment	21.8%	18.3%	21.2%	17.2%	20.8%	16.8%
Visual Impairment	0.5%	0.2%	0.5%	0.2%	0.5%	0.2%
Emotional Disturbance	3.3%	3.6%	3.3%	4.3%	3.2%	4.2%
Orthopedic Impairment	1.6%	0.5%	1.5%	0.4%	1.3%	0.5%
Other Health Impairment	11.4%	16.0%	12.0%	17.0%	12.6%	17.6%
Specific Learning Disability	39.3%	50.8%	38.9%	49.1%	38.4%	48.0%
Deaf- Blindness	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Multiple Disability	0.9%	0.0%	0.9%	0.0%	0.9%	0.1%
Autism	13.2%	8.4%	13.9%	9.4%	14.5%	10.1%
Traumatic Brain Injury	0.2%	0.1%	0.2%	0.1%	0.2%	0.1%

Charter SELPA membership has increased 11% since FY16



Charter School SpEd Options

District/County SELPA

- District assumes responsibility for providing all SpEd services; if county, SpEd support could be collaborative effort
- All Federal and State funding is maintained by the district; if county, some funds may revert to charter school depending on MOU
- Charter school pays a per student “encroachment fee” determined by the district
- District owns legal exposure; costs passed via encroachment

Charter SELPA

- Charter school acting as its own LEA assumes responsibility for providing SpEd services
- School receives all Federal and State funding, minus administrative fee to charter SELPA
- Charter SELPA provides trainings and PD support
- Charter maintains responsibility for legal claims

Hybrid “District” SELPA

- District and charter SpEd collaboration (i.e. LAUSD) that has continuum of options
- Options range in autonomy for charter school
- Depending on the option selected, either the district or the charter will retain all Federal and State funding
- Legal exposure varies based on option selected

District SELPAs serve ~90% of CA student population

School Support/Staffing

- District is responsible for SpEd staffing, including MH evaluations
- Charter school may need to contract for MH therapy
- If county, support and staffing vary

Funding

- All Federal and State revenues reside with district
- Generally precluded from applying/receiving SpEd grants
- Charter school pays “encroachment fee”; fee
- If county, either county or school may receive funding

Professional Development

- District generally provides PD for staff
- Some PD may need to be provided by school due to misalignment of school calendar

Legal

- District is responsible for education-related legal action and any related cost or settlement amount

Student Placements

- Districts provide special day classes (SDC) or non-public school placements

Charter SELPA: Major Charter SELPAs (Based on 17-18 ADA)

El Dorado Charter SELPA

Largest charter school SELPA membership; supports schools with ~171k students



Sonoma County Charter SELPA

Supports schools with ~11k students



Desert Mountain Charter SELPA

Supports schools with ~5k students



Others (LA County SELPA and Fresno County SELPA)

Support schools with ~3k students

Charter SELPAs serve ~10% of CA student population

School Support/Staffing

- School is responsible for staffing and contracting SpEd personnel

Funding

- All Federal and State entitlements revert to charter school
- School is eligible to apply and receive competitive grant funds
- Charter school pays 4-6% administrative fee

Professional Development

- Some Charter SELPAs may currently offer PD opportunities

Legal

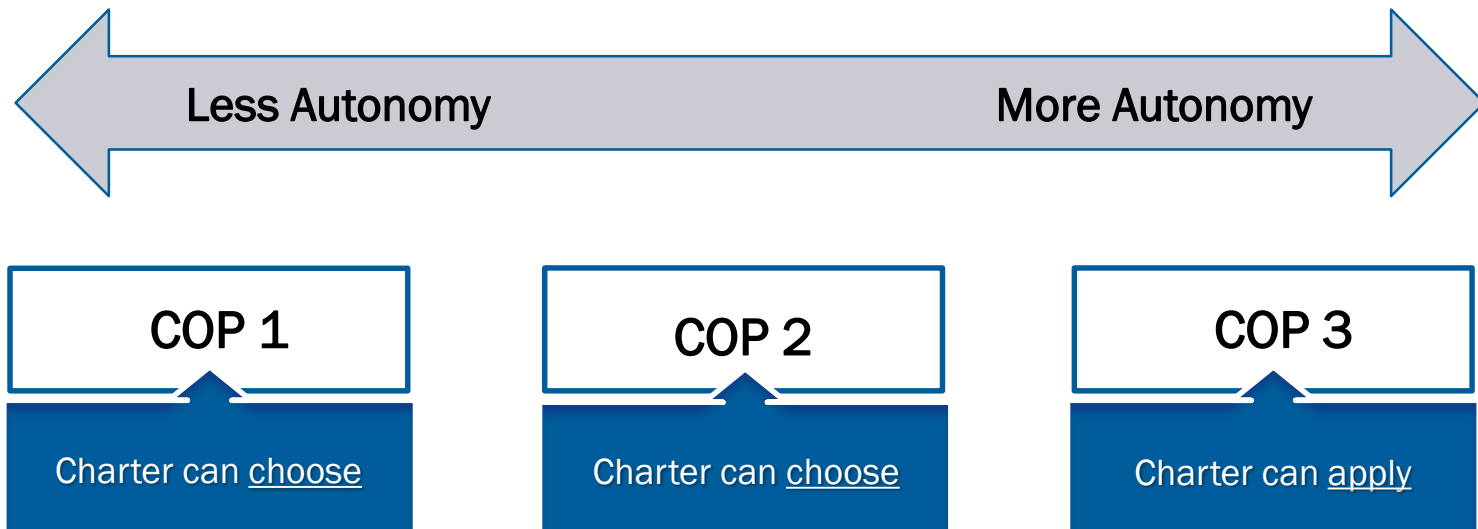
- School is responsible for education-related legal action and any related cost or settlement amount
- School is eligible for legal due process hearing reimbursement

Student Placements

- For any high-needs student, school is responsible for placement and associated cost
- School is eligible for NPS or residential facility reimbursement

Hybrid SELPA (LAUSD)

- LAUSD restructured its SELPA in 2011 to provide more flexibility and serve as a pilot for other district SELPAs
- Three Charter Operated Programs (COP) ranging in autonomy and flexibility



Established in 2011; enrollment has increased 180% since inception

School Support/Staffing

- Depending on Option, district or charter school is responsible for staffing

Funding

- If Option 1 or 2, retains Federal and State funding; school pays “fair share contribution” based on start date
- If Option 3, school retains funding and pays admin fee and “fair share contribution”

Professional Development

- If Option 1 or 2, LAUSD staff receive PD
- If Option 3, charter school staff have access to LAUSD PD

Legal

- If Option 1 or 2, LAUSD bears legal responsibility
- If Option 3, school bears responsibility but has access to legal pool

Student Placements

- If Option 1 or 2, cost of NPS placement is covered by LAUSD
- If Option 3, school bears the cost of NPS placement

El Dorado Charter SELPA Structure

SELPA Entitlements are broken down as follows:

18/19 State
Funding
\$528/ P-2 ADA

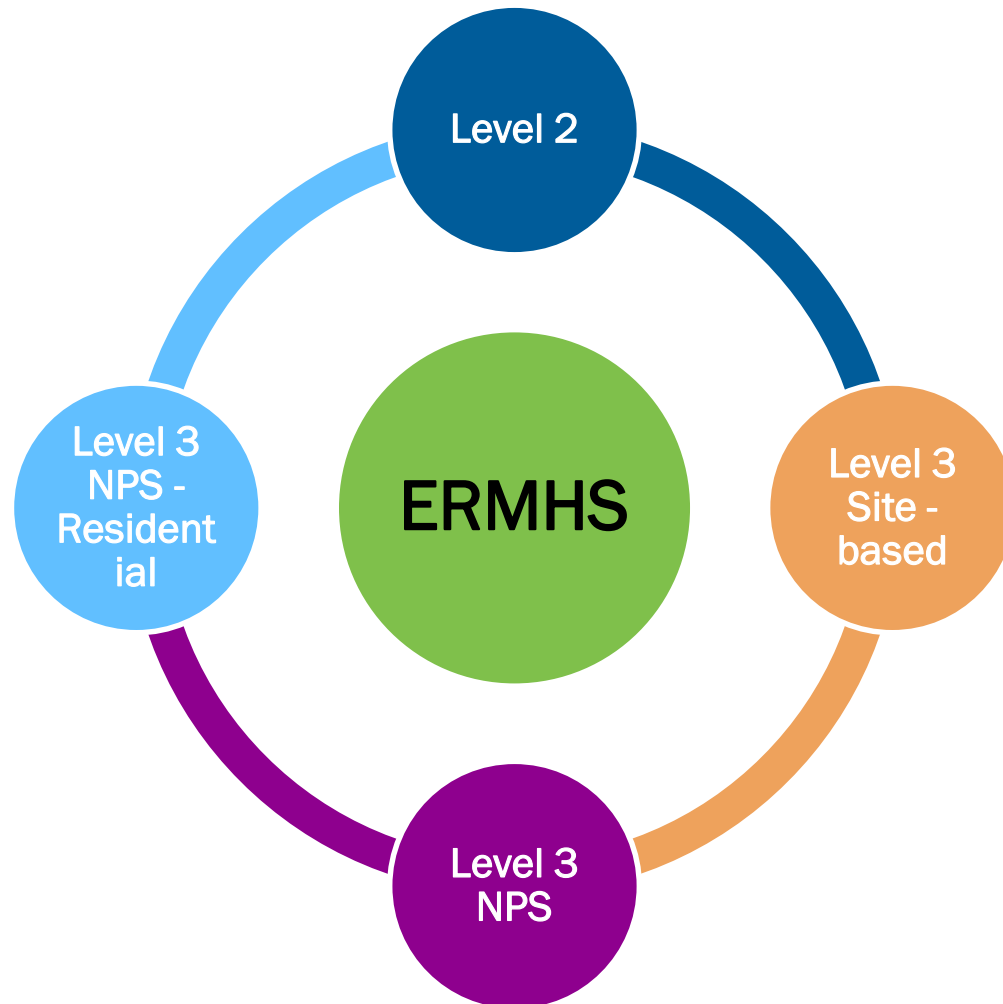
- The Charter SELPA funds each LEA member based on current year P-2 ADA
- COLA adjustment may be provided annually depending on legislative budget action
- State funding is variable as a result of ongoing state deficit ranging from 2% to 3%
- Charters in their first year with the Charter SELPA will not generate SpEd funding until after P-1

18/19 Federal
Funding
\$139/PY CBEDS
enrollment

- The Charter SELPA funds each LEA member based on prior year CBEDS enrollment (October count)
- New start-up charter members do not receive federal funds in first year of operations
- New charter members may receive federal funds if the school's enrollment was included in Charter SELPA federal grant
- Administrative fee based on state and federal income per LEA, but payment is made with state dollars
- Inability to spend funds may result in ineligibility to receive full allocation of funds in subsequent school year

SELPA ERMHS Reimbursements

There are four ERMHS services that each LEA can be reimbursed for:



What is Level 2?	Eligible Expenditures (SEIS codes)	Funding
<ul style="list-style-type: none"> ▪ Level 2 includes less intensive Mental Health support (ERMHS services) ▪ They are onsite services offered per a student's Individual Education Plan (IEP) 	<ul style="list-style-type: none"> ▪ 510 Individual Counseling ▪ 515 Counseling and Guidance ▪ 520 Parent Counseling ▪ 525 Social Work Services ▪ 530 Psychological Services ▪ 535 Behavior Intervention Services (must have Behavior Intervention Plan and one other mental health service) ▪ ERMHS-related transportation costs (based on sufficiency of funding results) 	<p>Funding is based on 80% of the lesser of:</p> <ul style="list-style-type: none"> ▪ \$2,000 to \$3,300 per eligible SEIS <u>service count</u> based on 12/1 count ▪ Budget Request submitted <p>LEA is required to match remaining 20% of the approved amount</p> <p>No facility costs, direct support (i.e. custodial, utilities), or admin costs</p> <p>ERMHS assessment costs are not reimbursable</p>

ERMHS Level 3 Site-based

What is Level 3 Site-based?	Eligible Expenditures (SEIS codes)	Funding
<ul style="list-style-type: none">▪ A structured, onsite therapeutic environment for students designated as emotionally disturbed (ED)▪ Reimbursable costs are restricted to services performed by certificated staff either through non-public agency (NPA) or hired by LEA▪ Eligible students must meet ED eligibility criteria and identified in SEIS with ED as their primary or secondary disability	<ul style="list-style-type: none">▪ 510 Individual Counseling▪ 515 Counseling and Guidance▪ 520 Parent Counseling▪ 525 Social Work Services▪ 530 Psychological Services▪ 540 Day Treatment Services▪ ERMHS-related transportation costs can be filed under Level 2▪ Books and supplies can be claimed	<ul style="list-style-type: none">▪ Funding is based on 80% of eligible ERMHS costs▪ LEA is required to match remaining 20% of the eligible ERMHS costs plus all educational costs▪ No facility costs, direct support (i.e. custodial, utilities), or admin costs▪ ERMHS assessment costs are not reimbursable

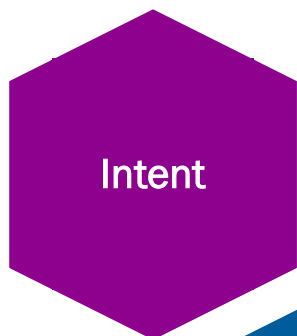
What is Level 3 NPS?	Eligible Expenditures (SEIS codes)	Funding
<ul style="list-style-type: none"> ▪ For students who have educationally-related needs exceeding the current placement with mental health support and services, that student may be placed in an non-public school (NPS) for day programs ▪ Least Restrictive Environment (LRE) options and continuum of services must be exhausted ▪ Reimbursable costs are restricted to services performed by a CDE approved NPS or non-public agency (NPA) ▪ Educational costs are the responsibility of the LEA and must be, at a minimum, equal to the charter's LCFF per ADA funding amount ▪ Eligible students must meet ED eligibility criteria and identified in SEIS with ED as their primary or secondary disability 	<ul style="list-style-type: none"> ▪ 510 Individual Counseling ▪ 515 Counseling and Guidance ▪ 520 Parent Counseling ▪ 525 Social Work Services ▪ 530 Psychological Services ▪ 540 Day Treatment Services ▪ Transportation costs ▪ Books and supplies can be claimed 	<ul style="list-style-type: none"> ▪ Funding is based on 90% of eligible ERMHS costs ▪ LEA is required to match remaining 10% of the eligible ERMHS costs plus all educational costs ▪ 90% of eligible transportation costs ▪ No facility costs, direct support (i.e. custodial, utilities), or admin costs ▪ ERMHS assessment costs are not reimbursable

ERMHS Level 3 NPS - Residential

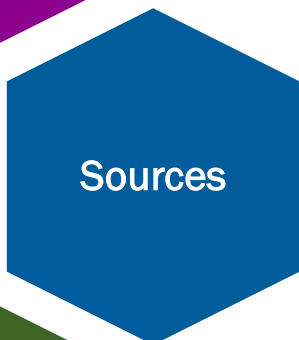
What is Level 3 NPS - Residential?	Eligible Expenditures (SEIS codes)	Funding
<ul style="list-style-type: none">▪ For students who have educationally-related needs exceeding the current placement with mental health support and services, that student may be placed in an NPS for residential programs▪ Least Restrictive Environment (LRE) options and continuum of services must be exhausted▪ Reimbursable costs are restricted to services performed by a CDE approved NPS▪ Eligible students must meet ED eligibility criteria and identified in SEIS with ED as their primary or secondary disability	<ul style="list-style-type: none">▪ 510 Individual Counseling▪ 515 Counseling and Guidance▪ 520 Parent Counseling▪ 525 Social Work Services▪ 530 Psychological Services▪ ERMHS-related transportation costs included under Level 2▪ Books and supplies can be claimed	<ul style="list-style-type: none">▪ Funding is based on 100% of eligible ERMHS costs▪ 100% of eligible ERMHS transportation costs▪ No facility costs, direct support (i.e. custodial, utilities), or admin costs▪ ERMHS assessment costs are not reimbursable

What is Low Incidence?	Eligible Expenditures (SEIS codes)	Funding
<ul style="list-style-type: none"> ▪ A severe disabling condition with an expected incidence rate of less than 1% of total statewide enrollment in special education. ▪ Hearing impairments (hard of hearing or deaf), vision impairments, severe orthopedic impairments (clubfoot, amputations, cerebral palsy, etc). ▪ Eligible students must have a low incidence primary or secondary disability through assessment and IEP process. ▪ Materials/services must be required to meet IEP goals and objectives, to access general education, specialized as it relates to the low incidence disability, and indicated in an evaluation completed by credentialed staff or knowledgeable provider. 	<ul style="list-style-type: none"> ▪ 220 Individual Counseling ▪ 230 Deafness ▪ 250 Visual Impairment ▪ 270 Orthopedic Impairment ▪ 300 Deaf-Blindness ▪ 310 Multiple Disabilities ▪ 610 Specialized Services for Low Incidence Disabilities ▪ 710 Specialized Deaf and Hard of Hearing Services ▪ 715 Interpreter Services ▪ 720 Audiological Services ▪ 725 Specialized Vision Services ▪ 730 Orientation and Mobility ▪ 735 Braille Transcription ▪ 740 Specialized Orthopedic Services ▪ 745 Reader Services ▪ 750 Note Taking Services ▪ 755 Transcription Services 	<ul style="list-style-type: none"> ▪ Minimum request: \$600 ▪ Maximum reimbursement request: \$3,000

SELPA Legal Risk Pool



- To fund special education legal costs associated with a due process hearing



- Modified funding from Charter SELPA partners who are in the process of building programs, but are not yet able to full expend allocated state dollars
- Forfeited funding from Charter SELPA partners who close operations and fail to submit documentation that would allow for release of funds being held



- Charter member attorney fees associated with a due process fair hearing
- Charter member attorney fees associated with a mediation or alternative dispute resolution that occurs as a result of a due process filing
- When the LEA is ordered to pay legal costs of opposing counsel



- Up to \$18,000 reimbursement (\$30,000 eligible costs with 60% paid from legal risk pool
- 40% of eligible costs reside with charter school

El Dorado SELPA Fees

Prior to the distribution of state and federal funding, the applicable administrative fee is applied. The fee is calculated on both state and federal funding sources, but is paid only using state dollars

6%	Year One Partner
5%	Year Two Partner
4% or 5%	Year Three or Four Partner (must meet certain criteria)
4%	Year Five Partner

Single Charter Partner

- One charter in the Charter SELPA
- One vote per charter
- Admin fee based on date of charter entry into the Charter SELPA

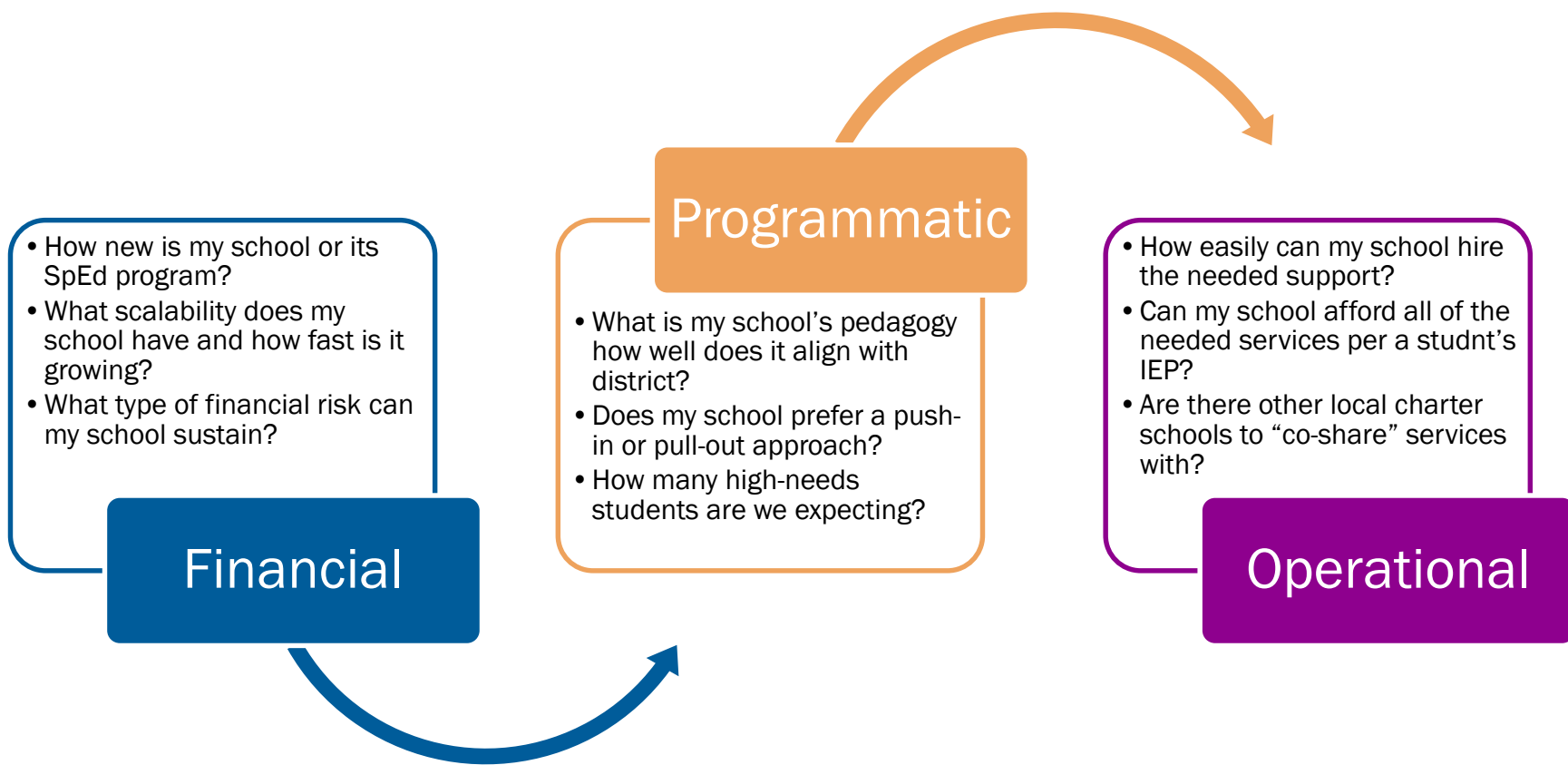
Organization Partner

- 2+ charters in the Charter SELPA
- One vote per charter
- Admin fee based on date of CMO/Non-profit entry into the Charter SELPA

Decision-making Considerations

What should drive the SELPA decision?

Deciding which SELPA to join is an interconnected decision



Financial solvency should drive decision-making

There are pros and cons of both options

Pros

- SpEd compliance handled by district
- District has established systems and processes in place to manage SpEd
 - For students needing specialized services, equipment, or materials
- Legal/Financial exposure is minimized
- Financial predictability

Cons

- School forfeits some programmatic control around SpEd
- District may not provide sufficient staffing/ school may have limited say in staffing decisions
- District and school calendar may be misaligned
- MH support staff can be stretched thin

There are pros and cons of both options

Pros

- More control of SpEd program
- Control of budget, all funding goes toward their own program and doesn't fund other district programs
- Charter SELPAs have dedicated program specialists for each member school
- Response time with charter SELPA is quicker than with district SELPA

Cons

- Uncapped financial and legal exposure
- Limited- or prohibitively expensive- resources for low incident disabilities (i.e. AT)
- If using SpEd contractors, lack of intimate collaboration may lead to compliance issues

Case Analysis: Leadership High School

of IEPs

~53 (*16% of student population*)

Recent services per IEPs

- SAI
- Paraprofessional
- SDC (rare)
- Speech Therapy
- Individual Counseling
- Occupational Therapy
- Physical Therapy

Overall Needs

Mild/Moderate

Encroachment

\$153 per ADA

Resources

- School Psych and SLP (employed by SFUSD)
- Resource Specialist (2) and Paraprofessional (2)
- Dedicated academic counselor
- 3rd Street Clinic/interns for MH (SFUSD does not provide therapy)

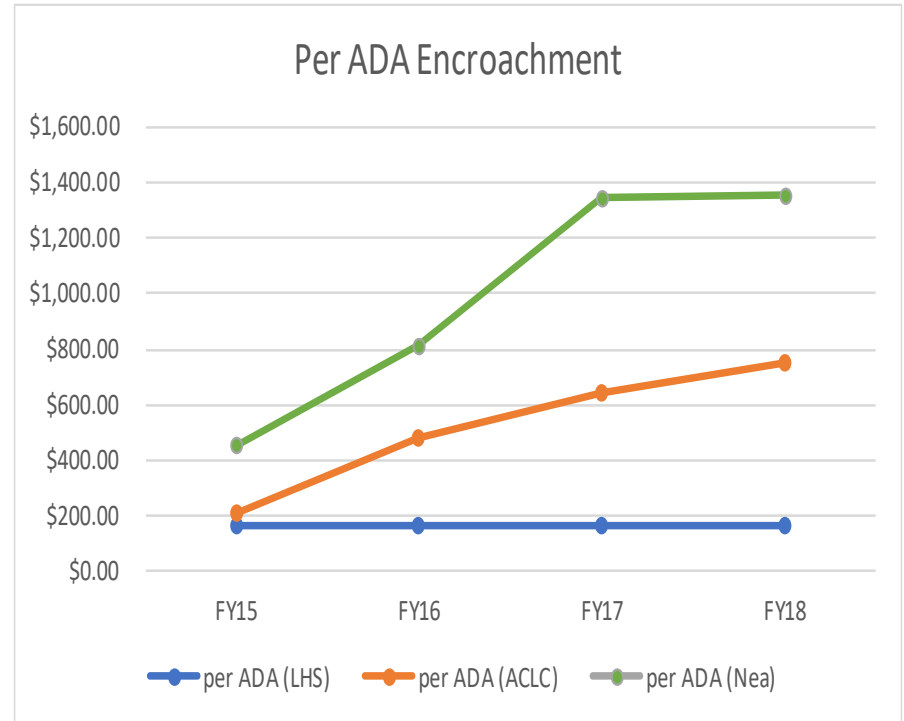
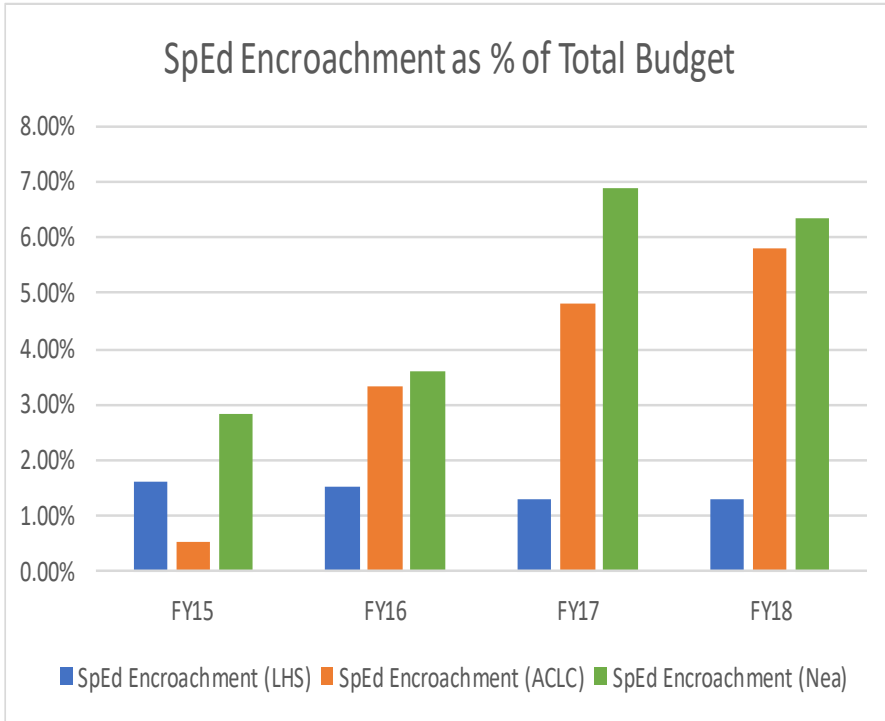
Why a District SELPA?

- Seamless integration since inception w/ needs and district staffing

What would lead to SELPA change?

- If there were more kids being referred for SpEd (elementary school vs high school)
- If SFUSD were grossly out of compliance in meeting IEP requirements

LHS being a member of SFUSD allows budget predictability





“If it ain’t broke, don’t
fix it”



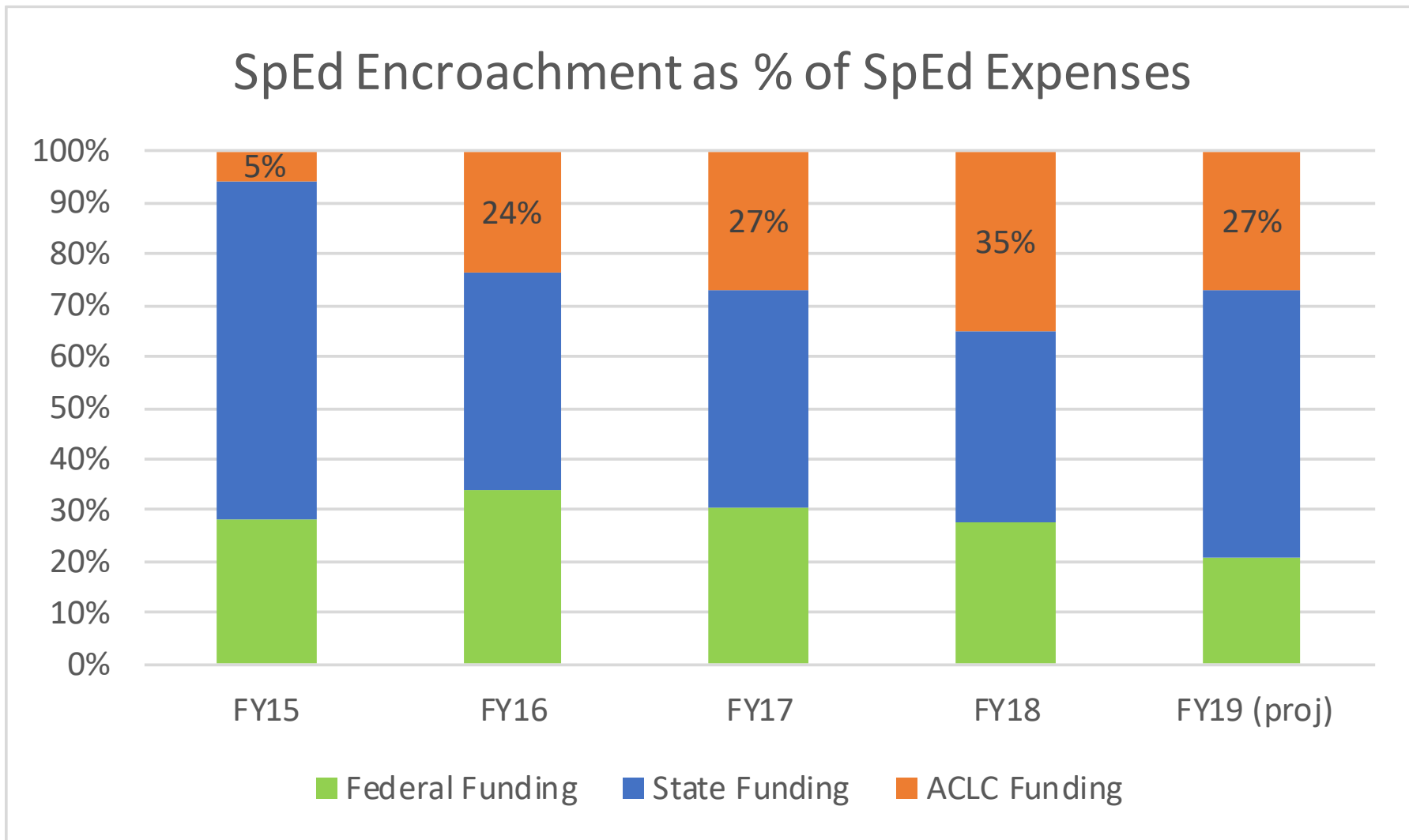
Litigation

Case Analysis:

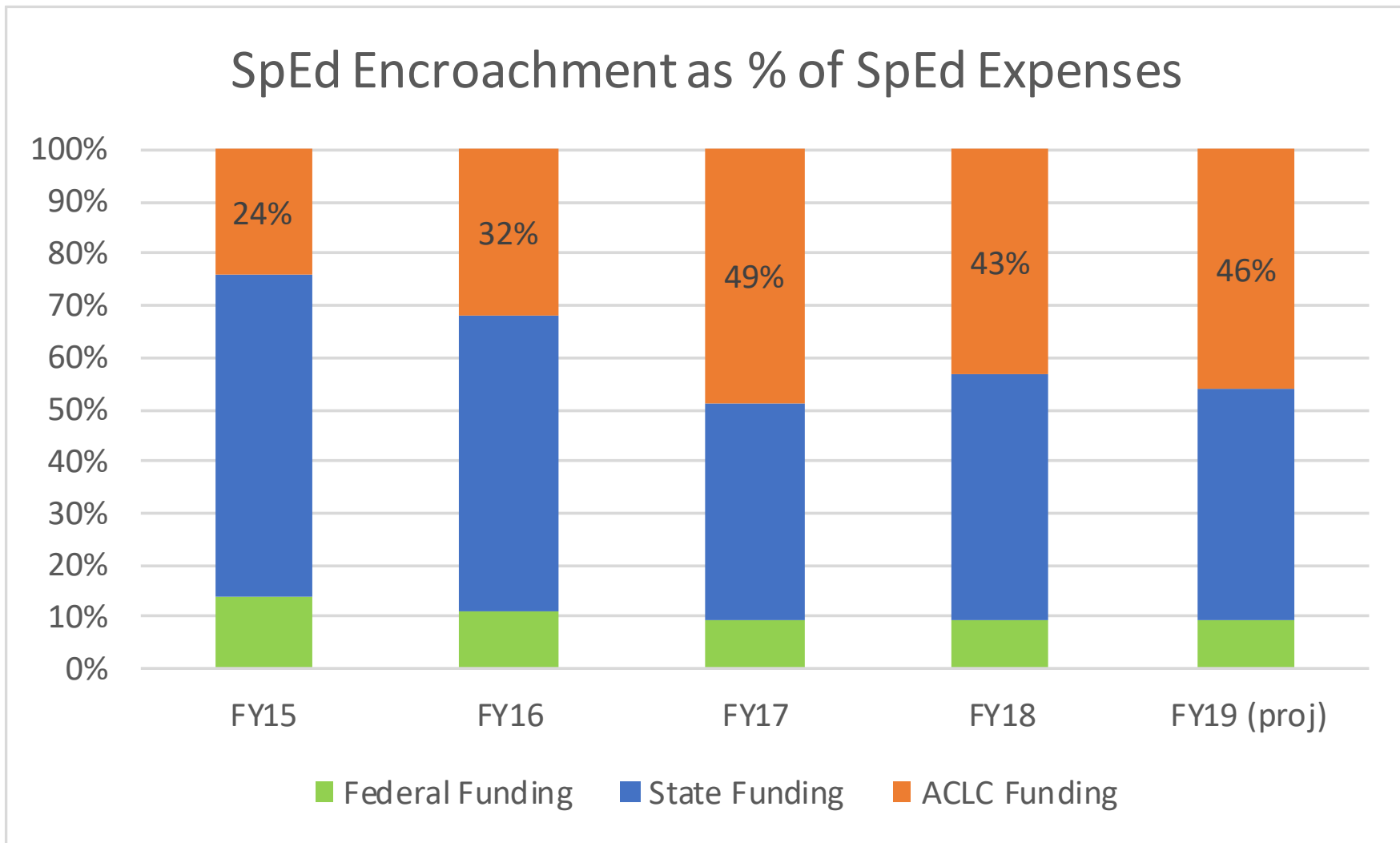
Community Learning Charter School (Nea and ACLC)

# of IEPs	ACLC: ~36 (11%) Nea: ~ 78 (13%)
Recent services per IEPs	<ul style="list-style-type: none">• SAI• Paraprofessional• NPS placement• Speech Therapy• Individual Counseling• Occupational Therapy• Assistive Technology
Overall Needs	Mild/Moderate
Encroachment	ACLC: \$591 per ADA Nea: \$602 per ADA
Combined Resources	<ul style="list-style-type: none">• Ed Specialist (4)• Paraprofessional (7)• Speech Language Pathologist (contractor)• Mental Health Assessment (contractor)• Occupational Therapy and Assistive Tech (contract)
Why a Charter SELPA?	<ul style="list-style-type: none">• Uncertainty over assigned district SpEd staff
What would lead to SELPA change?	<ul style="list-style-type: none">• Fiscal health of schools and increasing encroachment• Performance level of students

As a member of a charter SELPA, SpEd costs can outpace SpEd funding



As a member of a charter SELPA, SpEd costs can outpace SpEd funding



Why being a member of EDCOE SELPA works?



Financial capacity allows it

Intentional staff training leads to academic results

Staffing and programmatic control

Thought-partner in EDCOE

Q&A

Thank you!

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- EdTec is a social enterprise committed to improving public education by supporting charter schools with **business**, **operations**, and **performance** services.
- We are motivated by our **vision** to have the **greatest positive impact on the quality of public education**, as evidenced by our successful long-term partnerships with charter schools across the country.



97% client
retention rate



300+
partner schools



18 years of
charter focus

- Our **exceptional staff** understands the needs and workings of charter schools inside and out, and supports schools with a comprehensive range of services including **charter petition development**, **back office**, **school data and compliance**, **school software**, and **consulting**.