

SUPERINTENDENTS GOVERNANCE COMMITTEE TULARE COUNTY MASTER PLAN FOR SPECIAL EDUCATION

MINUTES

March 24, 2009

The Superintendent's Governance Committee met on Tuesday, March 24, 2009, in the Board Room of the Tulare County Office of Education.

MEMBERS PRESENT: **John Beck**, Superintendent, Tulare City Elementary; **Howard Berger**, Superintendent, Tulare Joint Union High; **Stan Carrizosa**, Superintendent, Visalia Unified; **David DePaoli**, Superintendent, Strathmore Union Elementary; **Tim Hire**, Superintendent, Woodlake Union; **Janet Jones**, Superintendent, Farmersville Unified; **Dr. Carolyn Kehrli**, Superintendent, Cutler-Orosi Unified; **Janet Kliegl**, Superintendent, Lindsay Unified; **Jerry Sessions**, Superintendent, Dinuba Unified; **Dr. Marcella Smith**, Superintendent, Earlimart Elementary; **Dr. John Snavelly**, Superintendent, Porterville Unified; **Renée Whitson**, Superintendent, Exeter Union; **Dr. Marilyn Rankin**, Assistant Superintendent/SELPA Administrator, Tulare County.

MEMBERS ABSENT: **Dr. Gary Mekeel**, Superintendent, Burton Elementary; **Sue Sherwood**, Superintendent, Three Rivers Union Elementary; **Jim Vidak**, County Superintendent, Tulare County;.

OTHERS PRESENT: LINDSAY UNIFIED: **Suzzane Terrill**, DOSE Representative to SGC; BUENA VISTA ELEMENTARY: **Carole Mederos**, Superintendent; WAUKENA JOINT UNION ELEMENTARY: **Terri Lancaster**, Superintendent; DINUBA UNIFIED: **Joe Martinez**, Director of Special Education, **Paul Rogers**, Assistant Superintendent, Educational Services, **Barbara Thiesen**, Director of Instructional Services; TULARE COUNTY OFFICE OF EDUCATION: **Patty Blaswich**, Director, Internal Business, **Norma Erwin**, Parent Liaison, **Kaye van Gilluwe**, Administrator, Student Support Services.

PUBLIC COMMENTS: Janet Jones, Chairperson, opened the meeting to public comment. No public comment was made.

INTRODUCTIONS: Janet Jones, Chairperson, introduced visiting superintendents, Terri Lancaster, Superintendent, Waukena Joint Union Elementary and Carole Mederos, Buena Vista Elementary. Terri indicated Waukena has 215 ADA, and special education services are County provided including a speech and language specialist and the services of a psychologist one day a week. She stated the Rtl model is being utilized and working well. They are experiencing growth and are very happy with the special education services being provided. Carole indicated Buena Vista has 195 ADA and also has a County provided speech and language specialist and psychological services and are very happy with their special education support. The Buena Vista staff is also trained in Rtl and has been utilizing the model for two years. The staff has witnessed academic growth in students served and a decrease in referrals for special education identification.

REVIEW OF SGC PACKET: Dr. Marilyn Rankin, Assistant Superintendent, Special Services, and SELPA Administrator, reviewed the Superintendent's Governance Committee agenda packet with the Superintendents. Items included were:

- CASEMIS Special Education Enrollment Data – March

Marilyn also reviewed current litigation in the SELPA. Parents of one student are requesting the same ABA provider in school as is being utilized in home. Another student has been unilaterally placed in private school by the parents. The district continues to offer FAPE to the student. The third student, has an 135 IQ, and is above grade level; however, the parents are adamant that the student is qualified for special education services. All parents/students are now represented by legal counsel. Tulare County Office of Education has a case pending in the 9th Circuit Court of Appeals involving the question of whether emails are considered student records. The ruling in this case could be precedent setting, and staff has been cautioned to not use student names or initials in email correspondence.

GUEST PRESENTERS: Paul Rogers, Assistant Superintendent, Educational Services , Barbara Thiesen, Director of Instructional Services and Joe Martinez, Director of Special Education, all from Dinuba Unified School District gave a presentation on how Response to Instruction and Intervention Rtl² is working in their district. Paul began the presentation stating that Rtl is a team approach for all students which focuses on instruction first. It involves early intervention, prevention, and closing the achievement gap. Rtl always starts with core instruction for all students which is the first tier. The second tier is benchmark in which students with temporary difficulties are served. In the third tier, strategic, students served are those students who have scored far below basics on CSTs and require further intervention during pull-out sessions outside of the regular classroom. And finally, the fourth tier is intensive which serves students previously identified as special education, severely handicapped students or students whose parents have requested intensive services. Rtl is data driven. Barbara indicated that utilizing the Rtl model has allowed the district to serve a far greater number of students than were previously served. For example at a school of 613 students, 145 students are served in intervention. They have seen reading fluency increase dramatically in eighteen months. Joe reviewed a graph that showed in 2001-2002, 28 students were initially identified with specific learning disability (SLD). This number dropped to 2 students in 2008-2009. The district has approximately 6,000 ADA total. Of the 233 special education students in the district, 144 are identified with SLD (62%); however, 79 of these students are high school level. As the Rtl model is used in lower grades, the numbers of students identified as special education students is decreasing.

APPROVAL OF MINUTES: Minutes from the February 24, 2009 Superintendent's Governance Committee Meeting were presented for approval. ***A motion was made by David DePaoli and seconded by Janet Kliegl to approve the minutes as presented. The motion carried unanimously.***

STAFFING IN TCOE SEVERELY HANDICAPPED PROGRAMS: Dr. Marilyn Rankin, Assistant Superintendent, Special Services, and SELPA Administrator, provided follow-up information from the previous meeting including a three year history on the following:

- Student to Teacher Ratio in SH Classrooms
- Student to Instructional Assistant Ratio in SH Classrooms
- Students to Total Staff Ratio in SH Classrooms

While the ratios in TCOE operated classrooms are typically lower (fewer students per class) than those of districts, the make-up of students in the classrooms justify the ratio. Most TCOE severely handicapped students are medically fragile and require much assistance to attend school. At the April SGC meeting, program managers from the County's SH programs will give a presentation on the differences within the mental retardation classification.

DOSE REPORT: Suzzane Terrill, representative from the Directors of Special Education Committee to the Superintendents Governance Committee, reported on the March DOSE meeting (*See March 2, 2009 minutes*).

FISCAL AD HOC COMMITTEE MEETING: Stan Carrizosa, Chairperson, reviewed the Fiscal Ad Hoc Committee Meeting summary. The severely handicapped adjustment allocation which Visalia Unified receives was discussed. This allocation was established when the old funding model was in place and when VUSD operated two special day classes at Riverbend which were indistinguishable by student need from those operated by TCOE. The dynamics of the special education population have changed, including types of disabilities served and where service is provided. Recognizing that all districts may serve students with similar needs, Stan indicated the district is currently researching where the special education students are being served, how they are being served, and where they would best be served. He will bring back a recommendation to the superintendents on continuing with the separate allocation or reallocating the money to all districts. Stan also indicated the fiscal agenda items to follow were discussed by the committee, and he will speak to the committee's recommendation as the agenda items are addressed.

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA/FEDERAL STIMULUS) ED GUIDELINES: Patty Blaswich, Director, Internal Business, briefly reviewed the American Recovery and Reinvestment Act (ARRA/Federal Stimulus) ED Guidelines recently published by CCSESA State and Federal Legislative Committee. Patty noted that 50% of the IDEA, Part B Grants to States and Preschool Grants recovery funds will be awarded the end of March, with the remaining 50% awarded by October 1. All IDEA recovery funds must be used consistently with the current IDEA, Part B statutory and regulatory requirements and must be accounted for separately from the regular IDEA, Part B Grants and Preschool Grants. LEAs were urged to use funds for short-term investments that have the potential for long-term benefits rather than expenditures that may not be able to be sustained once recovery funds are expended. Examples of uses are state-of-art assistive technology and training, staff development, data collection and usage, availability and inclusive placement options for preschoolers with disabilities, and transition services. The superintendents will proceed with caution on budgeting the stimulus funds until received.

2007-2008 FUND BALANCE DISTRIBUTION: Patty Blaswich, Director, Internal Business, explained to the superintendents that the \$247,675 fund balance has remained since presented in September. The audit is now complete and supported the figures that can be distributed to districts based on actual 07-08 P-2 ADA. This is a one-time allocation as carryover not added to the base. The Fiscal Ad Hoc Committee recommended the remaining 2007-2008 fund balance be distributed as soon as possible to districts. ***A motion was made by Dr. John Snavely and seconded by Janet Kliegl to approve the 2007-2008 fund balance for distribution in 2008-2009. The motion carried unanimously.***

RECERTIFICATION OF AB 602 FOR 2007-2008: Patty Blaswich, Director, Internal Business, reviewed with the superintendents the recertification of AB 602 for 2007-2008. While the base is down from P-2 to Annual, property tax, growth, and group home funding are up. There was a net increase from P-2 to Annual of \$107,949. If this amount carries over until 2008-2009 when the audit is complete, the funds would again be available for distribution to the districts. ***A motion was made by Renee Whitson and seconded by Dr. Carolyn Kehrli to approve the recertification of AB 602 for 2007-2008 as presented. The motion carried unanimously.***

P-1 CERTIFICATION OF AB 602 FOR 2008-2009: Patty Blaswich, Director, Internal Business, presented a spreadsheet with the P-1 certification of AB 602 funds for 2008-2009. She indicated growth (ADA) is almost always overstated at P-1, and there is no COLA for this year. This exhibit is a snapshot of where we are for this fiscal year as of P-1 reporting in February. ***A motion was made by John Snavelly and seconded by Tim Hire to approve the P-1 certification of AB 602 for 2008-2009 as presented. The motion carried unanimously.***

PROGRAM SPECIALIST FUNDS FOR 2009-2010: Patty Blaswich, Director, Internal Business, presented the estimated program specialist funds for 2009-2010. This allocation applies to districts employing their own program specialists. All other districts receive program specialist services through the SELPA. She again indicated there is no COLA applied to next year; however, there is no deficit either, so basically the total funding estimate will remain the same from this year. The individual district allocations will however be adjusted based on actual 2008-2009 P-2 ADA. The total estimated allocation is \$494,620 which equates to \$9.75 per ADA. The Fiscal Ad Hoc Committee recommended approval of the estimated program specialist funds for 2009-2010. ***A motion was made by Janet Kliegl and seconded by David DePaoli to approve the program specialist funds for 2009-2010. The motion carried unanimously.***

PRESCHOOL ALLOCATIONS FOR 2009-2010: Patty Blaswich, Director, Internal Business, reviewed the 2009-2010 estimated preschool grants and allocations with the superintendents. Again there is no COLA or growth applied. The estimated amount per ADA for districts operating preschool programs for special education students is \$46.40. Added to the normal estimated allocations are additional funds to be accounted for separately in a new SACS resource code as a result of the Federal Stimulus Package (ARRA). In the initial release of funding amounts, only one preschool grant was included, Preschool Local Entitlement, 33200. The estimated total as a result of the stimulus package for 2009-2010 is \$1,032,488 or \$16.02 per ADA. The estimated total stimulus funds for 2010-2011 is \$1,184,535 total or \$18.37 per ADA. There was discussion on when the funds might actually be available to districts. Marilyn suggested the districts begin to formulate plans to incur the expenditures during the summer for preschool staff development. The Fiscal Ad Hoc Committee recommended approval of the estimated preschool allocations for 2009-2010. ***A motion was made by Dr. John Snavelly and seconded by Tim Hire to approve the preschool allocations for 2009-2010 including the estimated federal stimulus funds. The motion carried unanimously.***

SPECIAL EDUCATION ALLOCATIONS FOR 2009-2010: Patty Blaswich, Director, Internal Business, presented to the superintendents the estimate of special education funding for 2009-2010. No COLA nor supplement have been applied, however, there was a small amount of growth. The estimated amount per ADA is \$475. This figure will be adjusted based on actual 2008-2009 P-2 ADA when those figures are available in July. Again, the Federal Stimulus Package will provide additional funding, an estimated additional \$8.2M for 2009-2010 and \$9.4M for 2010-2010 or \$90.78 per ADA and \$104.15 per ADA respectively. Stan indicated the Fiscal Ad Hoc recommended approval of the special education allocations for 2009-2010 once the estimated additional funding as a result of the federal stimulus package was reallocated to districts based on ADA removing the County Office from the equation. It was the view of the ad hoc committee that since the County Office receives their funding “off the top”, they are made whole without additional funding and the stimulus funds should not apply. Patty also presented a summary of all funds to budget for 2009-2010, which includes AB602, Program Specialist, PL-94-142 Federal plus stimulus, and Preschool funding plus stimulus. This exhibit will be brought back to the superintendents for final approval at the April meeting once TCOE is removed from the special education federal stimulus funding calculation.

A motion was made by John Beck and seconded by Janet Kliegl to approve the special education allocations for 2009-2010 with the exception that TCOE will be removed from the calculated stimulus funds. The motion carried unanimously.

PRIVATE SCHOOL FUNDING CALCULATIONS: Patty Blaswich, Director, Internal Business, presented the private school funding calculations for 2008-2009 to the superintendents and reminded them these funds need to be spent on services provided to parentally placed private school students. She indicated she has not received record of many expenditures to date and asked the superintendents to remind their business managers and DOSE that these expenditures must now be accounted for at the district level in a separate resource code. If not all funds are spent based on the proportionate share allocated for private school students, the money must be returned. Patty also noted that a proportionate share of stimulus funds must also be allocated to serve parentally placed private school students.

SGC MEMBERSHIP – SMALL SCHOOL DISTRICT REPRESENTATIVES FOR 2009-2010 THROUGH 2011-2012: Dr. Marilyn Rankin, Assistant Superintendent, Special Services, and SELPA Administrator, requested in the absence of Mr. Vidak input from the superintendents on the small school district representatives (districts with less than 900 ADA) for SGC membership for 2009-2010 through 2011-2012. In accordance with SELPA policy, two small school district superintendents are appointed to the Superintendents Governance Committee every three years by the County Superintendent with input from the Superintendents Governance Committee, Directors of Special Education Committee and the Superintendents from the Small School Districts group. Current representatives include David DePaoli, Superintendent, Strathmore Elementary, and Sue Sherwood, Superintendent, Three Rivers Elementary. The superintendents agreed that they would follow the recommendations made by the Small School Districts group. There was discussion on required attendance by superintendents at the SGC meetings. SELPA policy states nine members must be present to establish a quorum and 8 votes would represent the simple majority needed for passage of items requiring action.

ANNUAL OUT OF HOME CARE FACILITIES LIST: Dr. Marilyn Rankin, Assistant Superintendent, Special Services, and SELPA Administrator, presented the 2008-2009 annual out of home care facilities list as required by state law.

NEXT MEETING: The next meeting of the Superintendents Governance Committee will be held Tuesday, April 28, 2009, from 12 Noon to 2:00 p.m. in the Board Room of the Tulare County Office of Education. Agenda items will include election of a chairperson for the Superintendents Governance Committee for 2009-2010, a Severely Handicapped Program Manager presentation on the MR classification, a caseload review including data for speech and language services, a review of the role and responsibility of the SGC Ad Hoc Committees, requests for reimbursement of supplementary services to hearing impaired students in district programs for 2008-2009, low incidence expenditures to date for 2008-2009, due process attorney/settlement fees to date for 2008-2009, Federal stimulus package update, and a recommendation on Visalia Unified's severely handicapped allocation.

HANDOUTS: AGENDA ITEM HANDOUTS: Response to Instruction and Intervention Rtl² Powerpoint Presentation by Dinuba Unified staff; Draft minutes of the February 24, 2009 Superintendent's Governance Committee meeting; Staffing in TCOE Programs for the Severely Handicapped Three-Year History including Student to Teacher Ratio, Student to FTE Instructional Assistant Ratio, and Student to Total Staff Ratio; CCSESA State and Federal Legislative Committee March 12, 2009 Memorandum on American Recovery and Reinvestment Act (ARRA) – ED Guidelines; Special Education Revenue & Expenditure Summary for 2007-2008 including Carryover; Special Education 2007-2008 Recertification; Special Education 2008-2009 P-1 Certification; Program Specialist Allocation for 2009-2010 Estimated; 2009-2010 Estimated Preschool Grants including Additional Estimated Funds due to Federal Stimulus Package; Special Education Estimate 2009-2010; Special Education Stimulus Estimate 2009-2010 and 2010-2011; Special Education Summary of Funds to Budget 2009-2010; Estimated Private School Funding Calculation for 2008-2009; Tulare County/District SELPA Out of Home Care Facilities 2008-2009.

MISCELLANEOUS HANDOUTS: CASEMIS Special Education Enrollment Data – March.

Janet Jones, Chairperson
Superintendents Governance Committee

Marilyn Rankin, Chief Administrative Officer
Superintendents Governance Committee