

SUPERINTENDENTS GOVERNANCE COMMITTEE TULARE COUNTY MASTER PLAN FOR SPECIAL EDUCATION

MINUTES

October 27, 2009

The Superintendent's Governance Committee met on Tuesday, October 27, 2009, in the Board Room of the Tulare County Office of Education.

MEMBERS PRESENT: **Howard Berger**, Superintendent, Tulare Joint Union High; **Stan Carrizosa**, Superintendent, Visalia Unified; **Luis Castellanoz**, Superintendent, Tulare City Elementary; **Dr. Joe Hernandez**, Superintendent, Dinuba Unified; **Janet Jones**, Superintendent, Farmersville Unified; **Dr. Carolyn Kehrli**, Superintendent, Cutler-Orosi Unified; **Janet Kliegl**, Superintendent, Lindsay Unified; **Terri Rufert**, Superintendent, Sundale Union Elementary; **Dr. Marcella Smith**, Superintendent, Earlimart Elementary; **Sue Sherwood**, Superintendent, Three Rivers Union Elementary; **Dr. John Snavely**, Superintendent, Porterville Unified; **Renée Whitson**, Superintendent, Exeter Union; and **Dr. Marilyn Rankin**, Assistant Superintendent/SELPA Administrator, Tulare County.

MEMBERS ABSENT: **Tim Hire**, Superintendent, Woodlake Union; **Dr. Gary Mekeel**, Superintendent, Burton Elementary; and **Jim Vidak**, County Superintendent, Tulare County.

OTHERS PRESENT: **TULARE CITY ELEMENTARY:** **Joyce Nunes**, DOSE Representative to SGC; **TULARE COUNTY OFFICE OF EDUCATION:** **Carol Sonier**, Principal, Court Schools; **Linda McKean**, Administrator, Mild to Moderate Programs; **Maxine Epperson**, Program Manager, Bright Start Parent Infant Program; **Norma Erwin**, Parent Liaison; and **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, indicated the two guest superintendents invited to the meeting could not attend.

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 – October – Marilyn indicated the report is a quick way to view trends in each district. The report can also be an indicator of the philosophy behind special education services as the district philosophy directly impacts the number of students identified in each disability category.
- Marilyn reviewed the U.S. District Court's decision on the educational records case against TCOE. The U.S. District Court for the Eastern District of California held that an email is not an education record subject to the provisions of the Education Code or the Family Education Right to Privacy Act unless it contains information related to the student AND is "maintained" by the agency. (S.A. v. Tulare County Office of Ed. and California Dept. of Ed)

- Lozano Smith Client News Brief – *United States Ninth Circuit Court of Appeals Reaffirms “Some Educational Benefit” FAPE Standard* – Marilyn explained this case sought to overturn the definition of FAPE adding “meaningful” educational benefit in lieu of “some” educational benefit. The Ninth Circuit observed that Congress did not intend to change the definition of FAPE in its subsequent amendments to the IDEA, and that FAPE requires only that “some educational benefit” be conferred in a district offer of FAPE.
- Special Friends Brochure – Project is a result of Prevention and Early Intervention Grant (Millionaire’s Tax-Prop 63) and superintendents will soon be receiving grant agreements to review and sign.

GUEST PRESENTERS:

Carol Sonier, Principal, Court Schools, Linda McKean, Administrator, Mild to Moderate Programs, and Maxine Epperson, Program Manager, Bright Start Parent Infant Program gave a presentation to the superintendents on the study to be conducted with the Deaf and Hard of Hearing Program. Carol indicated that we are seeking a more universal infant hearing screening process countywide. This is necessary as children are being identified with hearing disabilities at a much earlier age and are receiving implants as early as 12 months of age which requires auditory therapy. To establish this screening criteria a study will be conducted which will include assessing the current deaf and hard of hearing program. The study group will look at current student demographics, deaf/hard of hearing services being offered, cochlear implant support, and the extent of parent involvement. The group will also canvas parental concerns and desires for a DHH Program and investigate service arrays that best meet the needs of our student population. Discussion by the superintendents focused around the eligibility for cochlear implants and the responsibility of the school district. It was noted that the courts have decided that the school district is not responsible for the mapping required with the implants but for the resulting education of the student. Marilyn indicated this study group brings together the infant program, managed by Maxine Epperson, the regular DHH program, managed by Linda McKean, and Carol Sonier, Court Schools Principal and a parent of two deaf children who are now in adulthood.

Maxine Epperson also gave a presentation on the process used when a student transitions from the Infant Program (Part C – Ages 0-2) to a District Preschool Program. Maxine reviewed the changes in eligibility criteria as a result of the budget cuts. Children must now demonstrate a development delay and not just be identified as “at risk”. She also reviewed a timeline depicting the process for Part C (Infant) to Part B (Preschool) transitions. Between the ages of 2.6 to 2.9, a mandated transition planning meeting must occur. The district psychologist and/or program specialist attends this meeting to discuss current developmental levels and need for additional assessments once a student is transitioned to a district preschool program. While this process is consensus driven by Bright Start staff, district staff, and the parent, the ultimate authority for preschool services resides with the receiving district and IEP meeting must be held by the child’s 3rd birthday. The superintendents asked the likelihood of IFSP services continuing to the IEP. Maxine indicated that historically, 40% of students exiting Bright Start are eligible for services under Part B. While eliminating the “at risk” eligibility criteria may increase the percentage of students with continued service from Part C to Part B, embedded curriculum for speech and language, occupational and physical therapy, and vision services should help to offset this increase. Maxine also shared that services of a district Preschool program vary by district. Also Maxine noted that the way the district presents the district program to the parents at the transition meeting is very important in how comfortable the parent feels with accepting recommendations from the district team.

There was also discussion by the superintendents on preschool transportation. There is an obligation to provide service, but transporting to school is not the only option. Services could be provided at home or at a child care provider. This allows for service time in lieu of bus time. TCOE provides transportation to a center for the severely handicapped for medically fragile preschoolers.

LEGAL FEES/SETTLEMENT AGREEMENT COSTS: Sue Sherwood, Legal Fees Ad Hoc Committee, reviewed the recommendation of the Legal Fees Reimbursement Ad Hoc Committee to approve additional legal fees for 2008-2009 for Exeter Union Elementary in the sum of \$12,759.60. These legal costs were incurred after compliance complaint and due process were filed. District has more than met the \$5,000 deductible stipulated in SELPA Policy #2520.

A motion was made by Stan Carrizosa and seconded by Dr. John Snavely to approve the legal fees reimbursement to Exeter Union in the amount of \$12,759.60 for the 2008-2009 fiscal year. The motion carried unanimously.

APPROVAL OF MINUTES: Minutes from the September 22, 2009 Superintendent's Governance Committee Meeting were presented for approval.

A motion was made by Janet Kliegl and seconded by Sue Sherwood to approve the minutes as presented. The motion carried unanimously.

DOSE REPORT: Joyce Nunes, representative from the Directors of Special Education Committee to the Superintendent's Governance Committee, reported on the September DOSE meeting (*See October 5, 2009 minutes*). Key items discussed outside the items covered at SGC were CVRC eligibility criteria, approval of the Tulare County/District SELPA Child Find Campaign, and preschool funding.

REIMBURSEMENT OF INTERPRETER COSTS FOR HEARING IMPAIRED STUDENTS IN DISTRICTS:

Joyce Nunes, Director of Special Education, Tulare City School District, presented to the superintendents an additional request for reimbursement of interpreter costs for a hearing impaired student in the Tulare City School District. This student is being transported from Tulare to the Hearing Impaired Program in Kings County located in Stratford. Tulare City is being charged for not only the interpreter but for a proportionate share of all costs to operate the class. The interpreter costs totaled \$9,823.86 for 2008-2009. The situation is complicated by the fact that both the prior superintendent and director of special education for Tulare City have retired, and the scenario agreed upon in the IEP seems to have changed along the way. Joyce is currently working with Kings County to reassess the student for services to be provided at the district of residence. The superintendents requested the approval of this reimbursement be tabled until a corrective action plan was developed and reviewed at a future SGC meeting to ensure history does not repeat itself.

A motion was made by Stan Carrizosa and seconded by Dr. Carolyn Kehrli to table the additional reimbursement request for interpreter costs for the Tulare City hearing impaired student until a corrective action plan could be developed and reviewed by the SGC. The motion carried unanimously.

CASEMIS REPORT: Marilyn Rankin reviewed a spreadsheet showing the two-year history by district with the percentage of identified special education students compared to CBEDs. She indicated that the small school district percentage is 2.5%. This is important to keep in mind with regard to the fact that the cost of special education services to small school districts are provided by the County office and come off the top of the funding. Marilyn also pointed out that percentages should see a drop overall with the continued implementation of Rtl throughout the county.

FIFTY PERCENT (50%) ARRA IMPACT ON MAINTENANCE OF EFFORT (MOE):

Patty Blaswich, Director, Internal Business, presented a spreadsheet showing how the 50% of ARRA funds impact the Maintenance of Effort (MOE) threshold for each district for 2009-2010 and subsequent years. For this reason districts will receive the entire ARRA allocation. Marilyn pointed out that no district in the County was found to be disproportionate on the annual performance indicators so all districts will be able to take advantage of this reduction in MOE.

USE OF ARRA FUNDS AND EXPENDITURE REPORTS: Patty Blaswich, Director, Internal Business, reviewed with the superintendents the First Quarter Report for use of ARRA Stimulus Funds. The more money that is expended, the quicker the funding will arrive. Marilyn also reviewed examples of uses for the ARRA funding that was presented at a recent workshop presented by School Services of California. Clarification was needed on the date that all ARRA funding must be expended. Superintendents were notified that all funds must be obligated and expended (not just encumbered) by September 30, 2011.

LEA STATUS FOR CONNECTIONS ACADEMY (ALPAUGH CHARTER): Dr. Marilyn Rankin, Assistant Superintendent, Special Services, and SELPA Administrator, reviewed with the superintendents of the rationale behind the SGC approval of LEA status for Connections Academy which is chartered by Alpaugh Elementary School District. Connections Academy agreed to providing special education services for eligible students of the LEA.

SELPA POLICY #2520 – SPECIAL EDUCATION LITIGATION AND DUE PROCESS

HEARING COSTS: Dr. Marilyn Rankin, Assistant Superintendent, Special Services, and SELPA Administrator, opened discussion to the superintendents on a change in the language contained in SELPA Policy #2520 – Special Education Litigation and Due Process Hearing Costs. Clarification is needed on whether the intent of the group was to apply the deductible per filing or per filing per year (current verbiage). It was recommended that the Legal Fees Reimbursement Ad Hoc Committee convene and bring a recommendation to the SGC at the November meeting.

PRIVATE SCHOOLS MEETING: Dr. Marilyn Rankin, Assistant Superintendent, Special Services, and SELPA Administrator, advised the Superintendents that the meeting with representatives of private schools as required by state and federal law was held on Wednesday, October 21, 2009, at the Tulare County Office of Education.

ADVANCED PLANNING: Janet Jones, Chairperson, requested from the superintendents agenda items for the November SGC meeting. Suggested items include a sharing of ideas on how each district is expending the ARRA funds and also discussion on preschool transportation policies.

NEXT MEETING: The next meeting will be held on Tuesday, November 17, 2009, at 12 noon in the Board Room of the Tulare County Office of Education.

HANDOUTS: AGENDA ITEM HANDOUTS: Tulare County Office of Education Special Services Proposed Study of Deaf/Hard of Hearing Program; IDEA Part C to Part B Transition Timeline; Draft minutes of the September 22, 2009 Superintendent's Governance Committee meeting; Special Education Enrollment Compared to CBEDS 2008 versus 2007 by District; 2009-2010 SEMB (Special Education Budget to Actual) Spreadsheet; ARRA Stimulus Funds – First Quarter Report; School Services of California Examples of Uses for ARRA Funding; Legal Fees/Settlement Costs – 2008-2009 Fiscal Year; and SELPA Policy #2520 – Special Education Litigation and Due Process Hearing Costs.

MISCELLANEOUS HANDOUTS: CASEMIS Special Education Enrollment Data – October; Special Friends Brochure (as a result of PEI Grant); and Lozano Smith Client News Brief – *United States Ninth Circuit Court of Appeals Reaffirms "Some Educational Benefit" FAPE Standard.*

Janet Jones, Chairperson
Superintendents Governance Committee

Marilyn Rankin, Chief Administrative Officer
Superintendents Governance Committee