

California Association of Health and Education Linked Professions  
Joint Powers Authority (CAHELP JPA)  
**GOVERNANCE COUNCIL MEETING**  
*January 7, 2022 - 10:00 a.m. Hybrid*  
Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley, California 92307

---

## **AGENDA**

---

**NOTICE:** This meeting will be held hybrid. If members of the public wish to participate in the meeting and/or make public comment, please follow the instructions below to participate telephonically:

**PARTICIPATE BY PHONE:**

Dial Access Number: 1-415-655-0003

When prompted - enter Access Code: 2456 958 7588

Follow directions as a Participant; an Attendee I.D. is not required to participate.

If you wish to make a public comment at this meeting, prior to the meeting please submit a request to address the CAHELP Governance Council to the recording secretary via fax at 1-760-242-5363 or email [jamie.adkins@cahelp.org](mailto:jamie.adkins@cahelp.org). Please include your name, contact information and which item you want to address.

Reasonable Accommodation: if you wish to request reasonable accommodation to participate in the meeting telephonically, please contact the recording secretary (via contact information noted above) at least 48 hours prior to the meeting.

**1.0 CALL TO ORDER**

**2.0 ROLL CALL**

**3.0 PUBLIC PARTICIPATION**

The general public is encouraged to participate in the deliberation of the CAHELP JPA Governance Council. Several opportunities are available during the meeting for the Council to receive oral communication regarding the presentations of any items listed on the agenda. Please ask for recognition either before a presentation or after the presentation has been completed. Please complete and submit a "Registration Card to Address the Governance Council" to the Recording Secretary and adhere to the provisions described therein.

**4.0 ADOPTION OF THE AGENDA**

4.1 **BE IT RESOLVED** that the January 7, 2022 CAHELP JPA Governance Council Meeting Agenda be approved as presented.

**5.0 INFORMATION / ACTION**

5.1 Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements (**ACTION**)

Assembly Bill (AB) 361 requires local agencies to consider the circumstances of the state of emergency and make the following findings by a majority vote: 1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or 2) state or local officials continue to impose or recommend measures to promote social distancing.

5.1.1 **BE IT RESOLVED** that the Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements be approved as presented.

**GOVERNANCE COUNCIL MEETING**

*January 7, 2022 - 10:00 a.m. Hybrid*

Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley, California 92307

---

**AGENDA**

---

5.2 Transition Partnership Program (TPP) Department of Rehabilitation (DOR) Signatory Delegation **(ACTION)**

Transition Partnership Program (TPP) Department of Rehabilitation (DOR) is requiring updated signatory delegation authorizing Pamela Bender to sign as CAHELP JPA Chief Executive Officer (CEO).

5.2.1 **BE IT RESOLVED** that the request for updated CEO signatory delegation for TPP be approved as presented.

5.3 Signatory Delegation to the CAHELP Chief Executive Officer (CEO) **(ACTION)**

Pursuant to provisions of the Desert/Mountain SELPA (SELPA), Desert/Mountain Charter SELPA (DMCS) Local Plans, the CAHELP JPA CEO develops and coordinates the implementation of agreements, contracts, and memorandums of understanding with other SELPAs and agencies on behalf of Local Education Agency (LEA) members of the CAHELP JPA.

5.3.1 **BE IT RESOLVED** that the request for the CAHELP JPA Governance Council to grant signatory delegation to the CAHELP JPA be approved as presented.

5.4 Desert/Mountain SELPA Policy and Procedures Chapter 25 **(ACTION)**

Policies and procedures governing the operation of special education programs within the Desert/Mountain SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Policies and Procedures are modified as necessary in order to ensure that special education programs are operated in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Policy and Procedures are submitted to the D/M SELPA Steering Committee consideration and approval.

5.4.1 **BE IT RESOLVED** that the Desert/Mountain SELPA Policy & Procedures Chapter 25 be approved as presented.

5.5 Desert/Mountain SELPA D/M 68A IEP Demographics Page **(ACTION)**

Forms used in the operations of special education programs within the Desert/Mountain SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Forms are modified as necessary in order to support the operations of special education programs in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Forms are submitted to the D/M SELPA Steering Committee for consideration and approval.

5.5.1 **BE IT RESOLVED** that the Desert/Mountain SELPA D/M 68A IEP Demographics Page be approved as presented.

**GOVERNANCE COUNCIL MEETING**

*January 7, 2022 - 10:00 a.m. Hybrid*

Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley, California 92307

---

**AGENDA**

---

5.6 Desert/Mountain SELPA D/M 68E Supplementary Aids and Supports (**ACTION**)

Forms used in the operations of special education programs within the Desert/Mountain SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Forms are modified as necessary in order to support the operations of special education programs in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Forms are submitted to the D/M SELPA Steering Committee for consideration and approval.

5.6.1 **BE IT RESOLVED** that the Desert/Mountain SELPA D/M 68E Supplementary Aids and Supports be approved as presented.

5.7 Desert/Mountain SELPA D/M 68F Physical Fitness Test (**ACTION**)

Forms used in the operations of special education programs within the Desert/Mountain SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Forms are modified as necessary in order to support the operations of special education programs in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Forms are submitted to the D/M SELPA Steering Committee for consideration and approval.

5.7.1 **BE IT RESOLVED** that the Desert/Mountain SELPA D/M 68F Physical Fitness Test be approved as presented.

5.8 Desert/Mountain SELPA D/M 68F English Language Proficiency Assessment Participation Consideration Alternative Assessment (**ACTION**)

Forms used in the operations of special education programs within the Desert/Mountain SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Forms are modified as necessary in order to support the operations of special education programs in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Forms are submitted to the D/M SELPA Steering Committee for consideration and approval.

**BE IT RESOLVED** that the Desert/Mountain SELPA D/M 68F English Language Proficiency Assessment Participation Consideration Alternative Assessment be approved as presented.

**6.0 CONSENT ITEMS**

It is recommended that the Governance Council consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in one motion without further discussion. Consent items may be called up by any Council Member at the meeting for clarification, discussion, or change.

6.1 **BE IT RESOLVED** that the following Consent Items be approved as presented:

6.1.1 Approve the October 8, 2021 CAHELP JPA Governance Council Meeting Minutes.

## **AGENDA**

---

### **7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS**

#### 7.1 California Special Education Governance and Accountability (SEGA) Study by WestEd.

Pam Bender will present information from the California Special Education Governance and Accountability (SEGA) study by WestEd.

#### 7.2 SELPA Autism Implementation Program

Pam Bender will provide information on the SELPA Autism Implementation Program.

#### 7.3 Resolution Support Services Update

Pam Bender will provide an update on Resolution Support Services for D/M SELPA and D/M Charter SELPA.

### **8.0 INFORMATION ITEMS**

#### 8.1 Professional Learning Summary

### **9.0 GOVERNANCE COUNCIL MEMBERS COMMENTS / REPORTS**

### **10.0 CEO COMMENTS**

### **11.0 MATTERS BROUGHT BY GENERAL PUBLIC**

This is the time during the agenda when the CAHELP JPA Governance Council is again prepared to receive the comments of the public regarding items on this agenda or any school related special education issue.

When coming to the podium, speakers are requested to give their name and limit their remarks to five minutes.

Persons wishing to make complaints against CAHELP JPA Governance Council personnel must have filed an appropriate complaint form prior to the meeting.

When the CAHELP JPA Governance Council goes into Closed Session, there will be no further opportunity for the general public to address the Council on items under consideration.

### **12.0 ADJOURNMENT**

The next regular meeting of the CAHELP JPA Governance Council will be held on Friday, March 4, 2022 at 10:00 a.m., at the Desert Mountain Educational Service Center, Lilac/Yucca Room, 17800 Highway 18, Apple Valley, CA 92307.

California Association of Health and Education Linked Professions  
Joint Powers Authority (CAHELP JPA)

**GOVERNANCE COUNCIL MEETING**

*January 7, 2022 - 10:00 a.m. Hybrid*

Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley, California 92307

**AGENDA**

---

*Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.*



**AB-361 Open meetings: state and local agencies: teleconferences.** (2021-2022)

SHARE THIS:



Date Published: 09/17/2021 09:00 PM

## Assembly Bill No. 361

### CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held

for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 89305.6 is added to the Education Code, to read:

**89305.6.** (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.



(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

**SEC. 2.** Section 11133 is added to the Government Code, to read:

**11133.** (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

**SEC. 3.** Section 54953 of the Government Code is amended to read:

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each

teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the

meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

**SEC. 3.1.** Section 54953 of the Government Code is amended to read:

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and

federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have

imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

**SEC. 4.** Section 54953 is added to the Government Code, to read:

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations

within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

**SEC. 4.1.** Section 54953 is added to the Government Code, to read:

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.



(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

**SEC. 5.** Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

**SEC. 6.** It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

**SEC. 7.** The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

**SEC. 8.** (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information

concerning the conduct of the people's business.

**SEC. 9.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

Original  
 Amendment # \_\_\_\_\_

---

FULL Name of Corporation or Public Agency

California Association of Health and Education Linked Professions JPA

---

WHEREAS, the Board of Directors or Board of Trustees of the above-named corporation or public agency has read the proposed agreement between State of California, Department of Rehabilitation, and above-named corporation or public agency and said Board of Directors or Board of Trustees acknowledges the benefits and responsibilities to be shared by both parties to said agreement,

NOW, THEREFORE, BE IT RESOLVED that said Board of Directors or Board of Trustees does hereby authorize the following person:

Name of Person Authorized to Sign Agreement	Title of Person Authorized to Sign Agreement
Pamela Bender	

---

of the above-named corporation or public agency on behalf of the corporation or public agency to sign and execute said agreement and all amendments there to, except to increase the financial liability of said corporation or public agency.

---

### CERTIFICATION

---


I, the Recording Secretary named below, hereby certify that the foregoing resolution was duly and regularly adopted by the Board of Directors or Board of Trustees of above-named corporation or public agency at a meeting of said Board regularly called and convened at which a quorum of said Board of Directors or Board of Trustees was present and voting, and that said resolution was adopted by a vote of the majority of all Directors or Trustees present at said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand as Recording Secretary of said corporation or public agency.

---

Address Where Board Meeting Held

17800 Highway 18, Apple Valley CA 92307

Date of Board Meeting	Signature of Recording Secretary	Date Signed
1/7/2022		

---

**EXHIBIT A**  
**Cooperative Contract**  
**Desert/Mountain SELPA**  
**Transition Partnership Program (TPP)**

**SCOPE OF WORK**

**I. Introduction**

This contract is between Desert/Mountain Special Education Local Plan Area (D/M SELPA) a part of San Bernardino County Superintendent of Schools (henceforth known as “the Program”), which is a State or local public agency, and the Inland Empire District, California Department of Rehabilitation (DOR). This third-party cooperative agreement (TPCA) is designed to jointly serve DOR unduplicated individuals and/or recipients of DOR services (hereinafter referred to as participants) from the Program and DOR. Under this cooperative agreement, the Program will ensure that the services provided are not the customary or typical services provided by that Program but rather are new services that have a vocational rehabilitation focus or are existing services that have been modified, adapted, expanded, or reconfigured to have a vocational rehabilitation focus.

Desert/Mountain SELPA Transition Partnership Program will serve TPP participants within the following local education agencies (LEA):

Academy for Academic Excellence, **Allegiance Steam Thrive Elite Academy**, **ASA Charter School Virtual Preparatory Academy and Monterey**, **ASA Virtual Preparatory Academy Lucerne**, Adelanto, Apple Valley Unified School District, Baker Unified, Barstow Unified, Bear Valley Unified, Bright Futures Non Public School, Encore High School, Excelsior Charter School, Helendale School District, Hesperia Unified School District, **Leonardo Da Vinci Health Sciences**, Lucerne Valley Unified, Needles Unified School District, **Odyssey Charter South**, Options for Youth, Oro Grande School District, San Bernardino County Schools , Silver Valley Unified School District, Snowline Joint Unified, Summit Leadership Academy, Taylion Charter School, Victor Valley Unified School District and Trona Unified School District located in DOR San Joaquin Valley District.

Referrals of TPP participants will be made by the education staff to the TPP program. Upon receipt of appropriate referral information and PE Intake

forms, the DOR counselor will conduct an intake and open cases in the Aware System as Potentially Eligible Students (PE). Should the student need additional accommodations, the DOR Counselor may open the case as VR. The TPP certified time staff will provide services to DOR Student Services (PE) and begin documenting and submitting certified time reports.

Services will also be made available to DOR Consumers of Blind Field Services (BFS) District as appropriate.

The student populations to be served through this contract will include those high school students with learning disabilities and those who meet the eligibility criteria for Individuals with Disability Education Act (IDEA), and those with physical and mental disabilities, who are eligible for DOR services. Specifically, this contract provides for the following new and different pattern of services to TPP students

**DOR authorizes the following services to be provided under this agreement:**

- **Job Exploration Counseling**
- **Workplace Readiness Training**
- **Work-based Learning Experiences**
- **Instruction in Self Advocacy**
- **Counseling on Post-secondary Education**

A TPP may provide DOR student services to students who are not younger than 16 or older than 21 years, unless the student is participating in a special education program and receiving services beyond the age of 21 (for students participating in secondary education programs such as adult transition programs), but not beyond the point at which a secondary school student exits their special education program

The TPP contractor will provide information to the participants with ID/DD ages 16-21 regarding Employment First, opportunities for employment, and supports to achieve Competitive Integrated Employment.

## **DOR STUDENT SERVICES**

**For fiscal year 2022-2023, a total of **526 unduplicated participants with disabilities will receive DOR Student Services through this contract.****

**It is expected that DOR will open 275 new cases from the referrals made by the Program.**

**For fiscal year 2023-2024, a total of 526 unduplicated participants with disabilities will receive DOR Student Services through this contract.**

**It is expected that DOR will open 275 new cases from the referrals made by the Program.**

**For fiscal year 2024-2025, a total of 526 unduplicated participants with disabilities will receive DOR Student Services through this contract.**

**It is expected that DOR will open 275 new cases from the referrals made by the Program.**

## **II. Assurances**

**The Program makes the following assurances as identified in 361.28(a):**

- (1) The services provided by the Program, as the public cooperating agency, are not the customary or typical services provided by that agency but are new services that have a vocational rehabilitation focus or existing services that have been modified, adapted, expanded, or reconfigured to have a vocational rehabilitation focus;**
- (2) The services provided by the Program, as the cooperating agency, are only available to applicants for, or recipients of, services from DOR;**
- (3) Program expenditures and staff providing services under the cooperative arrangement are under the administrative supervision of DOR (e.g., the Program will provide only those services that have been authorized by DOR under this cooperating arrangement); and**
- (4) All requirements of the vocational rehabilitation services portion of the Unified or Combined State Plan, including a State's order of selection, will apply to all services provided under the cooperative arrangement.**

## **III. Services to be Provided**

## **DOR Student Services**

TPP DOR Student Services are a coordinated set of services available for students with disabilities, to provide transition services to students from the age of 16 through 21. DOR Student Services may be delivered in a classroom, community, or individual setting. Upon TPP student exit from high school TPP DOR Student Services will end.

The coordinated DOR Student Services activities shall include DOR, the school, and other appropriate agencies that may provide services to the DOR participant including Regional Centers, the One Stop system, and Social Security administration. DOR Student Services are based upon the individual DOR participant needs, taking into account the student's preferences and interests, and shall include instruction, community experiences.

The following DOR Student Services will be provided by the Program in accordance with this agreement, as authorized by DOR for each individual with a disability and individualized to each program DOR participant's needs, preferences, and interests as well as their DOR Individualized Plan for Employment (IPE) goals and objectives, as appropriate.

The services described in sections A-E are DOR Student Services, designed to support students with disabilities in exploring transition from school and preparing for successful employment and/or postsecondary education.

DOR Student Services are available to students who are potentially eligible or students who have been determined eligible for VR services. Students participating in DOR Student Services through this contract will primarily be provided services as potentially eligible. Students who require additional services to participate in DOR Student Services may need to apply for VR services. Students who have been determined eligible for the VR services may be provided with DOR Student Services either pre- or post-IPE development.

### **1. DOR Student Services Job Exploration Counseling**

#### **a. Description**

Job Exploration Counseling services provide an individualized, timely, and systematic process by which a participant seeking employment gains knowledge of career paths and job opportunities and learns to identify strengths, barriers to employment, viable vocational options, and objectives necessary to achieve one or more employment goals. Job exploration counseling will be provided in conjunction with the counseling provided by the DOR counselor. Job Exploration Counseling may include discussion, analysis, or information on:

- The local labor markets
- In-demand industries and occupations
- Non-traditional employment options
- Interest in post-secondary training or education
- Career aptitude, career skills, and vocational interest inventories
- The participant's vocational interest inventory results
- Identification of career pathways of interest to the participant, and the skills and qualifications necessary to be successful in these occupations.
- The participant's prior work experience and transferable skills
- Career speakers

Reporting of job exploration activities completed, findings, and recommendations will be provided to the referring DOR Counselor.

The TPP Work Incentive Technicians, TPP Transition Project Assistant, **TPP CTE Project Managers**, and TPP Transition Case Technician will provide services to this population of students.

#### **b. Service Goals/Number Served**

- **For fiscal year 2021-2022, a total of 265 unduplicated participants of DOR services will receive this service**
- **For fiscal year 2022-2023, a total of 265 unduplicated participants of DOR services will receive this service**
- **For fiscal year 2023-2024, a total of 265 unduplicated participants of DOR services will receive this service**

## **2. DOR Student Services Workplace Readiness Training**

### **a. Description**



Workplace Readiness Training services consist of instruction with curricular supports which can be provided in a classroom, group, or individual setting. Workplace readiness skills are a set of skills and behaviors that are necessary for any job. This secondary school instruction is intended to support goals and objectives and will typically be provided until the student exits the secondary school system, in accordance with the needs and informed choice of the student. Workplace Readiness training can be provided through instruction or other activities where the student can learn and apply the knowledge.

Workplace readiness training may include, but not limited to, training in the following subject matters:

- Soft skills needed for successful employment including:
  - Communication with coworkers
  - Attitudes about work
  - Decision making while on the job
  - Conflict resolution skills
  - Problem solving techniques
  - Appropriate workplace written communication skills
- Interviewing techniques
- Resume development
- Application preparation
- Appropriate work behaviors including:
  - Grooming and hygiene while on the job
  - Use of a cell phone
  - Social media professionalism
  - Maintaining a healthy lifestyle while at work
  - Time management
  - Developing friendships with coworkers
  - Community safety
- Employer expectations such as punctuality and performance
- Relevant work practices
- Travel training
- Financial literacy
  - Money management
  - Assistance in becoming knowledgeable regarding the impact of employment on a participant's disability and benefits

Reporting on workplace readiness training activities will be provided to the referring DOR counselor.

The TPP Work Incentive Technicians, TPP Transition Project Assistant, **TPP CTE Project Managers**, and TPP Transition Case Technician will provide services to this population of students.

#### **b. Service Goals/Number Served**

- **For fiscal year 2021-2022, a total of 265 unduplicated participants of DOR services will receive this service**
- **For fiscal year 2022-2023, a total of 265 unduplicated participants of DOR services will receive this service**
- **For fiscal year 2023-2024, a total of 265 unduplicated participants of DOR services will receive this service**

### **3. DOR Student Services Work-based Learning Experiences**

#### **a. Description**

Work-based learning experiences use real work settings to provide participants with an opportunity to explore work in a competitive integrated environment. Work-based learning experiences provide participants with the knowledge and skills that will help them connect school experiences to real-life work activities and future career opportunities. Participants may participate in more than one work-based learning experience, as appropriate for the participant. Work-based learning experiences are intended to be temporary placements to gain experience in the workplace. They may also result in the development of any of the following: vocational direction, appropriate work attitudes, ethics, interpersonal skills, speed, and accuracy, foundational employment skills.

Work based learning experiences include work experience services consisting of short-term placements both on and off campus and monitoring the participant's performance in the work environment. Work experience may include:

- Paid/unpaid internships
- Paid/unpaid placement
- Summer work experience
- Apprenticeships (informal)
- Informational interviews

- Workplace tours
- Job shadowing

Any paid or non-paid work experience activities will be in compliance with the Department of Labor regulations. Work Experience supervisors will evaluate participants and submit written reports to the DOR counselor on a monthly basis.

The TPP Work Incentive Technicians, TPP Transition Project Assistant, **TPP CTE Project Managers**, and TPP Transition Case Technician will provide services to this population of students.

#### **b. Service Goals/Number Served**

- **For fiscal year 2021-2022, a total of 200 unduplicated participants of DOR services will receive this service**
- **175 unduplicated participants of DOR services will participate in a Work Experience placement.**
  
- **For fiscal year 2022-2023, a total of 200 unduplicated participants of DOR services will receive this service**
- **175 unduplicated participants of DOR services will participate in a Work Experience placement.**
  
- **For fiscal year 2024-2025, a total of 200 unduplicated participants of DOR services will receive this service**
- **175 unduplicated participants of DOR services will participate in a Work Experience placement.**

### **4. DOR Student Services Instruction in Self Advocacy**

#### **a. Description**

Instruction in Self-Advocacy services may be provided in a classroom, group, or individual setting to assist participants to effectively communicate, convey, negotiate, or assert his/her own interests and/or desires.

Instruction may be provided through mentorships including peer, disability, or group mentoring. Self-Advocacy instruction may train participants in the following skills as they relate to successful employment:

- Self-awareness
- Disability understanding and disclosure

- Self-determination
- Setting goals
- Reasonable accommodation factors
- Utilizing available resources and support systems
- Taking a leadership role in the IEP, 504, or other person-centered planning process
- Positive self-talk
- Understanding workplace rights
- Understanding workplace responsibilities
- Effective communication and interpersonal skills

Reporting on Self-Advocacy instruction activities will be provided to the referring DOR counselor.

The TPP Work Incentive Technicians, TPP Transition Project Assistant, **TPP CTE Project Managers**, and TPP Transition Case Technician will provide services to this population of students.

#### **b. Service Goals/Number Served**

- **For fiscal year 2022-2023, a total of 265 unduplicated participants of DOR services will receive this service**
- **For fiscal year 2023-2024, a total of 265 unduplicated participants of DOR services will receive this service**
- **For fiscal year 2024-2025, a total of 265 unduplicated participants of DOR services will receive this service**

### **5. DOR Student Services Counseling on Post-Secondary Education**

#### **a. Description**

Counseling on post-secondary education services include instruction with curricular supports which can be provided in a classroom, group, or individual setting. Participants interested in careers requiring post-secondary education may receive guidance on how skill development and knowledge relate to future opportunities in post-secondary education settings and employment. Counseling on post-secondary education may include instruction in the following subject matters:

- Explore career & post-secondary education options
- Learn about career pathways

- Discover post-secondary education resources and disability support services
- Assist with application/ enrollment process
- Identify financial aid options
- Identify technology needs
- Attend college fairs & tours

The TPP Work Incentive Technicians, TPP Transition Project Assistant, **TPP CTE Project Managers**, and TPP Transition Case Technician will provide services to this population of students.

**b. Service Goals/Number Served**

- For fiscal year 2021-2022, a total of 265 unduplicated participants of DOR services will receive this service
- For fiscal year 2022-2023, a total of 265 unduplicated participants of DOR services will receive this service
- For fiscal year 2023-2024, a total of 265 unduplicated participants of DOR services will receive this service

**IV. DOR and Program Contacts**

<b>Organization</b>	Dept. of Rehabilitation	Desert/Mountain SELPA
<b>Contact Person</b>	Shahzia Manawer	Adrienne Shepherd
<b>Title</b>	DOR Contract Administrator	Program Contract Administrator
<b>Telephone</b>	(909) 922-2965	(760) 843-3982 ext. 216
<b>Fax</b>	(909) 383-6880	(760) 552-6700
<b>Email Address</b>	Shahzia.Manawer@dor.ca.gov	Adrienne.shepherd@cahelp.org
<b>Mailing Address</b>	464 W Fourth Street, Suite # 152 San Bernardino, CA 92401-1885	17800 US Highway 18 Apple Valley, CA 92307

**V. Linkages to Other Community Agencies**

**In alignment with section 101(a)(11) of the Rehabilitation Act, DOR and the Program has regular contact and ongoing working**

**relationships with the following agencies to increase opportunities for DOR student/consumers and avoid duplication of services:**

- Department of Mental Health
- Employment Development Department
- Inland Regional Center
- Regional Occupation Programs
- Victor Valley College, and the High Desert AJCC
- Job Opportunities Inc.
- Barstow Employment Specialized Training
- Vocational Improvement Program (VIP)
- Social Vocational Services
- The Regional TPP Steering Committee include participation from San Bernardino City Unified School District
- Riverside Office County of Education

## **V. In Service Training**

Twice a year or more frequently as needed, in-service trainings will be conducted to cross-train the Program and DOR staff in each agency's mission, goals, services, policies, procedures, and professional approaches. This may be done through quarterly meetings, monthly staff meetings, and other program related meetings.

### 5.3 Signatory Delegation to CAHELP CEO

Verbal report, no materials



Revised Desert/Mountain SELPA Policies & Procedures

Section	Proposed Revision(s)	Rev. Date
<b>Chapter 25: Guidelines for Independent Educational Evaluation (IEE)</b>	The IEE cost guideline table in Section C – Criteria for Obtaining an IEE at Public Expense was updated to provide current allowable IEE costs for specific evaluations, as well as updating IEE descriptions and provider criteria, and adding new IEE types. <i>Note: This table is repeated in Appendix A-Notice to Parents Regarding IEEs and Appendix C-Suggested cost Guidelines for Assessment and was updated in both appendices.</i>  (20 U.S.C. 1415(b)(1) and (d)(2)(A); 34 C.F.R. § 300.502)	<b>11/19/2021</b>





## **Chapter 25: Guidelines for Independent Educational Evaluation (IEE)**

---

SECTION A: INTRODUCTION/CONSIDERATION OF IEES

SECTION B: PROCEDURES FOR PARENTS REQUESTING AN IEE AT PUBLIC EXPENSE

**SECTION C: CRITERIA FOR OBTAINING AN IEE AT PUBLIC EXPENSE**

SECTION D: CRITERIA FOR DETERMINATION OF IEE FEES

SECTION E: CIRCUMSTANCES RESULTING IN EVALUATIONS NO FUNDED AT LEA EXPENSE

**APPENDIX A: NOTICE TO PARENTS REGARDING IEES**

APPENDIX B: NON-EXCLUSIVE LIST OF QUALIFIED EXAMINERS

**APPENDIX C: SUGGESTED COST GUIDELINES FOR ASSESSMENT**

APPENDIX D: TEST PROTOCOLS (OSEP POLICY LETTER)

APPENDIX E: REIMBURSEMENT REQUEST (SELPA FORM D/M 83)

APPENDIX F: REFERRAL TO THE DESERT/MOUNTAIN CHILDREN'S CENTER FOR OCCUPATIONAL THERAPY (OT), PSYCHOEDUCATIONAL, OR SPEECH AND LANGUAGE

APPENDIX G: SAMPLE IEE LETTERS TO PARENTS

### **Introduction**

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the Local Education Agency (LEA) or public agency responsible for the education of the child (*Title 34 of the Code of Federal Regulations § 300.502*). Since a child's educational program and placement are determined by the results of assessments, a parent who disagrees with an LEA's evaluation has the right to obtain an IEE at public expense to identify the child's disabilities and resulting educational needs. A parent is entitled to only one IEE at public

## Section C – Criteria for Obtaining an IEE at Public Expense

The IEE must be administered by the independent examiner in the same type of location and/or setting as that used by the LEA in providing similar evaluations (*Title 34 of the Code of Federal Regulations § 300.502(e)*). If the LEA evaluation included classroom observations, the independent examiner will be given access to the classroom (*Education Code § 56327*).

Clinical psychologists selected to perform independent evaluations must base the assessment on the required eligibility criteria (*Title 34 of the Code of Federal Regulations § 300.8; Title 5 of the California Code of Regulations § 3030*) that school psychologists utilize to determine eligibility for special education services and related services. While it is understood that psychological evaluations performed by clinical psychologists, who typically work outside of the school setting or in private practice, can include many of the same formal assessments as psychoeducational and neuropsychological evaluations in order to examine an individual’s psychological, emotional, and behavioral functioning, these findings are typically intended to guide diagnosis and treatment from a medical perspective, not from an educational perspective. Therefore, independent examiners conducting psychological assessments under an IEE should align assessment with the eligibility requirements in federal and state law that school psychologists rely on to determine eligibility for special education and related services. The examiner’s assessment should assist in determining specific areas of need, services, or supplemental aides that will support children with disabilities in educational settings. The assessment must be sufficiently comprehensive to identify all of the child’s special education and related service needs, whether or not commonly linked to the disability category being considered for the child, and should help seek to understand the child’s learning style, and then guide the development of classroom accommodations and supports from an educational perspective.

The IEE must be provided by an examiner who holds equivalent certifications, licenses, or other qualifications that would be required of the LEA staff providing similar evaluations (*Title 34 of the Code of Federal Regulations § 300.502(e)*; and *Education Code § 56322*). All assessments must be conducted in accordance with all requirements of federal and state law including, but not limited to, observing the child in the appropriate setting (*Education Code § 56327*), and conducting evaluations in accordance with *Education Code § 56320*. Independent examiners must meet the credentialing criteria listed below. All assessments, including all tests and subtests must be conducted by persons competent to perform the assessment as determined by the LEA (*Education Code § 56322*).

Type of Assessment	Proposed Estimate	Qualifications
Adaptive Behavior	\$500 - \$1,000	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist

Type of Assessment	Proposed Estimate	Qualifications
Adapted Physical Education	\$1,000	Credential issued by the California Commission on Teacher Credentialing that authorizes service in adapted physical education
Assistive Technology	\$1,500 - \$2000	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Augmentative/Alternative Communication (AAC)	\$1,500 - \$2,000	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Central Auditory Processing (Auditory acuity and perception)	\$1,500 - \$2,000	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Educationally Related Mental Health	\$2,500	Marriage Family Therapist (MFT) Licensed Clinical Social Worker (LCSW) Professional Clinical Counselor (PCC) PsyD – Doctorate in Clinical Psychology Ph.D. – Doctorate in Psychology Clinical Psychologist
Functional Behavior (Social/Emotional/Behavior/Behavior Intervention)	\$2,500	Board Certified Behavior Analyst (BCBA) Credentialed School Psychologist School Counselor with Pupil Personnel Services (PPS) Credential Credentialed Special Education Teacher Licensed Clinical Psychologist Licensed Educational Psychologist (LEP) Licensed Clinical Social Worker (LCSW) Licensed Marriage and Family Therapist (LMFT) Professional Clinical Counselor (PCC)
Functional Vision (Acuity/Developmental Vision/Motor Integration/Perception)	\$1,750	Credentialed Teacher of the Visually Impaired Credentialed School Psychologist Licensed Educational Psychologist (LEP) Licensed Ophthalmologist Optometrist

Type of Assessment	Proposed Estimate	Qualifications
Health	\$500	Licensed Physician Credentialed School Nurse - trained and prepared to access cultural and ethnic factors appropriate to the student
Independent Multi-Disciplinary Evaluation	\$4,500	See individual evaluator qualifications
Neuro-Psychological Evaluation	\$4,500 - \$5,500	See individual evaluator qualifications
Occupational Therapy (Fine or Gross Motor)	\$1,000 - \$1,500	Licensed Occupational Therapist
Orientation and Mobility for the Blind	\$1,000	Credential that authorizes services in orientation and mobility instruction in the State of California
Physical Therapy	\$1,500	Licensed Physical Therapist
Psycho-Educational (may include academic, adaptive functioning, cognition, psychological processing (auditory, visual, phonological processing), social/emotional functioning)	\$4,500	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist (LEP)
Speech and Language	\$1,750	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Transition/Vocational	\$1,500 - \$2,000	Credentialed Teacher with a career development authorization Special Education Teacher Credentialed School Counselor with a Pupil Personnel Services (PPS) Credential

It is recommended that when selecting an independent examiner not on the non-exclusive list of qualified examiners (Appendix B), the LEA request a copy of the examiner’s resume, two references by LEAs, a sample evaluation report, and itemized costs for the evaluation including writing the report and attending the IEP meeting. Prior to making the final selection of an examiner, the LEA should review the resume to ensure proper licensure/credential certification, and contact the references provided.

The independent examiner must be located within an 85-mile radius of the Desert/Mountain SELPA office or a 40-mile radius of the LEA responsible for the IEE. Examiners outside of this



## **Chapter 25: Guidelines for Independent Educational Evaluation (IEE)**

---

SECTION A: INTRODUCTION/CONSIDERATION OF IEES

SECTION B: PROCEDURES FOR PARENTS REQUESTING AN IEE AT PUBLIC EXPENSE

**SECTION C: CRITERIA FOR OBTAINING AN IEE AT PUBLIC EXPENSE**

SECTION D: CRITERIA FOR DETERMINATION OF IEE FEES

SECTION E: CIRCUMSTANCES RESULTING IN EVALUATIONS NO FUNDED AT LEA EXPENSE

**APPENDIX A: NOTICE TO PARENTS REGARDING IEES**

APPENDIX B: NON-EXCLUSIVE LIST OF QUALIFIED EXAMINERS

**APPENDIX C: SUGGESTED COST GUIDELINES FOR ASSESSMENT**

APPENDIX D: TEST PROTOCOLS (OSEP POLICY LETTER)

APPENDIX E: REIMBURSEMENT REQUEST (SELPA FORM D/M 83)

APPENDIX F: REFERRAL TO THE DESERT/MOUNTAIN CHILDREN'S CENTER FOR OCCUPATIONAL THERAPY (OT), PSYCHOEDUCATIONAL, OR SPEECH AND LANGUAGE

APPENDIX G: SAMPLE IEE LETTERS TO PARENTS

### **Introduction**

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the Local Education Agency (LEA) or public agency responsible for the education of the child (*Title 34 of the Code of Federal Regulations § 300.502*). Since a child's educational program and placement are determined by the results of assessments, a parent who disagrees with an LEA's evaluation has the right to obtain an IEE at public expense to identify the child's disabilities and resulting educational needs. A parent is entitled to only one IEE at public

## Section C – Criteria for Obtaining an IEE at Public Expense

The IEE must be administered by the independent examiner in the same type of location and/or setting as that used by the LEA in providing similar evaluations (*Title 34 of the Code of Federal Regulations § 300.502(e)*). If the LEA evaluation included classroom observations, the independent examiner will be given access to the classroom (*Education Code § 56327*).

Clinical psychologists selected to perform independent evaluations must base the assessment on the required eligibility criteria (*Title 34 of the Code of Federal Regulations § 300.8; Title 5 of the California Code of Regulations § 3030*) that school psychologists utilize to determine eligibility for special education services and related services. While it is understood that psychological evaluations performed by clinical psychologists, who typically work outside of the school setting or in private practice, can include many of the same formal assessments as psychoeducational and neuropsychological evaluations in order to examine an individual’s psychological, emotional, and behavioral functioning, these findings are typically intended to guide diagnosis and treatment from a medical perspective, not from an educational perspective. Therefore, independent examiners conducting psychological assessments under an IEE should align assessment with the eligibility requirements in federal and state law that school psychologists rely on to determine eligibility for special education and related services. The examiner’s assessment should assist in determining specific areas of need, services, or supplemental aides that will support children with disabilities in educational settings. The assessment must be sufficiently comprehensive to identify all of the child’s special education and related service needs, whether or not commonly linked to the disability category being considered for the child, and should help seek to understand the child’s learning style, and then guide the development of classroom accommodations and supports from an educational perspective.

The IEE must be provided by an examiner who holds equivalent certifications, licenses, or other qualifications that would be required of the LEA staff providing similar evaluations (*Title 34 of the Code of Federal Regulations § 300.502(e)*; and *Education Code § 56322*). All assessments must be conducted in accordance with all requirements of federal and state law including, but not limited to, observing the child in the appropriate setting (*Education Code § 56327*), and conducting evaluations in accordance with *Education Code § 56320*. Independent examiners must meet the credentialing criteria listed below. All assessments, including all tests and subtests must be conducted by persons competent to perform the assessment as determined by the LEA (*Education Code § 56322*).

Type of Assessment	Proposed Estimate	Qualifications
<del>Academic Achievement</del>	<del>\$1,000</del>	<del>Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist</del>
Adaptive Behavior	\$500 - \$1,000	Credentialed Special Education Teacher Credentialed School Psychologist

Type of Assessment	Proposed Estimate	Qualifications
		Licensed Clinical Psychologist Licensed Educational Psychologist
Adapted Physical Education	\$1,000	Credential issued by the California Commission on Teacher Credentialing that authorizes service in adapted physical education
<del>Auditory Acuity</del>	<del>\$500</del>	<del>Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist</del>
<del>Auditory Perception</del>	<del>\$500</del>	<del>Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed School Psychologist Licensed Educational Psychologist</del>
Assistive Technology	<del>\$900</del> \$1,500 - \$2000	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Augmentative/Alternative Communication (AAC)	\$1,500 - \$2,000	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Central Auditory Processing (Auditory acuity and perception)	\$1,500 - \$2,000	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Cognitive	\$850	<del>Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist</del>
Educationally Related Mental Health	<del>\$2,000</del> \$2,500	Marriage Family Therapist (MFT) <del>Marriage Family Therapist Intern (under the supervision of MFT)</del> Licensed Clinical Social Worker (LCSW) <del>Licensed Clinical Social Worker Intern (under the supervision of the LCSW)</del> Professional Clinical Counselor (PCC) <del>Professional Clinical Counselor Intern (under the supervision of the PCC)</del>

Type of Assessment	Proposed Estimate	Qualifications
		PsyD – Doctorate in Clinical Psychology Ph.D. – Doctorate in Psychology Clinical Psychologist
Functional Behavior (Social/Emotional/Behavior/ Behavior Intervention)	<del>\$2,000</del> \$2,500	Board Certified Behavior Analyst (BCBA) Credentialed School Psychologist <del>School Counselor with Pupil Personnel Services (PPS) Credential</del> Credentialed Special Education Teacher Licensed Clinical Psychologist Licensed Educational Psychologist (LEP) Licensed Clinical Social Worker (LCSW) Licensed Marriage and Family Therapist (LMFT) Professional Clinical Counselor (PCC) <del>Licensed Psychiatrist</del>
Functional Vision (Acuity/Developmental Vision/Motor Integration/ Perception)	\$1,750	Credentialed Teacher of the Visually Impaired Credentialed School Psychologist Licensed Educational Psychologist (LEP) Licensed Ophthalmologist Optometrist
Health	<del>\$300</del> \$500	Licensed Physician Credentialed School Nurse - trained and prepared to access cultural and ethnic factors appropriate to the student
Independent Multi- Disciplinary Evaluation	<del>\$4,000</del> \$4,500	See individual evaluator qualifications
Neuro-Psychological Evaluation	<del>\$5,000</del> \$4,500 - \$5,500	See individual evaluator qualifications
Occupational Therapy (Fine or Gross Motor)	\$1,000 - \$1,500	Licensed Occupational Therapist <del>Licensed Physical Therapist</del> <del>Credentialed Adaptive Physical Education Specialist</del> <del>Credentialed Teacher of the Physically Impaired</del>
Orientation and Mobility for the Blind	\$1,000	Credential that authorizes services in orientation and mobility instruction in the State of California
Physical Therapy	\$1,500	Licensed Physical Therapist



Type of Assessment	Proposed Estimate	Qualifications
Psycho-Educational (may include academic, adaptive functioning, cognition, psychological processing (auditory, visual, phonological processing), social/emotional functioning)	\$4,500	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist (LEP)
Speech and Language	<del>\$1,500</del> \$1,750	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Transition/Vocational	\$1,500 - \$2,000	Credentialed Teacher with a career development authorization Special Education Teacher Credentialed School Counselor with a Pupil Personnel Services (PPS) Credential
Vision (Functional)	\$400	<del>Credentialed Teacher of the Visually Impaired</del>
Visual Acuity/ Developmental Vision	\$400	<del>Licensed Ophthalmologist Optometrist</del>
Visual Motor Integration	\$400	<del>Credentialed School Psychologist Licensed Educational Psychologist Licensed Occupational Therapist</del>
Visual Perception	\$400	<del>Credentialed School Psychologist Licensed Educational Psychologist Credentialed Special Education Teacher</del>

It is recommended that when selecting an independent examiner not on the non-exclusive list of qualified examiners (Appendix B), the LEA request a copy of the examiner’s resume, two references by LEAs, a sample evaluation report, and itemized costs for the evaluation including writing the report and attending the IEP meeting. Prior to making the final selection of an examiner, the LEA should review the resume to ensure proper licensure/credential certification, and contact the references provided.

The independent examiner must be located within an 85-mile radius of the Desert/Mountain SELPA office or a 40-mile radius of the LEA responsible for the IEE. Examiners outside of this area may be approved by the LEA if the parents can demonstrate the necessity of using an examiner outside of the geographical determined location. Unless an out of area evaluation is required for the child to receive an IEE, costs beyond the evaluation (i.e., transportation, lodging, food, etc.) are not covered in the contract or reimbursement to the parent.

Independent examiners must comply with all state and federal *requirements (Title 34 of the Code of Federal Regulations § 300.502(e))*.

**DESERT/MOUNTAIN SPECIAL EDUCATION LOCAL PLAN AREA (CODE 3601)**  
**DESERT/MOUNTAIN CHARTER SPECIAL EDUCATION LOCAL PLAN AREA (CODE 3651)**  
 17800 HIGHWAY 18 • APPLE VALLEY, CA 92307 • (760) 552-6700

- Individualized Family Service Plan  Individualized Education Program  
 Individualized Services Plan  Not Eligible  
 Eligible No Plan Parentally Placed in Private School  Eligible No Plan Other Reasons

**PURPOSE OF MEETING**

- Eligibility / Initial Placement  
 Annual  
 Matriculation  
 Triennial  
 D/M 119 Completed  
 Other: \_\_\_\_\_

**STUDENT INFORMATION:**

Last: \_\_\_\_\_ First: \_\_\_\_\_ Mid. Initial: \_\_\_\_\_ Suffix: \_\_\_\_\_  
 DOB: \_\_\_\_\_ Age: \_\_\_\_\_ Student No: \_\_\_\_\_ Gender:  M  F  Non-Binary Grade: \_\_\_\_\_  
 Ethnicity: Select one only  YES, Hispanic or Latino **OR**  NO, not Hispanic or Latino Indicate one or more race(s) below:  
 (1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_  
 Medi-Cal Eligible:  Yes  No Medi-Cal No.: \_\_\_\_\_ SSID No.: \_\_\_\_\_  
 Parent/Guardian/Surrogate: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Emg. Phone: \_\_\_\_\_  
 Contact Person (if student address different): \_\_\_\_\_ Contact Phone: \_\_\_\_\_  
 Student's Address (if different): \_\_\_\_\_ Residency Code: \_\_\_\_\_  
 LEA of Residence (**Accountability**): \_\_\_\_\_ School of Residence: \_\_\_\_\_  
 LEA of Service: \_\_\_\_\_ Attending School: \_\_\_\_\_  
 School Type Code: \_\_\_\_\_ Weekly % of Time the Student is in the General Education Setting: \_\_\_\_\_  
 Infant Setting (Ages 0-2): \_\_\_\_\_ Preschool Setting (Ages 3-5): \_\_\_\_\_ School Age Setting (Ages 6-22): \_\_\_\_\_

**DISABILITY:**

**PRIMARY DISABILITY:** \_\_\_\_\_

**SECONDARY DISABILITY:** \_\_\_\_\_

Check all that apply below and indicate the Primary and Secondary Disability Codes in the space provided above: (\*Low Incidence)

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Intellectual Disability (210) | <input type="checkbox"/> Hard of Hearing (220)*          | <input type="checkbox"/> Deafness (230)*              | <input type="checkbox"/> Speech / Lang. Imp. (240)   |
| <input type="checkbox"/> Visual Impairment (250)*      | <input type="checkbox"/> Emotional Disturbance (260)     | <input type="checkbox"/> Orthopedic Impairment (270)* | <input type="checkbox"/> Other Health Imp. (280)     |
| <input type="checkbox"/> Est. Med. Disability (281)    | <input type="checkbox"/> Spec. Learning Disability (290) | <input type="checkbox"/> Deaf / Blindness (300)*      | <input type="checkbox"/> Multiple Disabilities (310) |
| <input type="checkbox"/> Autism (320)                  | <input type="checkbox"/> Traumatic Brain Injury (330)    |   |  |

**DATE:**

**TIMELINE INFORMATION (DATES)**

Please mark the appropriate box and complete all information as they relate to the child.

- CHECK HERE IF INFANT (AGE 0-2)  CHECK HERE IF CHILD IS AGE 3-22

Referred by for Initial Assessment: \_\_\_\_\_

Date LEA Received **Initial** Signed AP: \_\_\_\_\_ Initial Referral Date: \_\_\_\_\_

Initial IEP Meeting Date: \_\_\_\_\_ Pre-referral Intervention w/in last 2 Years:  Yes  No

If assessment not completed prior to student's 3<sup>rd</sup> birthday, specify Code No.: \_\_\_\_\_

If assessment not completed within 60-day timeline, specify Code No.: \_\_\_\_\_

Low Incidence Disability:  Yes  No Disability Code:  220  230  250  270  300

Original S.E. Entry Date: \_\_\_\_\_ Exit S.E. Date: \_\_\_\_\_ S.E. Re-entry Date: \_\_\_\_\_

Exit S.E. Code: \_\_\_\_\_

Current Annual Date: \_\_\_\_\_ Next Annual Review Date: \_\_\_\_\_

Annual Delay Date: \_\_\_\_\_ Reason for Delay: \_\_\_\_\_

Current Triennial Date: \_\_\_\_\_ Next Triennial Date: \_\_\_\_\_

Triennial Delay Date: \_\_\_\_\_ Reason for Delay: \_\_\_\_\_

Early Start Transition Plan Meeting Date: \_\_\_\_\_

Home Language Code: \_\_\_\_\_ English Language Learner:  Yes  No  **Reclassified**

Migrant:  Yes  No Extended School Year:  Yes  No No. of Days: \_\_\_\_\_

Agency Services:  CCS  Rehab  CARE  Reg. Ctr.  Other: \_\_\_\_\_

- Severe Disability  Non-severe Disability  Solely Low Incidence Disability (0-2 Years Only)

**GRADUATION INFORMATION**

Participate in High School Curriculum to Graduate with a Diploma  Yes  No

High School Program Leading to a Certificate of Completion  Yes  No

**SPECIAL TRANSPORTATION INFORMATION**

Check if student requires special transportation arrangements to participate in special education services.

- Eligible (indicate type and provider)  Eligible - Parent Declined  Not Eligible

Type: \_\_\_\_\_

Provider: \_\_\_\_\_

**REASON FOR DECISION / ELIGIBILITY STATEMENT:**

FEDERAL PROGRAM LOCATION OF SERVICES			LOCATION OF SERVICES				
<b>Ages 0-2 Only</b>	<b>Ages 3-5 Only</b>	<b>Ages 6-22 Only</b>	210 Home Instruction Based on IEP Team Determination (not medical)	550 Public Residential Facility	710 Community College		
100 Home	400 Regular Early Childhood Program or Kindergarten	400 Regular Classroom Public Day School	220 Hospital	560 Other Public School or Facility	720 Adult Education Facility		
200 Community Based Setting	(50-69% nondisabled children)	450 Separate School	310 Head Start Program	570 Charter School (operated by an LEA/District)	810 Nonpublic Day School		
900 Other Setting	410 Regular Early Childhood Program or Kindergarten (70%+ nondisabled children)	460 Residential Facility	320 Child Development or Child Care Facility	571 Charter School by an LEA Regular Classroom (push in)	820 Nonpublic Residential School in CA		
	440 Separate Class	470 Homebound/Hospital	330 Public Preschool	572 Charter School by an LEA Separate Classroom (pull out)	830 Nonpublic Residential School outside CA		
	450 Separate School	480 Correctional Facility	340 Private Preschool	580 Charter School (operated as an LEA/District)	840 Private Day School (not certified by Special Educ. Div.)		
	460 Residential Facility	490 Parentally Placed in Private School	350 Extended Day Care	581 Charter School by an LEA Regular Classroom (push in)	850 Private Residential School (not certified by Special Educ. Div.)		
	470 Home	500 Homeschool Charter, Virtual Charter, Indep. Study Charter	360 Residential Facility	582 Charter School by an LEA Separate Classroom (pull out)	860 Parochial School		
	475 Service Provider Location		510 Regular Classroom/Public Day School	610 Continuation School	890 Service Provider Location		
			520 Separate Classroom in Public Integrated Facility	620 Alternative Work Education Center/Work Study Facility	900 Any Other Location/Setting		
			530 State Special School	630 Juvenile Court School			
			540 Separate School or Special Education Center or Facility	640 Community School			
				650 Correctional Institution or Facility			
SPECIAL EDUCATION AND RELATED SERVICES (3-22 YEARS)			PROVIDER				
330 Specialized Academic Instruction	715 Interpreter Services		100 District of Services	240 Child Development Funded Program	410 Nonpublic School under Contract w/SELPA or District		
340 Intensive Individual Services	720 Audiological Services		110 County Office of Education	250 Head Start	500 Other Public Program		
348 One-to-One Bus Aide	725 Specialized Vision Services		120 SELPA	300 Department of Mental Health	550 DMCC		
350 Individual & Small Group Instr. (ages 3-5)	730 Orientation & Mobility		130 Another District, County or SELPA	310 California Children's Services	600 Other Private Program		
355 Individual & Small Group Instr. (ages 6+)	735 Braille Transcription		200 WorkAbility	320 Department of Social Services			
415 Language & Speech	740 Specialized Orthopedic Services		210 Transition Partnership Program	330 Department of Rehabilitation			
417 SELPA / DMCC Speech	745 Reader Services		220 Regional Center	340 Employment Development Department			
425 Adapted Physical Education	750 Note Taking Services		230 Alcohol and Drug Prevention Program	400 Nonpublic Agency under Contract w/SELPA or District			
435 Health & Nursing - Specialized Physical Health Care Services	755 Transcription Services			<b>SCHOOL TYPE (WHERE ENROLLED)</b>			
436 Health & Nursing - Other Services	760 Recreation Services includes Therapeutic Recreation		00 No School (0-5 Only)	32 Correctional Institution or Incarcerated Facility	64 Private School		
445 Assistive Technology Services	820 College Awareness		10 Public Day School	40 Home Instruction Based on IEP Team Team Determination	65 Extended Day Care		
450 Occupational Therapy	830 Vocational Assessment, Counseling, Guidance, and Career Assessment		11 Public Residential School	45 Hospital Facility	70 Nonpublic Day School		
460 Physical Therapy	840 Career Awareness		15 Special Educ. Center or Facility	50 Community College	71 Nonpublic Residential School in CA		
510 Individual Counseling	850 Work Experience Education		19 Other Public School or Facility (such as a store-front transition program)	51 Adult Education Program	72 Nonpublic Residential School outside CA		
515 Counseling & Guidance	855 Job Coaching (includes job shadow and service learning)		20 Continuation School	55 Charter School (operated by an LEA/District/ COE)	75 Private Day School (not certified by Special Educ. Div.)		
520 Parent Counseling	860 Mentoring		22 Alternative Work Education Center/Work Study Program	56 Charter School (operated as an LEA/District)	76 Private Residential School (not certified by Special Educ. Div.)		
525 Social Work Services (DMCC)	865 Agency Linkages (referral and placement)		24 Independent Study	61 Head Start Program	79 Nonpublic Agency		
530 Psychological Services	870 Travel Training (includes Mobility training)		30 Juvenile Court School	62 Child Development or Child Care Facility	80 Parochial School		
535 Behavior Intervention Services	890 Other Transition Services		31 Community School	63 State Preschool			
540 Day Treatment Services	900 Other Special Education/Related Services						
545 Residential Treatment Services	901 Transportation						
550 Residential Monitoring (DMCC)							
610 Specialized Services for Low Incidence Disabilities							
710 Specialized Deaf and Hard of Hearing							
REASON ANNUAL / TRIENNIAL IEP IS UNTIMELY			LANGUAGE CODES				
10 Timely IEP; another IEP held after timely IEP	90 Other (SELPA must list a reason in district summary report to CDE)		00 English	10 Lao	20 Chamorro		
20 Parent contacted - did not attend			01 Spanish	11 Arabic	21 Hebrew		
30 Transfer			02 Vietnamese	12 Armenian	22 Hindi		
			03 Cantonese	13 Burmese	23 Hmong		
			04 Korean	14 Croatian	24 Hungarian		
			05 Filipino (Tagalog)	15 Dutch	25 Ilocano		
			06 Portuguese	16 Farsi	26 Indonesian		
			07 Mandarin (Putonghua)	17 French	27 Italian		
			08 Japanese	18 German	28 Punjabi		
			09 Khmer Cambodian	19 Greek	29 Russian		
INFANT RELATED SERVICES (AGES 0-2 YEARS)			RACE				
210 Family Training, Counseling and Home Visits	250 Special Instruction		205 Asian Indian	208 Hmong	303 Samoan		
220 Medical Services (evaluation only)	260 Special Education Aide in Regular Dev. Class Child Care		207 Cambodian	202 Japanese	304 Tahitian		
230 Nutrition Services	Center or Facility Child Care Home		201 Chinese	203 Korean	204 Vietnamese		
240 Service Coordination	270 Respite Care Services		400 Filipino	206 Loatian	700 White		
			302 Guamanian	299 Other Asian	900 Intentionally left blank		
			301 Hawaiian	399 Other Pacific Islander			
REASON FOR EXITING SPECIAL EDUCATION			STUDENT'S GRADE LEVEL				
70 Returned to General Education or No Longer Eligible for Special Education or Successful Completion of IEP/IFSP/ISP			100 Amer Ind or Alaska Native	01 First Grade	07 Seventh Grade		
71 Graduated from High School with Diploma			600 Black or African American	02 Second Grade	08 Eighth Grade		
72 Graduated from High School with Certificate of Completion or Other than Diploma				03 Third Grade	09 Ninth Grade		
73 Reached Maximum Age				04 Fourth Grade	10 Tenth Grade		
74 Dropped Out, includes Attempts to Contact Unsuccessful or Not Known to be Continuing				05 Fifth Grade	11 Eleventh Grade		
76 Moved, and Known to be Continuing, includes Transfer to Another Program				06 Sixth Grade	12 Twelfth Grade		
77 Deceased					13 12+ Grade/ Transition		
78 Parent Withdrawal/Self Withdrawal if over 18 (includes parent revocation of consent)					15 Ungraded		
81 Received High School Completion/Achievement Certification through General Educational Development (GED) or Requirements of E.C. 56390					16 Infant		
					17 Preschool		
					18 Kindergarten		
REFERRED BY		FREQUENCY		PRIMARY TRANSITION		STUDENT'S RESIDENTIAL STATUS	
10 Parent	10 Daily	100 None	500 Comm. Exp	10 Parent or Legal Guardian	50 Residential Facility		
20 Teacher	20 Weekly	200 Training	501 Ind. Living	20 Licensed Children's Institution (LCI)	60 Incarcerated Institution		
30 Student Study Team	30 Monthly	300 Education	502 Functional Evaluation	30 Foster Family Home (FFH)	71 State Hospital		
40 Other School Dist Personnel	40 Yearly	400 Employment		40 Hospital (except state hospital)	75 Homeless		
90 Other	90 Any Other Frequency as Needed				72 Development Center		
					90 Other		
REASON FOR EVALUATION DELAY (ASSESSMENT PRIOR TO 3 <sup>RD</sup> BIRTHDAY)				REASON FOR DELAY OF 60 DAY TIMELINE FOR ASSESSMENT			
10 Parent refusal to consent	91 IEP was late, completed after 3rd bday / previously in Part C	10 Parent chose not to make student available	90 Other reason must be provided to CDE	20 Official school break of more than 5dys	91 IEP was late, more than 60 days after parental consent was received		
20 Parent did not make student available		30 Official school break of more than 5dys		30 Transferred			
30 Official school break of more than 5dys	92 New Referral after 3 <sup>RD</sup> birthday / Student not previously in Part C						
90 Other Reason (Must be provided to CDE)							

**DESERT/MOUNTAIN SELPA SCHOOL SITES**

<b>ADELANTO SD</b>		<b>BEAR VALLEY USD (CONT.)</b>		<b>NEEDLES USD (CONT.)</b>		<b>TRONA JUSD</b>		<b>EXCELSIOR PUBLIC CHARTER SCHOOLS</b>	761
<u>School</u>	<u>Site</u>	<u>School</u>	<u>Site</u>	<u>School</u>	<u>Site</u>	<u>School</u>	<u>Site</u>		
Adelanto Elem	174	Big Bear MD	463	ETC	266	CA STEAM Charter	24A	<b>HEALTH SCIENCES HIGH MIDDLE COLLEGE</b>	
Bradach Elem	117	Big Bear Sr.	066	Needles MS	929	Trona CDS	258	<u>School</u>	<u>Site</u>
Columbia MS	433	Chautaugua	290	Needles Sr.	169	Trona Elem	199	Health Sciences High	462
Eagle Ranch	409	Fallsvale	741	Vista Colorado	115	Trona High	487	Health Sciences Middle	HSM
El Mirage	MIR	North Shore	052			Trona MS	196		
George Magnet MS	425			<b>ORO GRANDE SD</b>		University Prep Charter–San Bernardino	321		
Gus Franklin Elem	898	<b>HELENDALE SD</b>		<u>School</u>	<u>Site</u>			<b>NORTON SCIENCE AND LANGUAGE ACADEMY</b>	NOR
Melva Davis Acad.	448	<u>School</u>	<u>Site</u>	Oro Grande	453	<b>VICTOR ELEMENTARY SD</b>			
Mesa Linda MS	370	Academy of Careers/Expl.	723	Riverside Prep	928	<u>School</u>	<u>Site</u>		
Morgan Kincaid Prep	604	Helendale	935			Academy Performing Pre	632		
Theodore Vick Elem	441	Independence Charter Acad	948	<b>ORO GRANDE SD - MOJAVE RIVER ACADEMY (Dependent Charters)</b>		Brentwood	757		
Victoria Magathan	VMA	Riverview	072	<u>School</u>	<u>Site</u>	Challenger	641		
West Creek Elem	WCE			MRA – Gold Canyon	17F	Del Rey	329		
Westside Park	694	<b>HESPERIA USD</b>		MRA – National Trails	18D	Discovery	766		
		<u>School</u>	<u>Site</u>	MRA – Oro Grande	190	Endeavor	449		
<b>APPLE VALLEY USD</b>		Carmel	120	MRA – Route 66	20D	Galileo Academy 101	386		
<u>School</u>	<u>Site</u>	Canyon Ridge	CRC	MRA – Rockview Park	21D	Green Tree East	522		
Apple Valley Sr.	423	Cedar MS	108	MRA – Silver Mountain	22D	Irwin Academy	352		
Desert Knolls	337	Cottonwood	498	MRA – Marble City	23B	Liberty	860		
Granite Hills	894	Cypress School of Arts	805			Lomitas	219		
Mariana	240	Eucalyptus	968			Mojave Vista	587		
Phoenix Academy	PHX	Hesperia Christian	534	<b>SILVER VALLEY USD</b>		Mtn. View Montessori	350	<b>D/M CHARTER SELPA</b>	
Rancho Verde	257	Hesperia Community Day	944	<u>School</u>	<u>Site</u>	Park View	DME	<u>School</u>	<u>Site</u>
Rio Vista	605	Hesperia Jr.	547	Calico High (Cont.)	282	Puesta Del Sol	227	<b>ASA Charter</b>	<b>ASA</b>
Sandia	346	Hesperia Sr.	407	Colin Powell	84A	Sixth Street Prep	927	Allegiance STEAM Acad-Thrive	54H
Sitting Bull Academy	SBA	Hollyvale	112	Ft. Inwin MS	681	Village	386	Aveson Global Leadership Acad	47B
Smart Start Preschool	SSP	Joshua Circle	943	Lewis Elem	331	West Palms Conservatory	WEP	Aveson School of Leaders	47A
Sycamore Rocks	825	Juniper	950	Newberry	406			Ballington Academy	BAL
Vanguard Preparatory	VAN	Kingston	937	Silver Valley Sr.	274	<b>VVUHSD</b>		Desert Trails Preparatory Acad	918
Yucca Loma	265	Krystal School of Sci, Math, Tech	KRY	Silver Valley Com	SVC	<u>School</u>	<u>Site</u>	Elite Academic Academy	96E
		Lime Street	454	Silver Valley Acad	199	Adelanto HS	419	Encore Jr./Sr. High School	707
<b>BAKER VALLEY USD</b>		Maple	M37	Tiefort View Int	096	Cobalt Inst. of Math and Science	698	Julia Lee Performing Arts Acad	851
<u>School</u>	<u>Site</u>	Mesa Grande	643	Yermo	455	Goodwill HS	GWH	LaVerne Elementary Prep Acad	059
Baker Elem	273	Mesquite Trails	680			Hook Jr.	554	Odyssey Charter	47C
Baker Jr.	193	Mission Crest Elem	090	<b>SNOWLINE JUSD</b>		Lakeview Leadership Academy	562	Odyssey Charter School-South	945
Baker Sr.	076	Mojave High	472	<u>School</u>	<u>Site</u>	Options for Youth(Charter)	670	Pasadena Rosebud Acad	89K
		Oak Hills HS	OAK	Baldy Mesa	710	Silverado HS	787	Pathways to College	PTC
				Chaparral (Cont.)	365			Taylion Charter	TAY
<b>BARSTOW USD</b>		Oxford Academy	813	Desert View Ind	589	University Prep Academy	064	<b>Virtual Preparatory Lucerne</b>	<b>10F</b>
<u>School</u>	<u>Site</u>	Ranchero MS	359	Eagle Summit CDS	720	Victor Valley Sr.	012		
Barstow Jr.	537	Shadow Ridge	811	Pinon Mesa	116				
Barstow Sr.	803	Sultana	746	Quail Valley	932	<b>D/M OPERATIONS</b>			
Barstow Stem Acad.	452	T.C. Academy Charter	DMY	Serrano	233	<u>School</u>	<u>Site</u>		
Cameron Elem	299	Topaz Preparatory Academy	751	Sweet Haven	ESS	Apple Valley County Sp Ed Ctr	DMO		
Henderson	349	Elite Academic Acad Charter	96E	Vista Verde Elem	718	First (1 <sup>st</sup> ) Class	1CC		
Hinkley	356	Lucerne Elem	976	Wrightwood	394	Siegrist	348		
Lenwood	372	Lucerne MS	696						
Montara	380	Lucerne Sr.	563	<b>ACADEMY FOR ACADEMIC EXCELLENCE</b>					
Skyline	414	Lucerne Com Day	795						
Thomson	422	Mountain View (Cont.)	696	<b>EXCELSIOR – CORONA/ NORCO CHARTER</b>					
		Sky Mountain Charter	SKM						
<b>BEAR VALLEY USD</b>									
<u>School</u>	<u>Site</u>	<b>NEEDLES USD</b>							
Baldwin Lane	866	<u>School</u>	<u>Site</u>						
Big Bear Elem	936	Chemehuevi	885						
		Community Day School	140						

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

**SUPPLEMENTARY AIDS AND SUPPORTS**

Supplementary aids and supports to the student and/or program modification(s)/support(s) for school personnel (to be provided during the effective dates of this IEP) that are necessary to enable the student to: (A) advance appropriately toward the IEP goal attainment; (B) be involved and progress in the general curriculum; (C) participate in extracurricular activities; (D) be educated and participate with other children with disabilities and with nondisabled peers. 34 CFR § 300.320(a)(4)-(7) **See Consideration of Special Factors on the next page.**

		SUPPLEMENTARY AIDS AND SUPPORTS PROGRAM ACCOMMODATION(S) / MODIFICATION(S)	LOCATION	START DATE	FREQUENCY	DURATION
<input type="checkbox"/>	Student					
<input type="checkbox"/>	Personnel					
<input type="checkbox"/>	Student					
<input type="checkbox"/>	Personnel					
<input type="checkbox"/>	Student					
<input type="checkbox"/>	Personnel					
<input type="checkbox"/>	Student					
<input type="checkbox"/>	Personnel					
<input type="checkbox"/>	Student					
<input type="checkbox"/>	Personnel					
<input type="checkbox"/>	Student					
<input type="checkbox"/>	Personnel					
<input type="checkbox"/>	Student					
<input type="checkbox"/>	Personnel					
<input type="checkbox"/>	Student					
<input type="checkbox"/>	Personnel					
<input type="checkbox"/>	Student					
<input type="checkbox"/>	Personnel					
<input type="checkbox"/>	Student					
<input type="checkbox"/>	Personnel					

Comments:

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

**SUPPLEMENTARY AIDS AND SUPPORTS**

Vision Screening:  Pass  Fail  Parent Waived in Writing  
 Date: \_\_\_\_\_

Hearing Screening:  Pass  Fail  Parent Waived in Writing  
 Date: \_\_\_\_\_

Comments: \_\_\_\_\_

---

Methods of reporting progress toward IEP goals:  Quarter  Semester  Trimester  Other: *(describe below)*

---

Describe how progress will be reported to parents:

---

Student learning strengths/preferences:

---

Parent priorities for enhancing student's long-term education:

---

How does the student's disability affect involvement and progress in the general curriculum? For preschool students, how does the student's disability affect participation in appropriate activities?

---

Mainstream activities to provide support for transition into general education:

**CONSIDERATION OF SPECIAL FACTORS**

<p>Is the student blind or visually impaired? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "YES" is the instruction provided in Braille and the use of Braille? <input type="checkbox"/> Yes <input type="checkbox"/> No          If "NO" state rationale based on evaluation of the student's reading and writing skills, appropriate reading and writing media, and the student's future needs for instruction in Braille and the use of Braille:</p> <p>Is the student deaf or hard of hearing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "YES"</p> <ul style="list-style-type: none"> <li>• Have the communication needs of the student been considered? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Has the opportunity for direct communication with peers and professional personnel in the student's communication mode and at the student's academic level been considered? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Has the student's full range of communication needs been considered, including opportunities for direct instruction in the student's language communication mode? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul> <p>Has the IEP team considered the student's functional performance and does the student have needs in this area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "YES"</p> <ul style="list-style-type: none"> <li>• Have functional goals been developed and included in this IEP? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul>	<p>Is the student an English Language Learner (ELL)? If "YES" <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li>• Have the language needs of the student been considered? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Does the student have linguistically appropriate goals, objectives, programs and services? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul> <p>Does the student's behavior impede his or her learning or the learning of others? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li>• Have positive behavioral interventions and supports been implemented? <b>(List on the "Supplementary Aids and Supports page")</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Have annual behavioral goals been implemented and revised as needed? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Has a Behavior Intervention Plan (BIP) <b>Level 1</b> been implemented and revised as needed? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Has a Functional Behavioral Assessment (FBA) been completed? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Has a Behavior Intervention Plan (BIP) <b>Level 2</b> been implemented and revised as needed? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul> <p>Has the IEP team considered the student's need for assistive technology (AT) devices and services? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Needs are currently being met without AT. AT is not required at this time.</li> <li><input type="checkbox"/> AT devices/services are required and will be used in designated task(s) in educational environments.</li> <li><input type="checkbox"/> Further information/assessment is necessary to determine if or what AT devices and services may be required.</li> </ul> <p>Please explain:</p>
--	---

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

**TESTING MATRIX FOR CALIFORNIA PHYSICAL FITNESS TEST (PFT)**

**DIRECTIONS:** SELECT ALL IEP TEAM APPROVED VARIATIONS/ACCOMMODATIONS FOR UTILIZATION ON THE NEXT TEST ADMINISTRATION.

**TEST VARIATION (1) / ACCOMMODATION (2)**

	<b>PFT</b>
Administration of the test at the most beneficial time of day to the student	2
Audio amplification equipment	1
English learners (ELs) may have the opportunity to be tested separately with other ELs provided that the student is directly supervised by an employee of the school who has signed the test security affidavit and the student has been provided such a flexible setting as part of his/her regular instruction or assessment	1
Extra time on a test within a testing day	ALL
Hear the test directions printed in the test administration manual translated into the student's primary language. Ask clarifying questions about the test directions in the student's primary language	1
Manually Coded English or American Sign Language to present directions for administrations (does not apply to test questions)	1
Test administered at home or in hospital by a test examiner	2
Test administration directions that are simplified or clarified (does not apply to test questions)	ALL
Test individual student separately, provided that a test examiner directly supervises the student	1
Test students in a small group setting	ALL

**Test Variation (1)**

Students may have these testing variations if regularly used in the classroom.

**Accommodation (2)**

Eligible students shall be permitted to take the examination/test with accommodations if specified in the eligible student's IEP or Section 504 Plan for use on the examination, standardized testing, or for use during classroom instruction and assessment.

**Desired Results Developmental Profile**

- TYPE OF DRDP:**  Code A - IFSP (Continue to receive infant/toddler special education services; transition to preschool; exit special education services)  
 Code B - IEP (Continue to receive preschool special education services; transition to transitional kindergarten; transition to kindergarten; exit special education services)

**ADAPTATIONS USED WITH THE DRDP ACCESS (MARK THE APPROPRIATE BOX(ES))**

- Augmentative/Alternative Communication System  Alternative Mode for Written Language  Visual Support  Assistive Equipment/Device  Functional Positioning  Sensory Support  Alternative Response Mode

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

**ENGLISH LANGUAGE PROFICIENCY ASSESSMENT PARTICIPATION CONSIDERATION**

**PURPOSE AND USE:** Alternate assessments provide an alternate means to measure the English language proficiency of students with disabilities whose individualized education program (IEP) teams have determined that they are unable to participate in the ELPAC even with universal tools, designated supports or accommodations. In order to aid an IEP team in its determination of whether a student should use alternate assessments, the following may be considered:

Check "Yes" or "No" for each item	
<input type="checkbox"/> Yes <input type="checkbox"/> No	Does the student have a significant cognitive disability and an IEP?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is or will the student be learning content aligned with the common core standards, the California Next Generation Science Standards, or the 2012 California English Language Development (ELD) standards?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is or will the student be receiving extensive direct individualized instruction and substantial supports to achieve measurable gain?
See worksheet in library section of WebIEP or click on the link below. <a href="https://www.cde.ca.gov/ta/tg/ca/documents/altassessmentdecision.pdf">https://www.cde.ca.gov/ta/tg/ca/documents/altassessmentdecision.pdf</a>	

EXTENT OF PARTICIPATION IN NEXT STATEWIDE ASSESSMENT PROGRAM	
<b>ELPAC</b>	
<input type="checkbox"/> OPTION 1:	<b>CODE 60-ELPAC <u>with</u> TESTING ACCOMMODATIONS</b> <b>CODE 70-ELPAC <u>without</u> TESTING ACCOMMODATIONS</b> ELPAC ONLY
<input type="checkbox"/> OPTION 2:	<b>CODE 61-ELPAC Partial <u>with</u> Testing Accommodations</b> <b>CODE 71-ELPAC Partial <u>without</u> Testing Accommodations</b> ELPAC PARTIAL PARTICIPATION: 1 SUBTEST FROM ORAL DOMAIN & 1 SUBTEST FROM WRITTEN DOMAIN (ALTERNATE ASSESSMENT NOT NEEDED) Indicate which subtest(s) student will participate in below. <b><u>Student must participate in at least 1 subtest from the oral domain and 1 from the written domain.</u></b>  <b>ORAL DOMAIN:</b> <input type="checkbox"/> Listening <input type="checkbox"/> Speaking <b>WRITTEN DOMAIN:</b> <input type="checkbox"/> Reading <input type="checkbox"/> Writing
<input type="checkbox"/> OPTION 3:	<b>CODE 85-ELPAC NOT TO PARTICIPATE (ALTERNATE ASSESSMENT MUST BE TAKEN)</b>  <input type="checkbox"/> <a href="http://www.vcselpa.org/LinkClick.aspx?fileticket=QUL-LcSs2dY%3d&amp;portalid=0">http://www.vcselpa.org/LinkClick.aspx?fileticket=QUL-LcSs2dY%3d&amp;portalid=0</a> (To be used only on Initial Evaluations)



## **MINUTES**

---

### **GOVERNANCE COUNCIL MEMBERS PRESENT:**

Academy for Academic Excellence – Lisa Lamb, Allegiance STEAM Academy – Sebastian Cогnetta, Apple Valley USD – Trenae Nelson, Baker Valley USD – Cecil Edwards, Barstow USD -Jeff Malan, Desert Trails Preparatory Academy (DTPA) & LaVerne Elementary Preparatory Academy (LEPA) – Debra Tarver, Health Sciences High School and Middle College – Ian Pumpian, Helendale SD – Ross Swearingen, Hesperia USD – David Olney, Lucerne Valley USD – Peter Livingston, San Bernardino County Superintendent of Schools (SBCSS) – Ted Alejandre, Jennifer Alvarado, Silver Valley USD – Jesse Najera, Snowline USD – Ryan Holman, Trona JUSD – Jairo Arellano, Victor Elementary SD – Jan Gonzales, and Victor Valley Union SD – Ron Williams.

### **OTHERS PRESENT:**

Susan Lucey – ASA Charter School, Kelly Jung – Aveson Global and Aveson School of Leaders, Meghan Freeman - Elite Academic Academy, Lauren O’Neill - Odyssey Charter, Shawn Brumfield – Pasadena Rosebud Academy, Brenda Congo – Taylion High Desert Academy, and Michelle Romaine – Virtual Preparatory Academy-Lucerne.

### **CAHELP JPA STAFF PRESENT:**

Jamie Adkins, Heidi Chavez, Peggy Dunn, Marina Gallegos, Jenae Holtz, Linda Llamas, and Adrienne Shepherd-Myles.

### **1.0 CALL TO ORDER**

The regular meeting of the California Association of Health and Education Linked Professions Joint Powers Authority (CAHELP JPA) Governance Council was called to order by Chairperson Ross Swearingen at 10:00 a.m. at the Desert/Mountain Educational Service Center, Apple Valley.

### **2.0 PUBLIC PARTICIPATION**

None.

### **3.0 ADOPTION OF THE AGENDA**

**BE IT RESOLVED** that a motion was made by Peter Livingston, seconded by Ryan Holman, to approve the October 8, 2021 CAHELP JPA Governance Council Meeting Agenda as presented. The motion carried on the following vote 16:0: Ayes: Alejandre, Arellano, Cогnetta, Edwards, Gonzalez, Holman, Lamb, Livingston, Malan, Najera, Nelson, Olney, Pumpian, Swearingen, Tarver, and Williams. Nays: None, Abstentions: None.

### **4.0 PRESENTATIONS**

- 4.1 SBCSS D/M Operations Final 2020-21 Local Control Funding Formula (LCFF) Revenue Transfer
- Jennifer Alvarado presented the SBCSS D/M Operations Fiscal Year 2020-21 LCFF Revenue Transfer.

## **MINUTES**

---

### 4.2 SBCSS D/M Operations 2020-21 Fee-For-Service Year-End Actuals

Jennifer Alvarado presented the SBCSS D/M Operations Fiscal Year 2020-21 Fee-For-Service Year-End Actuals.

### 4.3 SBCSS D/M Operations 2020-21 Fee-for-Service Return

Jennifer Alvarado presented the SBCSS D/M Operations 2020-21 Fee-For-Service Return.

## **5.0 INFORMATION / ACTION**

### 5.1 Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements

Assembly Bill (AB) 361 requires local agencies to consider the circumstances of the state of emergency and make the following findings by a majority vote: 1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or 2) state or local officials continue to impose or recommend measures to promote social distancing.

5.1.1 **BE IT RESOLVED** that a motion was made by Jan Gonzalez, seconded by Lisa Lamb, to approve the Assembly Bill 361 Exemptions to Brown Act Virtual Meeting Requirements as presented. The motion carried on the following vote 16:0: Ayes: Alejandro, Arellano, Cognetta, Edwards, Gonzalez, Holman, Lamb, Livingston, Malan, Najera, Nelson, Olney, Pumpian, Swearingen, Tarver, and Williams. Nays: None, Abstentions: None.

### 5.2 Mental Health Fee-For-Service (**ACTION**)

Jenae Holtz presented the Fee-For-Service (FFS) for mental health services for students with disabilities.

5.2.1 **BE IT RESOLVED** that a motion was made by Jan Gonzalez, seconded by Jeff Malan, to approve the Fee-For-Service (FFS) for mental health services for students with disabilities as presented. The motion carried on the following vote 16:0: Ayes: Alejandro, Arellano, Cognetta, Edwards, Gonzalez, Holman, Lamb, Livingston, Malan, Najera, Nelson, Olney, Pumpian, Swearingen, Tarver, and Williams. Nays: None, Abstentions: None.

### 5.3 Desert/Mountain SELPA and Charter SELPA D/M 66 Assessment Plan (**ACTION**)

Forms used in the operations of special education programs within the Desert/Mountain SELPA and Charter SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Forms are modified as necessary in order to support the operations of special education programs in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Forms are submitted to the D/M SELPA and Charter SELPA Steering Committees for consideration and approval.

## **MINUTES**

---

- 5.3.1 **BE IT RESOLVED** that a motion was made by Debbie Tarver, seconded by Sebastian Cognetta, to approve the Desert/Mountain SELPA and Charter SELPA D/M 66 Assessment Plan as presented. The motion carried on the following vote 16:0: Ayes: Alejandro, Arellano, Cognetta, Edwards, Gonzalez, Holman, Lamb, Livingston, Malan, Najera, Nelson, Olney, Pumpian, Swearingen, Tarver, and Williams. Nays: None, Abstentions: None.
- 5.4 Desert/Mountain SELPA Policy and Procedures Chapter 1 (**ACTION**)
- Policies and procedures governing the operation of special education programs within the Desert/Mountain SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Policies and Procedures are modified as necessary in order to ensure that special education programs are operated in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Policy and Procedures are submitted to the D/M SELPA Steering Committee consideration and approval.
- 5.4.1 **BE IT RESOLVED** that a motion was made by Lisa Lamb, seconded by Cecil Edwards, to approve the Desert/Mountain SELPA Policy & Procedures Chapter 1 as presented. The motion carried on the following vote 16:0: Ayes: Alejandro, Arellano, Cognetta, Edwards, Gonzalez, Holman, Lamb, Livingston, Malan, Najera, Nelson, Olney, Pumpian, Swearingen, Tarver, and Williams. Nays: None, Abstentions: None.
- 5.5 Desert/Mountain Charter SELPA Policy and Procedures Chapter 1 (**ACTION**)
- Policies and procedures governing the operation of special education programs within the Desert/Mountain Charter SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Policies and Procedures are modified as necessary in order to ensure that special education programs are operated in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Policy and Procedures are submitted to the D/M Charter SELPA Steering Committee consideration and approval.
- 5.5.1 **BE IT RESOLVED** that a motion was made by Peter Livingston, seconded by Debbie Tarver, to approve the Desert/Mountain SELPA Policy & Procedures Chapter 1 as presented. The motion carried on the following vote 16:0: Ayes: Alejandro, Arellano, Cognetta, Edwards, Gonzalez, Holman, Lamb, Livingston, Malan, Najera, Nelson, Olney, Pumpian, Swearingen, Tarver, and Williams. Nays: None, Abstentions: None.
- 5.6 Desert/Mountain SELPA and Charter SELPA Interim Placement Form (**ACTION**)
- Forms used in the operations of special education programs within the Desert/Mountain SELPA and Charter SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Forms are modified as necessary in order to support the operations of special education programs in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Forms are submitted to the D/M SELPA and Charter SELPA Steering Committees for consideration and approval.

**GOVERNANCE COUNCIL MEETING**

*October 8, 2021 - 10:00 a.m. Virtual Via Teleconference*

Desert Mountain Educational Service Center, 17800 Highway 18, Apple Valley, California 92307

---

**MINUTES**

---

5.6.1 **BE IT RESOLVED** that a motion was made by Sebastian Cogna, seconded by Debbie Tarver, to approve the Desert/Mountain SELPA and Charter SELPA Interim Placement Forms as presented. The motion carried on the following vote 16:0: Ayes: Alejandro, Arellano, Cogna, Edwards, Gonzalez, Holman, Lamb, Livingston, Malan, Najera, Nelson, Olney, Pumpian, Swearingen, Tarver, and Williams. Nays: None, Abstentions: None.

5.7 Desert/Mountain Children's Center Electronic Health Record Policy (**ACTION**)

Policies and procedures governing the operation of special education programs within the Desert/Mountain SELPA are developed, reviewed and revised throughout the year upon the recommendation of the Program Team. Policies and Procedures are modified as necessary in order to ensure that special education programs are operated in an efficient, effective and legally compliant manner. Suggested revisions to SELPA Policy and Procedures are submitted to the D/M SELPA Steering Committee consideration and approval.

5.7.1 **BE IT RESOLVED** that a motion was made by David Olney, seconded by Jesse Najera, to approve the Desert/Mountain Children's Center Electronic Health Record Policy as presented. The motion carried on the following vote 16:0: Ayes: Alejandro, Arellano, Cogna, Edwards, Gonzalez, Holman, Lamb, Livingston, Malan, Najera, Nelson, Olney, Pumpian, Swearingen, Tarver, and Williams. Nays: None, Abstentions: None.

**6.0 CONSENT ITEMS**

It is recommended that the Governance Council consider approving several Agenda items as a Consent list. Consent Items are routine in nature and can be enacted in one motion without further discussion. Consent items may be called up by any Council Member at the meeting for clarification, discussion, or change.

6.1 **BE IT RESOLVED** that a motion was made by Ryan Holman, seconded by Jairo Arellano, to approve the following Consent Items as presented. The motion carried on the following vote 16:0: Ayes: Alejandro, Arellano, Cogna, Edwards, Gonzalez, Holman, Lamb, Livingston, Malan, Najera, Nelson, Olney, Pumpian, Swearingen, Tarver, and Williams. Nays: None, Abstentions: None.

6.1.1 Approve the May 14, 2021 CAHELP JPA Governance Council Meeting Minutes.

6.1.2 Approve the 2022 Crisis Prevention Institute (CPI) Annual Membership for Ned Broberg, Heidi Chavez, Danielle Cote, Brian Follis, Blanca Medrano, Michael Norton, and Linda Rodriguez, in an amount not to exceed \$150.00 per individual membership.

6.1.3 Approve 2022 Theraplay Certification Renewal for Julie McNeil in the amount of \$50.00.

## **MINUTES**

---

- 6.1.4 Approve the Declaration of Low Incidence Equipment as Salvage or Surplus.

The Desert/Mountain SELPA is seeking approval from the CAHELP JPA Governance Council for the release to surplus or salvage of unassigned and/or obsolete low incidence equipment currently in storage. All of the low incidence equipment identified on the inventory report has been reviewed and determined to be unassigned and/or obsolete.

### **7.0 CHIEF EXECUTIVE OFFICER AND STAFF REPORTS**

- 7.1 Alternative Dispute Resolution Allocation Plans

Jenae Holtz presented the CAHELP JPA Alternative Dispute Resolution Allocation Plans. She explained the state provided for a multi-district SELPA to write the plans for their LEAs broad enough to include what the individual LEAs would need to do. Jenae said the special education directors provided input for the plans which was much appreciated.

- 7.2 Learning Recovery Plans

Jenae Holtz presented the CAHELP JPA Learning Recovery Plans. She said the special education directors provided input for these plans as well. Pieces of the plans will be implemented throughout the year on campuses through CAHELP JPA.

- 7.3 2021-22 CAHELP JPA Liability Insurance Renewal Information

Jenae Holtz provided finalized information regarding the 2021-22 CAHELP JPA liability insurance renewal. There has been an increase in premiums of approximately \$90,000 for the year.

- 7.4 Resolution Support Services Update

Jenae Holtz provided an update on Resolution Support Services for D/M SELPA and D/M Charter SELPA. She reported there have been a few filings that are asking for compensatory services. LEAs are doing a great job in adding on supports for children. The cases have not been as extreme as they had previously been but it is expected that the requests for compensatory education will increase in the next couple of years.

- 7.5 Special Presentation

Jenae Holtz presented on behalf of the CAHELP JPA Governance Council a special recognition to Jan Gonzalez. She shared that Jan Gonzalez was the Governance Council chairperson 2019-2021. Jenae thanked Jan for her service and support in those two years.

### **8.0 INFORMATION ITEMS**

- 8.1 Professional Learning Summary

## **MINUTES**

---

### **9.0 GOVERNANCE COUNCIL MEMBERS COMMENTS / REPORTS**

### **10.0 CEO COMMENTS**

Jenae Holtz shared her appreciation for the council members in that they have helped her be a better leader and a better person.

### **11.0 MATTERS BROUGHT BY GENERAL PUBLIC**

None.

### **12.0 CLOSED SESSION**

#### **12.1 CAHELP JPA Personnel (ACTION)**

The Governance Council is responsible for the appointment of the CAHELP JPA Chief Executive Officer.

12.1.1 **BE IT RESOLVED** that the selection of the CAHELP JPA Chief Executive Officer be approved as presented.

### **13.0 CLOSED SESSION REPORTS**

### **14.0 ADJOURNMENT**

Having no further business to discuss, a motion was made by Jan Gonzalez, seconded by David Olney, to adjourn the meeting. The motion carried on the following vote 16:0: Ayes: Alejandre, Arellano, Cognetta, Edwards, Gonzalez, Holman, Lamb, Livingston, Malan, Najera, Nelson, Olney, Pumpian, Swearingen, Tarver, and Williams. Nays: None, Abstentions: None.

The next regular meeting of the CAHELP JPA Governance Council will be held on Friday, January 7, 2022 at 10:00 a.m., at the Desert Mountain Educational Service Center, Lilac/Yucca Room, 17800 Highway 18, Apple Valley, CA 92307.

*Individuals requiring special accommodations for disabilities are requested to contact Jamie Adkins at (760) 955-3555, at least seven days prior to the date of this meeting.*

# California Special Education Governance and Accountability Study

Report to the chairs of the relevant policy committees and budget subcommittees of the Legislature and the Department of Finance

*Description:* An examination of the state's current governance and accountability structures for students with exceptional needs, aged 3 to 21, inclusive, and recommendations regarding improvements.

*Authority:* Senate Bill 74, Chapter 6, Section 2 (2020)

*Recipients:* California Assembly Committee on Education, California Assembly Committee on Budget, California Senate Committee on Budget and Fiscal Review, California Senate Committee on Education, Executive Director of the State Board of Education, and the Department of Finance

November 15, 2021

Research conducted and report authored by WestEd

Funded by the California Department of Education,  
Special Education Division

Funded by the California Department of Education, Special Education Division.

Suggested citation: Doutre, S.M., Ripma, T., Barrett, T., Williams Valentine, T., Caparas, R. and Willis, J. (2021). *California special education governance and accountability study*. WestEd.

WestEd is a nonpartisan, nonprofit agency that conducts and applies research, develops evidence-based solutions, and provides services and resources in the realms of education, human development, and related fields, with the end goal of improving outcomes and ensuring equity for individuals from infancy through adulthood. For more information, visit <http://www.WestEd.org/>. For regular updates on research, free resources, solutions, and job postings from WestEd, subscribe to the E-Bulletin, our semimonthly e-newsletter, at <https://www.WestEd.org/subscribe/>.





---

# Contents

**Contents**..... i

**Acknowledgments**..... 1

**Authors’ Note** ..... 2

**List of Abbreviations**..... 4

**Executive Summary** ..... 6

**Section 1. Introduction** ..... 19

**Section 2. Study Purpose, Key Concepts, Framework, and Methods** ..... 26

**Section 3. Study Results** ..... 37

**Section 3.1. California Governance and Accountability Structures for Supporting Students with an IEP**..... 38

**Section 3.2. Factors that Most Affected Outcomes for Students with an IEP**..... 50

**Section 3.3. Challenges in Improving California’s Special Education Governance and Accountability Structures** ..... 65

**Section 4. Profiles of High-Performing LEAs and Applied Learning on the Conditions for Change and Other Strategies for Improvement** ..... 100

**Section 5. Opportunities for Improvement: Recommendations and Implementation Strategies** ..... 109

**Section 6. Conclusion**..... 142

**Appendix A: Detailed Methods** ..... 145

**Appendix B: Technical Appendix** ..... 154

**Appendix C: State Scan of Educational Service Agencies**..... 191

**Appendix D: Accessible, Plain Text Versions of Complex Exhibits** ..... 200

**Glossary**..... 232

**References**..... 234

---

# Acknowledgments

The WestEd research team expresses gratitude to the members of the study's advisory group, consisting of parents, teachers, school staff, school district and charter school administrators, county office of education leaders, and state agency leaders. These individuals offered input and thoughtful feedback throughout the development of the study's design, the identification of challenges to meeting state priorities, and the development of recommendations for improvement. The advisory group's participation was in advisement of the study and this report is not intended to represent consensus of the advisory group.

Advisory group members represented the California Department of Education, the California State Board of Education, the California Department of Finance, the California Legislative Analyst's Office, the California State Assembly, the California State Senate, Corning High School, Parents Helping Parents, Stanford University, the California Collaborative for Educational Excellence, Disability Rights California, the Advisory Commission on Special Education, Arcadia Unified School District, Elk Grove Unified School District, Eureka City Schools, the California Charter School Association, Aspire Charter Schools, WISH Charter School, the Kern County Office of Education, the Ventura County Office of Education, the Humboldt County Office of Education, the Poway Special Education Local Plan Area (SELPA), the El Dorado Charter SELPA, and the California SELPA Association.

The WestEd research team also thanks the many professionals and parents in local educational agencies (LEAs), county offices of education (COEs), and SELPAs who participated in surveys, interviews, and focus groups to inform the study. Special thanks to the following LEAs, whose leaders agreed to the inclusion of the LEAs' profiles in section 4, Profiles of High-Performing LEAs and Applied Learning on the Conditions for Change and Other Strategies for Improvement: Bay Area Technology School, a charter school LEA in Alameda County and a member of the El Dorado Charter SELPA; Etiwanda Elementary School District, located in San Bernardino County and a member of the West End SELPA; Pajaro Valley Unified School District, a single-LEA SELPA in Santa Cruz County; Plaza Elementary School District, located in Glenn County and a member of the Glenn County SELPA; and Visalia Unified School District, located in Tulare County and a member of the Tulare County SELPA.

---

# Authors' Note

The data used for this study are from the 2014–15 through 2018–19 school years unless otherwise noted, as those were the most recent complete years of data when this study began in December 2020. Over the period of the time in which this study was conducted, California and the rest of the world was experiencing the COVID-19 pandemic, which altered our public education system, instructional delivery, and the availability of resources. Despite the unexpected impact of the pandemic on education, California remained committed to evaluating its special education systems. Given the available data at the commencement of the study, and the ongoing nature of the pandemic, this study did not specifically assess any effects of the COVID-19 pandemic.

This study, as described in the study framework, examined the roles and responsibilities of entities at the local, intermediary, and state levels. In exploring the local level, the research team recognized the need to narrow the scope of the examination related to charter schools. California has not established criteria to assess the degree to which charter schools have governing authority for special education and, in practice, charter schools vary in their capacity to administer special education programs. Absent a formal definition and criteria, this study relied on current practice indicating that some charter schools are LEAs for purposes of special education, serving as a governing body, while others function as a school of an LEA or are closely affiliated with their authorizing LEA or COE as the governing body for special education. However, all charter schools are treated similarly in many of the state's accountability structures.

To illustrate the many iterations of local special education governance and accountability implementation, the LEA profiles in section 4 of this report highlight practices of LEAs with various governing structures. The profiles were not intended to be a representative analysis of the state, but to highlight high-performing LEAs and illustrate how LEAs with diverse governance structures can succeed in serving all students, including those with an IEP. The data that informed the LEA profiles, gathered through interviews, focus groups, and surveys, did not determine the findings of the study, and they supported but did not determine this report's recommendations.

Finally, the study's recommendations, presented in section 5, are compatible with ongoing use of educational service agencies (ESAs)<sup>1</sup> to support California LEAs to provide and coordinate services for students with an IEP and meet the requirements of IDEA. The study results confirmed that California LEAs rely on multiple types of connections among LEAs to serve students with an IEP and that these connections occur within and outside of ESAs, such as special education local plan areas (SELPAs).

---

<sup>1</sup> The Individuals with Disabilities Education Act (IDEA) defines an ESA as a regional public multiservice agency that is (1) authorized by State law to develop, manage, and provide services or programs to LEAs; or (2) recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary schools and secondary schools of the State (34 CFR §300.12).

The recommendations of this study are intended to align governance and decision-making about and accountability for the provision of services to students with an IEP at the local level, rather than regionally. Consistent with the study's purpose, as established by the California Legislature, the recommendations are also focused on improved outcomes for students, equitable distribution of funding and resources, increased engagement in local decision-making, and better alignment across systems.

# List of Abbreviations

Abbreviation or Acronym	Meaning
APR	Annual Performance Report
CAA	California Alternate Assessment
CAC	Community advisory committee
CAASPP	California Assessment of Student Performance and Progress
CALPADS	California Longitudinal Pupil Achievement Data System
CASEMIS	California Student Management Information System
CCEE	California Collaborative for Educational Excellence
CCEIS	Comprehensive Coordinated Early Intervening Services
CDE	California Department of Education
COE	County office of education
DOF	Department of Finance
EC	Education Code
EDGAR	Education Department General Administrative Regulations
ELA	English language arts
ESA	Educational service agency
ESEA	Elementary and Secondary Education Act
ESSA	Every Student Succeeds Act
FAPE	Free, appropriate public education
IDEA	Individuals with Disabilities Education Act
IEP	Individualized educational program
LAO	Legislative Analyst’s Office
LCAP	Local Control Accountability Plan
LCFF	Local Control Funding Formula
LEA	Local educational agency
LPC	Local Child Care and Development Planning Council
LRE	Least restrictive environment
MOE	Maintenance of effort

Abbreviation or Acronym	Meaning
OSEP	Office of Special Education Programs
SBE	California State Board of Education
SELPA	Special education local plan area
SEP	Special education plan
SPP	State Performance Plan
SY	School Year

---

# Executive Summary

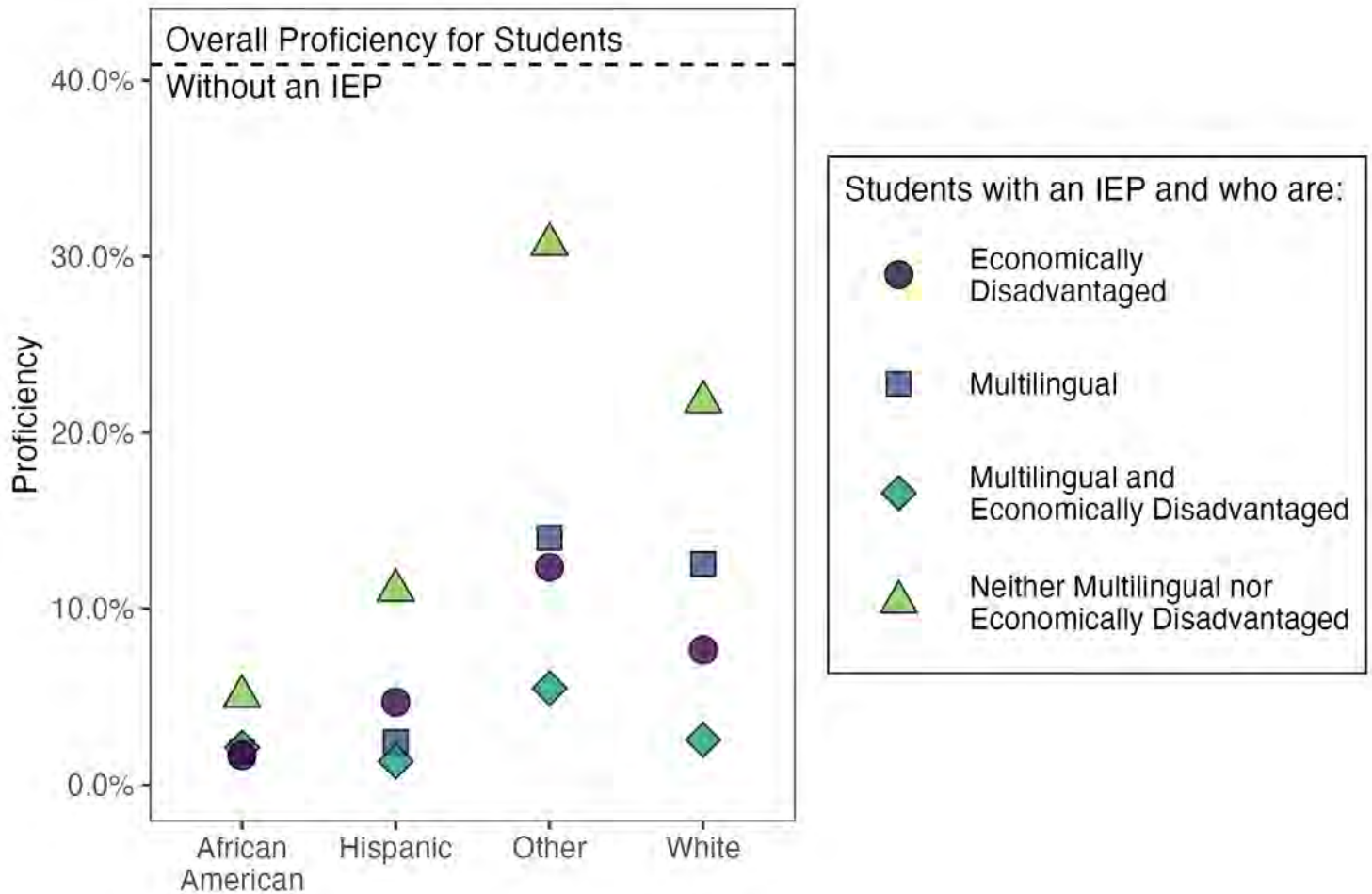
California Senate Bill 74, Budget Act of 2020, required the California Department of Education (CDE) to conduct a study to examine the state’s current governance and accountability structures that support California students with an individualized education program (IEP). The study was intended to focus on the end goals of improving outcomes for students with an IEP and increasing special education services provided in the least restrictive environment. The CDE, in consultation with the executive director of the California State Board of Education (SBE), commissioned WestEd to conduct this study.

For this study, **governance** is defined as education decision-making authority, along with the structures, policies, and tools through which an entity communicates its decisions and assigns authority and responsibility to other levels of the education system. **Accountability** is defined as education oversight — including structures, policies, and tools — created and implemented at federal, state, and local levels to evaluate and ensure compliance with legal requirements and to encourage implementation of recommended actions and best practices for improvement, all for the purpose of meeting established goals.

Initial data analyses confirmed the need identified in the charge for this study to closely examine alignment of systems serving students with an IEP. In school year (SY) 2018–19, California students who were least likely to achieve academic proficiency (as measured by the California Assessment of Student Performance and Progress [CAASPP] and the California Alternate Assessment [CAA]) were students with an IEP who were also part of other student groups that received additional supports, meaning they had an IEP and were learning English (also called emerging multilingual learners) or were experiencing socioeconomic disadvantage or both.

Exhibit ES-1 illustrates the range in outcomes for students with an IEP. It charts the percentage of students with an IEP who were proficient in both English language arts (ELA) and math, as measured by the CAASPP and the CAA, by race and ethnicity and by the other student groups. Although just over 40 percent of all students without an IEP were proficient in SY 2018–19, fewer than 5 percent of students who were Hispanic/Latinx and were either learning English (multilingual) or experiencing socioeconomic disadvantage were proficient. More than 20 percent of students with an IEP who were white and were neither learning English nor experiencing socioeconomic disadvantage were proficient. These data emphasize the importance of coordinating supports for students who both have an IEP and belong to other groups for whom the state has targeted resources and supports.

**Exhibit ES-1. Proficiency rates for students with an IEP who also are multilingual (English learners) and/or economically disadvantaged relative to the overall proficiency for students without an IEP.**



[An accessible, plain text version of exhibit ES-1 is provided in appendix D.](#) Source. Data provided by the CDE from the California Student Management Information System (CASEMIS), the California Longitudinal Pupil Achievement Data System (CALPADS), and the California Assessment of Student Performance and Progress (CAASPP).

## Methods

WestEd’s research team examined governance and accountability structures, policies, and tools with the goal of understanding their roles in improving outcomes for students with an IEP. The research team used a mixed-methods approach to understand the impact of governance and accountability structures on special education in California. A qualitatively driven mixed-methods approach is well suited for studying most issues of education policy, but it is particularly important for studies of education accountability



systems because accountability systems are heavily driven by quantitative data — namely, student outcome data — and so a qualitative investigation is necessary for understanding the complex realities of how educational systems operate (Hall and Ryan 2011). This study included:

- Analyzing more than 23 million quantitative data points for all of California’s 725,000 students with an IEP (e.g., student demographics, information about students’ educational programs and schools, data from students’ IEPs, and data about student achievement);
- Reviewing thousands of pages of education laws and regulations;
- Collecting and analyzing survey responses from nearly 1,600 education professionals and more than 1,200 parents; and
- Conducting focus groups, listening sessions, and interviews with more than 300 individuals (education professionals as well as parents).

## Summary of Key Study Results

### California’s Governance and Accountability Structures

**Although students with an IEP are included in and addressed through the general education governance and accountability structures — for example, as a specific student group on the Dashboard and for eligibility for differentiated assistance — California also has both separate and overlapping special education governance and accountability structures.** Exhibit ES-2 provides an overview of the general education and special education governance and accountability structures meant to support students with an IEP and the local educational agencies (LEAs) that serve those students.

**Exhibit ES-2. California’s governance and accountability structures and primary tools both for all students and for students with an IEP.**

<b>Structure Type</b>	<b>General Education Governance and Accountability for All Students (including those with an IEP)</b>	<b>Governance and Accountability Specifically for Students with an IEP</b>
<b>Funding</b>	Local Control Funding Formula (LCFF)	AB 602, Low Incidence, Educationally Related Mental Health Services, etc.
<b>Required Plans</b>	Local Control Accountability Plan (LCAP)	SELPA Local Plan (Contracts and Certifications, Governance and Administration, Annual Budget Plan, Annual Service Plan), LEA Special Education Plan, LEA Comprehensive Coordinated Early Intervening Services (CCEIS) Plan
<b>Accountability Data</b>	California School Dashboard	State Performance Plan and Annual Performance Report Indicator Data, LEA Determinations
<b>Improvement Support</b>	Statewide System of Support	CDE Monitoring and Quality Assurance, Technical Assistance Projects

**Neither type nor size of LEA or special education local plan area (SELPA) were associated with improved academic growth for students with an IEP or with these students spending more time in general education settings.** This study examined five years of data related to student growth on standardized assessments (the CAASPP and the CAA) and LRE data, and it found no patterns related to LEA type (e.g., charter LEA, unified school district, elementary school district) or size overall or within disability categories. That is to say that student success or lack thereof and different rates of inclusion in general education existed across LEA and SELPA sizes and configurations.

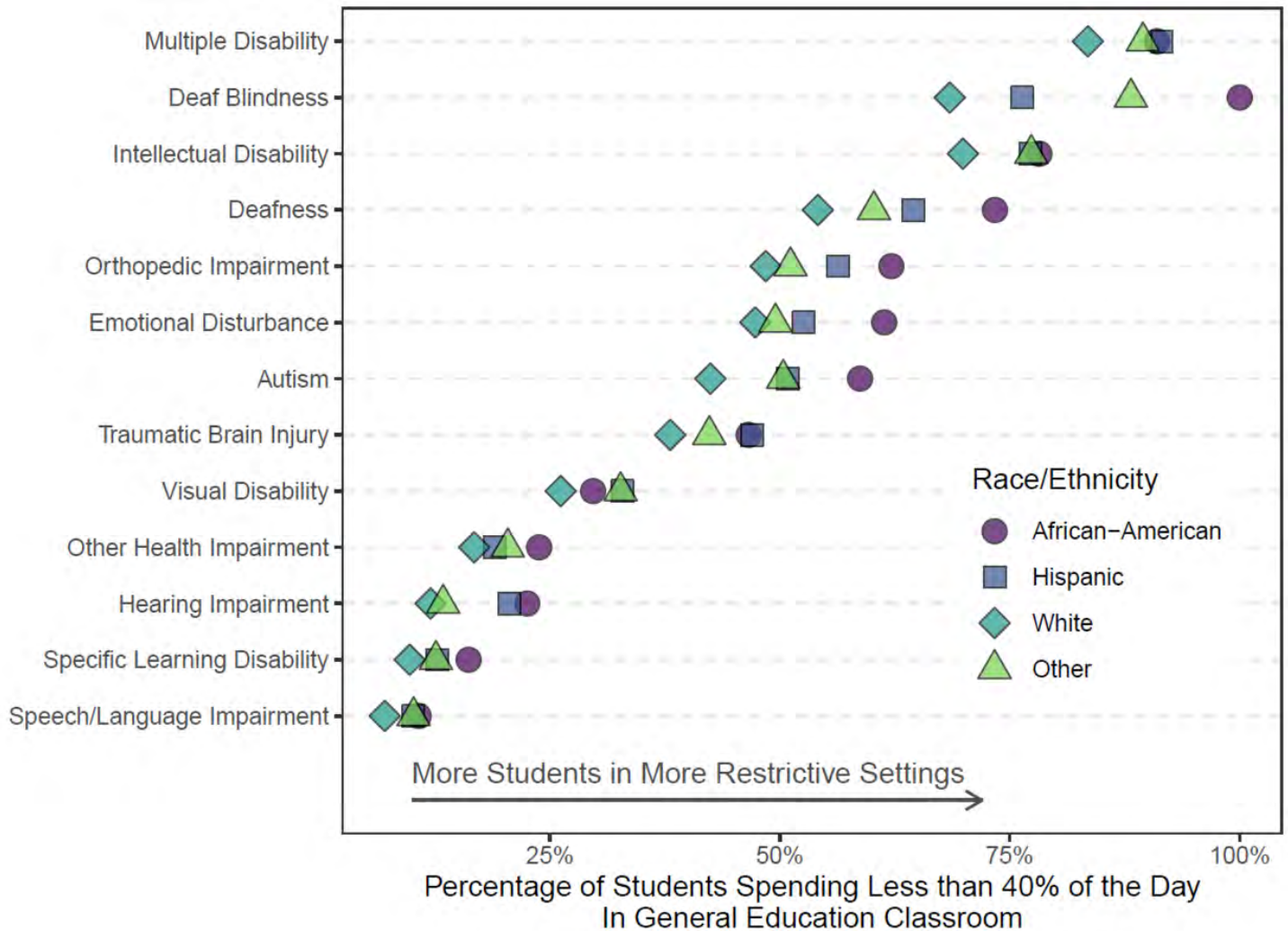
**Factors that Most Affected Outcomes for Students with an IEP**

**For students with an IEP, including students identified in each disability category, greater participation in a general education setting is a strong predictor of academic growth and improved outcomes as measured by statewide assessments (i.e., the CAASPP and the CAA).** The study found that for California students with an IEP, a 10 percentage-point increase in the time spent in general education was associated with a 13.3 percentage-point increase in academic growth. This means that on average, if a student with an IEP shifted from spending 60 percent

of their day in a general education setting to 70 percent, the student's progress toward achieving proficiency on statewide assessments would be 113 percent of the progress they would make if they continued to spend only 60 percent of the day in general education.

**For the years studied, California as a state had among the country's lowest rates for including students with an IEP in general education for at least 80 percent of the school day and had among the highest rates for including these students less than 40 percent of the school day.** Limited opportunities for students to participate in general education are persistent across LEAs, irrespective of their geographic location. The lowest levels of inclusion are for African American and Hispanic/Latinx students, regardless of disability category, and the degree of inclusion for students with an IEP varies by disability category and by race. Exhibit ES-3 shows the percentage of students with an IEP who are included in general education settings for less than 40 percent of the school day by race/ethnicity and disability category. Around 62 percent of African American students identified with emotional disturbance are in this more restrictive placement, compared with approximately 50 percent of students of other races in the same disability category.

**Exhibit ES-3. Percentage of students with an IEP in more restrictive settings (i.e., who spent less than 40 percent of the school day in general education settings), by disability category and race/ethnicity.**



[An accessible, plain text version of exhibit ES-3 is provided in appendix D. Source: CASEMIS for SY 2017–18.](#)

**Students with an IEP who were taught by educators with more experience and, specifically, with longer tenure in their current LEA, had better academic outcomes and higher graduation rates compared with other students with an IEP.** After accounting for other district characteristics (such as the proportion of students who are learning English (multilingual learners), who are economically disadvantaged, and/or who have an IEP and the district’s proximity to the nearest metropolitan area), teachers with more experience were strongly associated with higher graduation rates for students with an IEP as a group, as well as with increases in proficiency on statewide assessments for all students and improved graduation rates for all students. The

association was even stronger for experienced teachers who also had longer tenure in their current LEA.

## **Challenges and Opportunities for Improving California’s Special Education Governance and Accountability Structures**

### **Equitable Distribution of Special Education Funding and Supports**

**California’s current approach to special education funding allocation and distribution means that after funding is distributed from the state to SELPAs, SELPA governing boards determine the allocation of funding to LEAs that belong to a multi-LEA SELPA, including all small LEAs.** In addition, the process by which SELPA governing boards allocate funds to LEAs varies across SELPAs, as there is no requirement for a consistent funding allocation method. This means that there is currently no process for the state to ensure equitable distribution of funds to LEAs, including small LEAs; rather, the equitable distribution of funds is dependent on the priorities of each SELPA’s governing board, made up of neighboring LEAs.

**California LEAs participate in and provide mutual aid through a strong network of special education service connections.** The research team used an established statistical method called social network analysis to examine the overall network and the connections within it based on the data entered by LEAs and SELPAs into CASEMIS about students’ special education services over five years (SY 2014–15 through SY 2018–19). As needed, California LEAs of all sizes use both formal connections (brokered or assigned through a related multi-LEA SELPA or county office of education [COE]) and informal connections (established by LEAs themselves) to ensure that each student with an IEP receives needed services and supports.

### **Transparent Decision-Making and Distribution of Funds**

**California has established state priorities for special education and directed significant amounts of funding for technical assistance to support inclusive practices.** California has transparently prioritized improved outcomes for students with an IEP through funding technical assistance projects and Statewide System of Support content leads related to special education. The state’s process of including priorities in its annual Budget Act and detailing specific parameters for funding ensures transparency for stakeholders. The state has also communicated its priorities by funding SELPA content leads and improvement leads in the Statewide System of Support dedicated to supporting LEAs to improve outcomes for students with an IEP. The state’s 2021–22 budget made additional investments in special education, including \$15 million in support of the Supporting Inclusive Practices project.

**The two-system distribution of funds (LCFF funding goes directly to LEAs, and federal and state special education funding goes to SELPAs) is a potential barrier to strategic coordination of human and fiscal resource allocation across general and special education.** Budgeting and allocating funds to meet the needs of the same students (i.e., students with an IEP) to two separate entities with different governance structures reinforces the notion that special education is separate and distinct from

general education and discourages inclusive and integrated practice. Separate funding can lead to separate priority setting and planning, separate interventions, and separate tracking of how funds are used.

**Subgranting and distributing IDEA funds to SELPAs and allowing multi-LEA SELPAs, in turn, to subgrant funds to their member LEAs does not promote transparency and may be inconsistent with federal policy guidance.** Federal guidance from the U.S. Department of Education has clarified that LEA accountability under IDEA applies to the subrecipients of IDEA funds directly. Consistent with federal guidance, as the subrecipients of IDEA funds in the current funding system, SELPAs, and not LEAs, should be accountable for meeting all requirements of IDEA funds assigned to subrecipients.

**Multi-LEA SELPAs are responsible for ensuring that their member LEAs comply with IDEA requirements. However, SELPAs receive no specific funding to do so, nor are they given the authority to do so.** The funding allocated by the state and distributed to multi-LEA SELPAs is then subject to each multi-LEA SELPA's governing board. There is no requirement for funds to be set aside for multi-LEA SELPAs to fulfill responsibilities assigned by the state (establish local policies and procedures, review and prepare data, and ensure that special education plans are compliant). This, combined with the lack of authority for SELPAs to require correction of noncompliance or resolve special education findings, contributes to a lack of transparency about how the state consistently implements state and federal requirements.

## **Family and Community Input in Local Decision-Making**

**Although California requires SELPA community advisory committees (CACs) to support LCAP parent advisory committees as a way of ensuring that parents of students with an IEP are represented in the LCAP process, CACs have relatively little access to and provide relatively little input on LEAs' general education programming.** California *EC* requires CACs to support LCAP parent advisory committees to ensure that parents of students with an IEP are represented in the LCAP process (Section 56194[g]). However, there is no accountability for this requirement in the LCAP itself. The research team did not find evidence that LEAs have specifically sought out parents of students with an IEP to participate in local parent advisory committees.

**Some multi-LEA SELPAs serve as a third party in providing alternative dispute resolution, but there is no guidance on how a single-LEA SELPA is to provide the same objective third-party experience for students and families.** Some SELPAs and LEAs who have applied for and received supplemental funding for dispute resolution have taken on the role of providing third-party dispute resolution mechanisms for member LEAs to resolve disputes between parents and school districts. Other SELPAs provide parent training, but no dispute resolution services, and some provide both, at the discretion of each SELPA's governing board.

## Alignment of Accountability and Support Structures

**Separate funding structures for general education and special education provide the opportunity to have and justify separate budgeting and planning processes.**

The separate funding streams extend beyond funding for education programs for students into funding for regional administration and supports to build the capacity of LEAs to improve student outcomes, including through the Statewide System of Support. Sustaining separate and parallel funding structures, for education programs and for LEA supports, does not promote the state's priority to increase inclusive practices. Separate systems may signal that the work of improving inclusive practices is the work of special education alone and not the collective work of an LEA.

**The current IDEA statute, as reauthorized in 1997 and 2004, no longer requires submission of a local plan and allows LEAs to establish eligibility for IDEA funds through a series of assurances. Previously, IDEA required the creation of a local plan to establish eligibility for IDEA funds.** Current local plans, required by state law to be adopted by each SELPA, describe a set of services that is provided across the SELPA, including by its member LEAs. Although the state reviews each SELPA's local plan for completeness, it does not review the plans for quality, nor does it monitor to ensure that SELPAs do in fact ensure that a continuum of services is provided in their area.

**The LCFF tasked COEs and the Statewide System of Support with providing technical assistance to LEAs related to improving outcomes for all students, including those with an IEP. The Statewide System of Support includes support to LEAs through SELPA leads, also called special education leads.** In the law that established the Statewide System of Support, reference is made to students with an IEP being a focus population, underscoring the intent to unify improvement systems and supports in the state.

**Not all of the general education and special education governance and accountability structures differentiate between charter schools that are and are not LEAs for purposes of special education.** Charter schools vary in whether they are considered LEAs for special education purposes, in which case they are responsible for providing free, appropriate public education (FAPE), or whether they are considered schools of their authorizing LEA, in which case the authorizing LEA is responsible for providing FAPE. All charter schools, including those that receive funding through their authorizer and those that are treated as schools of the authorizer, participate in improvement planning, data systems for accountability, and the Statewide System of Support in the same way.

**Many regular early learning and early childhood programs (general education preschool, daycare, or other settings where at least 50 percent of the students do not have an IEP) are administered through direct contracts with the state or other entities and not through LEAs, SELPAs, or COEs, where preschool special education programs and services are administered.** The K–12 special education accountability structures apply to students with an IEP who are aged 3–5, and LEAs are held accountable for providing appropriate services to these students in their

jurisdiction, even if LEAs are not the ones providing the regular preschool program. Consequently, the accountability structures built around the K–12 infrastructure may not have the same effect across preschool programs, particularly when the regular preschool program is run by an entity other than the one providing special education.

## Profiles of High-Performing LEAs

Through focus groups and interviews, the research team learned that LEAs with any type of governance structure can achieve success in improving outcomes for students with an IEP. High-performing LEAs examined through the study had implemented several common strategies that were consistent with research and reflected the conditions for change examined throughout this study, namely:

- Inclusive vision, mission, and mindset;
- Strong communication and relationships;
- Longevity in teachers/instructional staff and administrators;
- Strong teacher induction and support systems;
- Highly valued shared decision-making with teachers, instructional staff, families, and students;
- Empowerment to make decisions about education programs and resources at the local (school/district) level; and
- Timely and accessible student-level data that show performance and growth on academics and wellness.

## Summary of the Study’s Recommendations to Improve Special Education Governance and Accountability

**Recommendation 1. Clearly establish that each LEA (i.e., school district, charter school that is an LEA for special education, and, in limited circumstances, COE) is responsible for the education of students with an IEP and therefore for meeting all legal requirements under IDEA and California *Education Code*. Give each LEA full authority to make special education funding and program decisions for its students.**

1a. Revise *Education Code* Section 56026.3 to define LEAs for purposes of special education as:

- School districts;
- Charter schools that can establish eligibility as an LEA for purposes of special education; and
- COEs that serve as the district of special education liability.



1b. Assign the responsibility of receiving and overseeing the use of IDEA and state special education funds to each LEA.

1c. Remove the requirement that each SELPA establish eligibility for special education funding through the submission of a local plan. Require each LEA, under the direction of its elected governing board, to establish eligibility for special education funding through an application that includes the series of assurances and budget reports required by IDEA.

1d. Sufficiently fund a statewide extraordinary cost pool to be available to adequately cover high-cost programs for LEAs that lack necessary resources. Reimburse LEAs for services that are provided by the LEA when the total program cost exceeds a set threshold. Consider reimbursing LEAs on a sliding scale based on their size and the proportion of their budget that is needed for the high-cost program.

**Recommendation 2. Provide each LEA with the sole decision-making authority, autonomy, and necessary resources for entering into and exiting from agreements with other LEAs, either individually or as consortia, and other types of agencies (e.g., COEs, SELPAs, nonpublic agencies) to offer a flexible continuum of services to meet the variable needs of its students with an IEP.**

2a. Revise California *Education Code* to remove the requirement that each LEA belong to a SELPA.

2b. Require each LEA to include in its annual budget submission the amounts of federal and state funds it plans to use: (1) to purchase direct services and supports from ESAs, other LEAs, and other providers; (2) to establish joint programs with other LEAs or ESAs; and (3) to coordinate those services.

**Recommendation 3. Align improvement planning requirements and supports provided through the Statewide System of Support across general and special education. Align other intermediary supports for LEAs through COEs, allowing COEs to use county-operated ESAs or to pool funds across COEs to support LEAs as needed.**

3a. Continue to provide Statewide System of Support resources and to support inclusive practices for students with an IEP, for both general education and special education audiences.

3b. Collect data on how resources and supports are accessed by LEAs and distributed by technical assistance providers. Provide guidance to technical assistance providers on making supports available to the LEAs based on need and to LEAs on how to access resources and supports.

3c. Encourage COEs, charter school authorizers, and the state to include special education expertise and support in LCAP improvement planning and differentiated assistance for LEAs, charter schools, and COEs. Build expertise of

local leaders to plan for and direct inclusive preschool and transitional kindergarten programs.

3d. Aligned with accountability and support for general education, provide funding and establish expectations for COEs to serve as an intermediary agency to assist the state in supporting all LEAs with local implementation of IDEA as needed. Initially, assign responsibility to COEs for: (1) comprehensive coordinated early intervening services planning when an LEA is identified with significant disproportionality, (2) alternate dispute resolution and parent training, and (3) limited fiscal oversight. Establish clear expectations for the work to be completed, collect data to evaluate implementation, and allow COEs to use county-operated ESAs to support LEAs as needed.

**Recommendation 4. Increase transparency and alignment of the state’s general and special education accountability, monitoring, and technical assistance structures. Amplify the voices of special education stakeholders, including families, in all governance and accountability structures.**

4a. Increase transparency of general and special education monitoring and technical assistance activities for LEAs, families, and other stakeholders by improving the sections of the CDE website dedicated to general and special education accountability and describing how they are related.

4b. Reduce duplication of LEA efforts and encourage inclusive planning by aligning special education improvement planning with the LCAP process. Use the separate special education plan (SEP) to inform creation of a Special Education Addendum to the LCAP.

4c. Streamline and increase access to publicly reported State Performance Plan (SPP)/Annual Performance Report (APR) data by publishing the data for each LEA on DataQuest and by linking each LEA’s reports from its page on the California School Dashboard.

4d. Revise California *Education Code* to require that each LCAP parent advisory committee include a proportion of parents of students with an IEP equal to or greater than the proportion of students with an IEP enrolled in the LEA.

**Recommendation 5. Increase state communication and guidance to LEAs, communities, and families about the state’s special education priorities and available resources for increasing the provision of special education services in general education settings and improving academic and functional outcomes for students with an IEP.**

5a. Establish at least one mechanism (e.g., quarterly email communications, a regular newsletter, an annual meeting, regular webinars) to communicate with LEA special education leaders directly or through the COEs to which they belong.

5b. Communicate the state's special education priorities and promote its work to improve outcomes for students with an IEP through state websites and other public mechanisms (e.g., at public meetings, through webinars, when presenting to stakeholder groups). Amplify parent and student experiences and voices in outreach and communications.

## Conclusion

California's special education data show persistent gaps in academic achievement and high rates of students that are not participating in general education settings, with the worst outcomes for African American and Hispanic/Latinx students with an IEP. Partly in response to these data, the state has invested significant resources in special education in recent years. This study presents opportunities for the state, intermediary agencies, and LEAs to leverage those resources toward improved outcomes by improving equity, transparency, and alignment.

The challenges related to leveraging governance and accountability structures toward improved outcomes are not new; this report builds on previous recommendations that the state move to one coordinated governance and accountability system designed to serve all students (Task Force 2015; Warren and Hill 2018; Parrish 2012). This study recommends policy changes and, at the same time, recognizes that the successful implementation of the recommendations depends on many conditions that cannot be mandated. Some of those conditions, reported as the reason for high performance in those LEAs profiled in this study, include: adopting inclusive mindsets, investing in staff, using timely student-level data to provide individualized support, and forging strong connections with families and communities.

Implementing this study's recommendations will require a unified approach with thoughtful transitions and significant resources. There is no single entity responsible for any shortcomings or able to improve the system on its own; improving student outcomes will require systemic work and commitment to that improvement.

---

# Section 1. Introduction

The 1975 passage of Public Law 94-142, reauthorized in 1990 as the Individuals with Disabilities Education Act (IDEA), guaranteed a *free, appropriate public education* (FAPE) for each student with a disability who is found eligible for special education and related services.<sup>2</sup> Since passage of this landmark federal legislation, education systems across the country, including California's, have grappled both with how to meet IDEA's requirements and tenets and how to improve outcomes for students with an individualized education program (IEP). In 2015, California's Statewide Special Education Task Force (Task Force) called for the state to move from what it described as two siloed education systems — one focusing on general education and the other on special education — to one overall system designed to serve all students, *including* those with an IEP. As observed in the Task Force report, available at <https://www.cde.ca.gov/sp/se/sr/taskforce2015.asp>, supporting local educational agencies (LEAs) to create inclusive, coordinated systems to serve all students at the local level would require state-level shifts in policy as well as change in local practice.

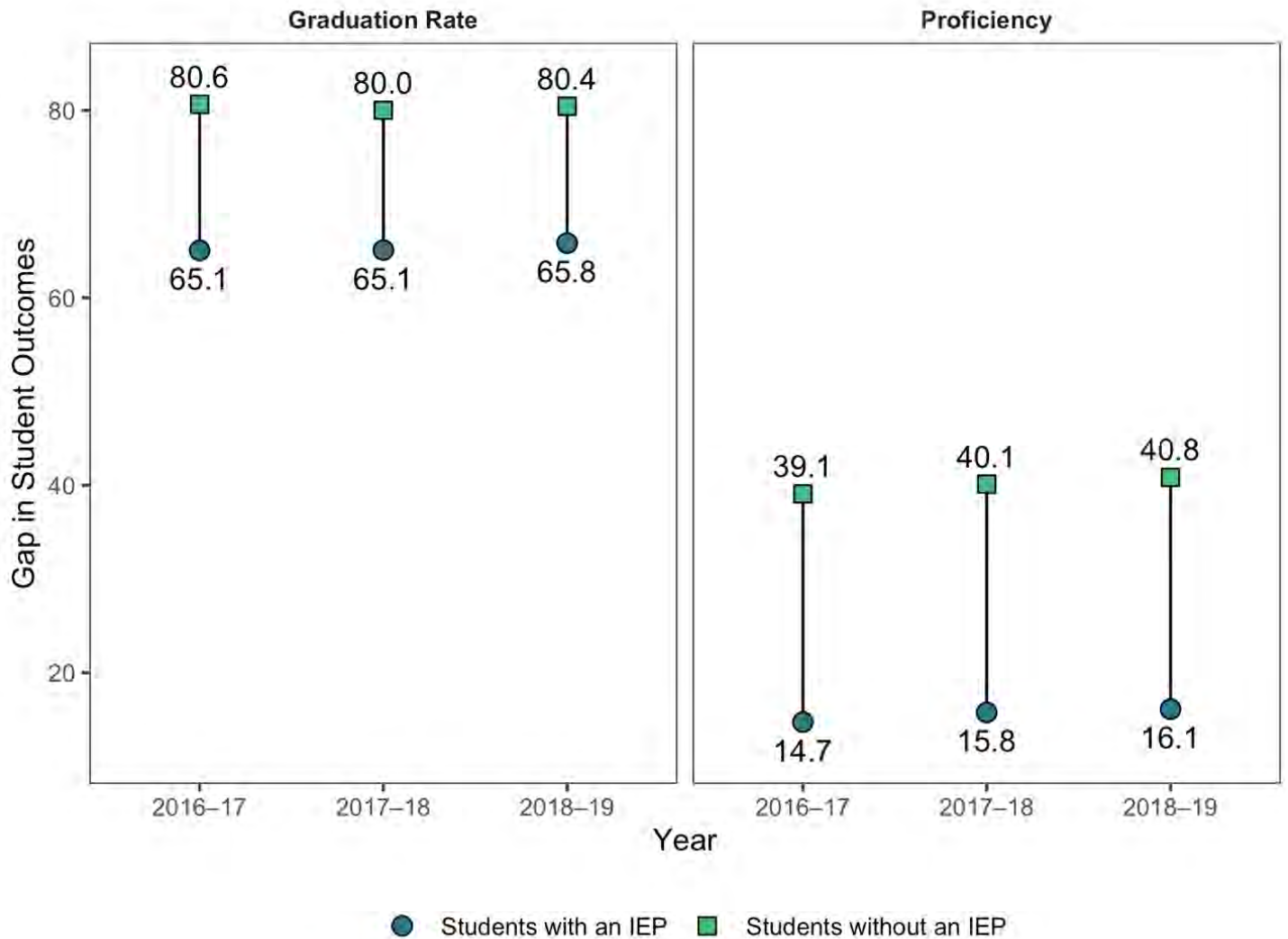
In the years since the work of the 2015 Task Force, California has made progress in building out systemwide supports to address the complex needs of all students, including those with an IEP, and to move toward one coherent system of education. However, outcome gaps persist between students with an IEP and those without an IEP. In school year (SY) 2018–19, 65.8 percent of California students with an IEP graduated with their student cohort, compared with 80.4 percent of students without an IEP; and only 16.1 percent of students with an IEP achieved proficiency on both the statewide English language arts and mathematics assessments, compared with 40.8 percent of students without an IEP. Exhibit 1 shows that although both outcomes for students with an IEP had improved between SY 2016–17 and SY 2018–19, this student group continued to have lower performance than students without an IEP, for whom outcomes also improved.

Exhibit 1 shows a persistent gap of approximately 15 percentage points between graduation rates for students with an IEP compared to students without an IEP for three years, from SY 2016–17 through SY 2018–19. The gap between proficiency levels on academic assessments is approximately 25 percent over the same time.

---

<sup>2</sup> Throughout this report, students with disabilities are referred to as students with an individualized educational program, or IEP (see Glossary on p. 194). Special education services refer to special education, related services, and any accommodations, modifications, or supports a student or their IEP team needs as identified by their IEP.

**Exhibit 1. Graduation rates and statewide assessment proficiency rates (English language arts and math) for students with an IEP compared with students without an IEP.**



[An accessible, plain text version of exhibit 1 is provided in appendix D.](#) Source. Data provided from the California Department of Education (CDE) from the California Student Management Information System (CASEMIS), the California Longitudinal Pupil Achievement Data System (CALPADS), and the California Assessment of Student Performance and Progress (CAASPP).

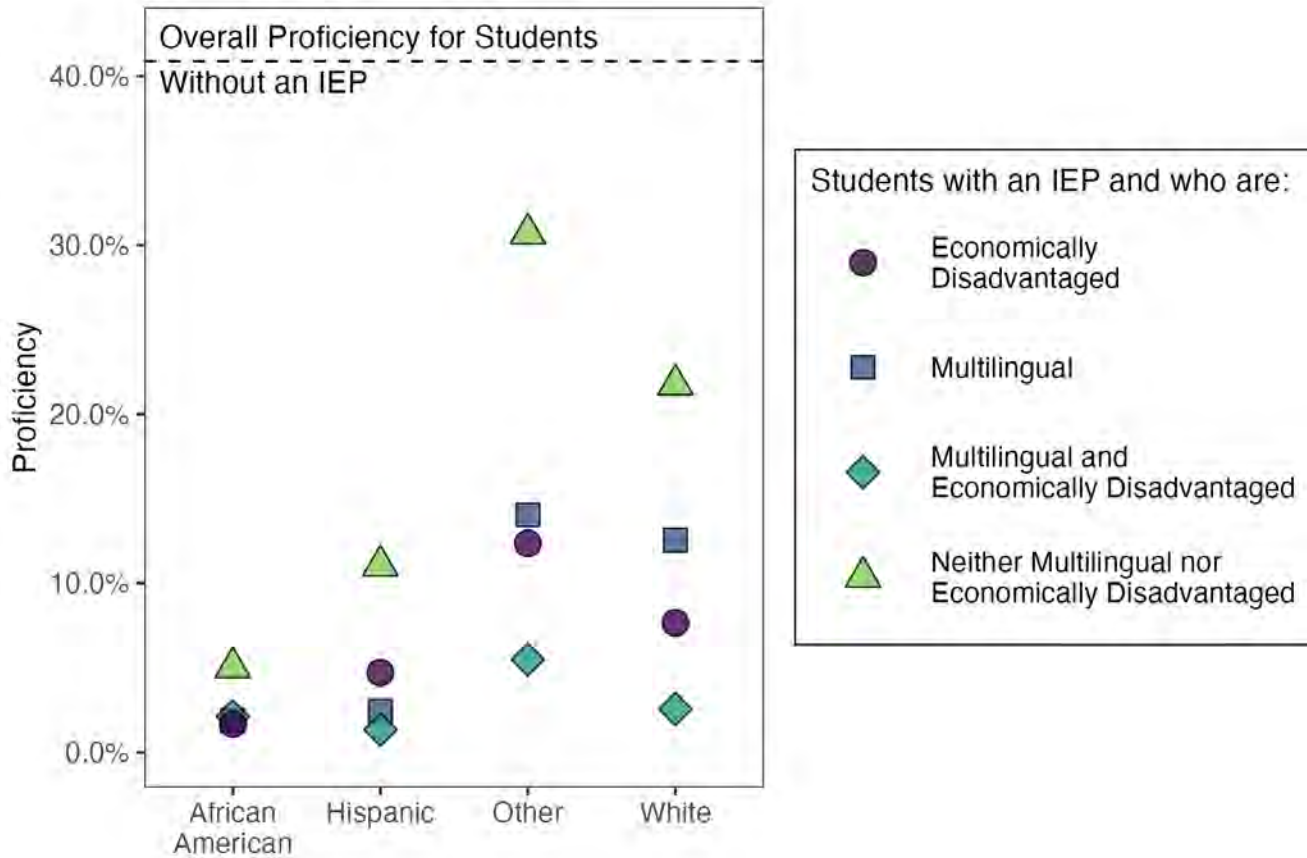
As shown in exhibit 1, the achievement gaps for students with an IEP when compared to their peers without an IEP are stark. These achievement gaps are revealed to be even wider when data for students with and without an IEP are examined by race, economic disadvantage, and English learner status. Notably, California has the country’s highest proportion of students identified as emerging multilingual students or

English learners, 19 percent (CDE n.d.; Irwin et al. 2021). California’s proportion of students who are experiencing economic disadvantage, 61 percent, is also relatively high compared with the national average of 52 percent (CDE n.d.; National Center for Education Statistics [NCES] 2020).

Both English learners and students experiencing economic disadvantage are disproportionately overrepresented in special education in California. Although 19 percent of all California students are English learners, 29 percent of students with an IEP are English learners; and although 60 percent of all students are experiencing economic disadvantage, nearly 70 percent of students who have an IEP are experiencing the same (CDE n.d.). Moreover, proficiency data for students in overlapping groups, including by race and ethnicity, create additional urgency for implementing one system to serve students. As shown in exhibit 2, students who have an IEP, are emerging multilingual learners, and are economically disadvantaged have the lowest proficiency rates among students with an IEP, among all races; nearly no students who have an IEP and are black are proficient. These compounding factors indicate a need for more inclusive practices across programs and supports to ensure each student’s multifactor needs are met.

Exhibit 2 illustrates the range in proficiency rates among students with an IEP. It charts the percentage of students with an IEP who were proficient in both English language arts (ELA) and math as measured by the CAASPP and the CAA, by race and ethnicity and by the other student groups of English learners (Multilingual) and socioeconomic disadvantage. Although more than 40 percent of all students without an IEP were proficient in 2018–19, fewer than 5 percent of students who had an IEP, were Hispanic/Latinx, and were either learning English or experiencing socioeconomic disadvantage were proficient. More than 20 percent of students with an IEP who were white and were not learning English or experiencing socioeconomic disadvantage were proficient. These data emphasize the importance of coordinating supports for students who both have an IEP and belong to other groups for whom the state has targeted resources and supports.

**Exhibit 2. Proficiency rates for students with an IEP who also are multilingual and/or economically disadvantaged relative to the overall proficiency for students without an IEP.**



[An accessible, plain text version of exhibit 2 is provided in appendix D.](#) Source. Data from CASEMIS, CALPADS, and CAASPP for SY 2018–19.

Decades of research establish the value of inclusive education for students with an IEP, as measured by the amount of time a student with an IEP spends in a general education classroom or other inclusive setting (rather than in a special education classroom, for example). Consistently, the research has found that the greatest opportunity to positively influence outcomes for students with an IEP is by increasing their participation — as appropriate — in general education settings (Manset and Semmel 1997; Kalambouka et al. 2007; Ruijs and Peetsma 2009; Tremblay 2013). For most students with an IEP, general education is considered the least restrictive environment (LRE) in which their learning could take place. There are some students, including some of those who are deaf, blind, and deafblind, for whom general education settings may not be the LRE due to the supports needed for them to access instruction in their needed modalities.

Compared with students with an IEP who are in less inclusive settings, those who spend a greater part of their school day in a general education setting achieve higher grades, perform better on standardized assessments, have fewer behavior referrals, and miss fewer days of school (Rea et al. 2002). Even those students with moderate to severe needs, across all eligibility categories, benefit from increased time in general education settings with peers (Ryndak, Jackson and Billingsley 2010; McDonnell et al. 2001). A recent longitudinal study confirmed earlier findings about inclusive practices: Cole, Murphy, Frisby, Grossi, and Bolte (2021) followed a cohort of Indiana students with an IEP from grade three through grade eight to assess the relationship between academic success and the amount of time in general education placements. They found that the standardized test scores of students with the most inclusive placements were higher than those of their peers in less inclusive placements. The researchers concluded that “as schools and districts make decisions on how best to improve their outcomes for students with disabilities, these findings should inform key decisions in the school improvement process” (226).

Although inclusivity alone is correlated with better outcomes for students with an IEP, increased collaboration between general education and special education teachers is critical to successful inclusion and improved outcomes. Hoppey and Mickelsen (2017) found that having general and special education teachers working together in an inclusive classroom created collegiality and a sense of shared responsibility for meeting the needs of students with an IEP, which, in turn, led to improved outcomes.

The standard measure of inclusivity is the percentage of the school day a student with an IEP spends in a general education setting. Based on that measure, in 2018–19 California had one of the country’s lowest rates for including students with an IEP in a general education setting for at least 80 percent of the day (58.5 percent of California students with an IEP versus a nationwide mean of 66.3 percent). California also has one of the nation’s highest rates for including students with an IEP in general education for less than 40 percent of the day (20.7 percent of California students with an IEP versus a nationwide mean of 12.9 percent). Exhibit 3 provides California’s SY 2018–19 data on placement in the LRE; exhibit 4’s maps illustrate, by state, the (a) percentage of enrollment consisting of students with an IEP, and (b) percentage of students with an IEP who spend less than 40 percent of the day in general education settings. Additional maps and the state data used to create the maps are provided in appendix B.

**Exhibit 3. Percentage of students with an IEP in general education settings by degree of inclusivity, for California and nationally.**

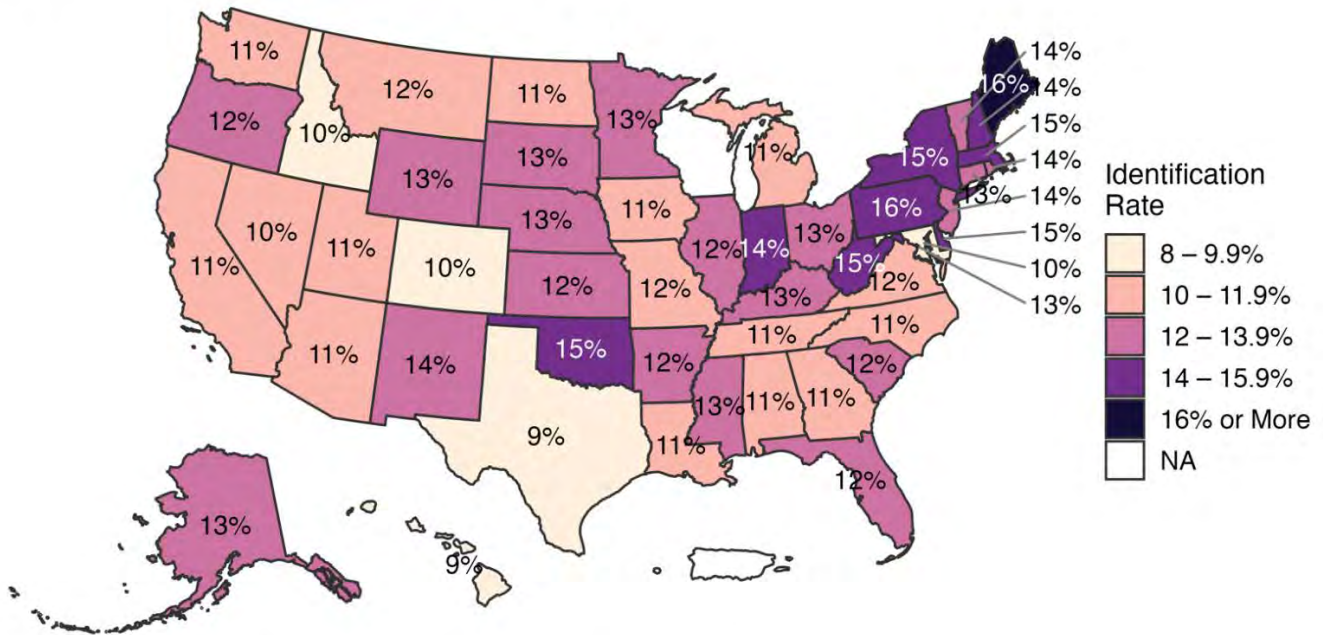
Population	In general education setting 80 percent or more of school day	In general education setting from 40 to 79 percent of school day	In general education setting less than 40 percent of school day
California	58.5	20.9	20.7
National	66.3	18.3	12.9



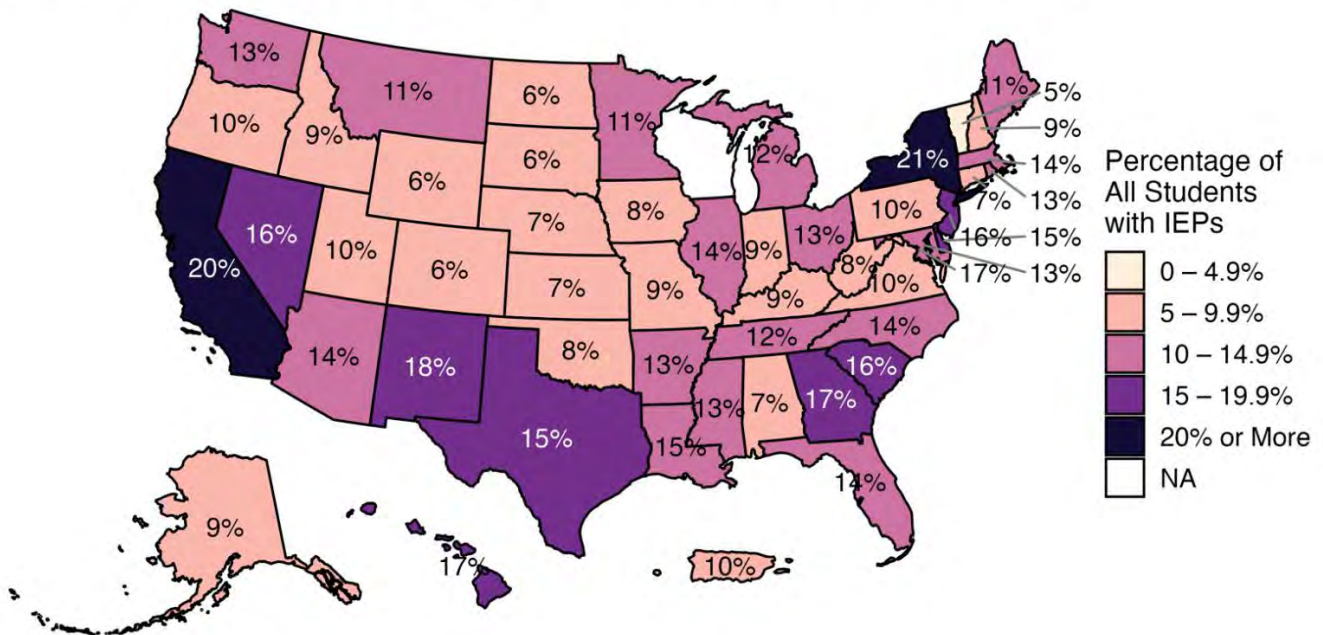
Source. CASEMIS and national Child Count Data from the U.S. Department of Education for SY 2018–19.

**Exhibit 4. Comparison across states of (a) percentage of total students enrolled who have an IEP and (b) percentage of students with an IEP who spend less than 40 percent of the day in general education settings.**

a) Percentage of Enrolled Students with IEPs



b) Percent in General Education Settings less than 40 Percent of the School Day



[An accessible, plain text version of exhibit 4 is provided in appendix D.](#) Source. National Child Count Data from the U.S. Department of Education for 2018–19.

California's rates of inclusion have improved slightly (California reported only 18.2 percent of students in general education settings less than 40 percent of the school day for 2019–20 and 58.4 percent included for at least 80 percent of the school day, and it has not yet reported these data for 2020–21) (OSEP 2021). California has made significant investments to help increase inclusive practices in recent years, including significant increases in funding for special education supports through the 2021 Budget Act: \$350 million for teacher residency programs that recruit and prepare special education teachers, \$30 million for schoolwide and districtwide implementation of multi-tiered systems of support, and \$15 million for the Supporting Inclusive Practices project.

Given these substantial investments, together with California's relatively low rates of inclusivity in general education settings, the state has an opportunity to engage in statewide improvement planning to improve student outcomes. Through this and other related special education studies and workgroups, the state has pursued an in-depth exploration of how best to engage in reform or refinement of its special education system and to better understand the needs of students with an IEP and the professionals and entities that serve them. This study specifically examines California's governance and accountability structures to identify challenges the state faces in leveraging those structures toward improved practice, and specifically toward an increase in inclusive practices. The study purpose, key concepts, and framework presented in the next section set the groundwork for the study and are followed by a deeper exploration into opportunities for improvement most closely related to improving student outcomes.

---

## Section 2. Study Purpose, Key Concepts, Framework, and Methods

### Purpose of the Study

In recent years, the state has engaged in multiple efforts, including requesting this study, to explore how it could reform its administration of special education to attain its goal of improving learning experiences and outcomes for California students with an IEP. California has made significant investments in special education, including providing increased support to special education practitioners, and has signaled that additional special education reform is forthcoming (Senate Bill 129, Budget Act of 2021).

This study complements a series of other foundation-funded and state-funded studies and workgroups, all part of California's efforts to continuously improve its special

education system and close the persistent achievement gap between students who have an IEP and those who do not.

As directed by Senate Bill 74, Budget Act of 2020, the CDE, in consultation with the executive director of the California State Board of Education (SBE), commissioned this study to examine the state's current governance and accountability structures for students with an IEP, aged 3–21, and to provide recommendations for improvement in the following interrelated areas:

1. Delivering special education services and supports in the least restrictive environment;
2. Improving student outcomes, including those measured by state and federal accountability systems;
3. Ensuring an equitable distribution of special education supports and services to LEAs;<sup>3</sup>
4. Ensuring transparency in decision-making and distribution of state special education funding;
5. Ensuring parent, family, and community input in local decision-making;
6. Ensuring that small LEAs have access to fiscal and administrative resources necessary to serve pupils with exceptional needs;
7. Aligning state and federal accountability, compliance, and support systems as such systems relate to students with disabilities; and
8. Identifying strategies and challenges for funding and supports in the current model and any recommended models.

## Research Questions

To consider how education governance and accountability for both general education and special education are currently established and implemented in California, and how they might be adjusted to generate improvements in the priority areas, the research team developed three research questions and conducted a series of activities and analyses to respond to them.

---

<sup>3</sup> For this study, LEAs include school districts, charter schools that are LEAs for purposes of special education, and, in limited instances, county offices of education when they serve as the LEA responsible for providing FAPE. This study did not consider charter schools that function as schools of or are affiliated with their authorizer to administer special education and provide FAPE to be LEAs for purposes of special education.

The research questions are based on the interrelation of the areas identified by the state for examination, as interpreted by the research team together with the study's advisory group.

*Improved outcomes* for students with an IEP was the goal that drove the study.

*Increased delivery of special education services and supports in the least restrictive environment* was a key objective of the study, having been identified by research as the most effective strategy for improving outcomes for students with an IEP.

*Equitable resource distribution, including to small LEAs; transparent decision-making; authentic stakeholder engagement and input in local decision-making; and alignment of state and federal accountability, compliance, and support systems* are priorities for examination and considered to be conditions for change that can lead to improved student outcomes.

Based on this theory of change and these overarching considerations, the study's research questions were:

1. Which education governance and accountability structures in California are intended to support students with an IEP?
2. Which factors, within the scope of this study, most affect outcomes for students with an IEP?
3. What challenges and opportunities exist for improving California's education governance and accountability structures in ways that can lead to improved student outcomes for students with an IEP, in part, by ensuring critical conditions for change, specifically:
  - The **equitable distribution of special education funding and supports** to LEAs, **including small LEAs**;
  - **Transparency** in decision-making and distribution of state special education funding;
  - Parent, community, and other stakeholder **engagement and input in local decision-making**; and
  - **Alignment of accountability, compliance, and support systems** at all levels for all students, including for students with an IEP?

## Key Concepts

Governance and accountability are two critical and inextricably linked aspects of the broad education system in which California public schools operate. For purposes of this study, the research team, in consultation with the study's advisory group, defined governance and accountability as follows:<sup>4</sup>

**Governance** is education decision-making authority, along with the structures, policies, and tools through which an entity communicates its decisions and assigns authority and responsibility to other levels of the education system. Each level of the education system has governance authority and responsibilities. Governing bodies often establish accountability structures, tools, and policies to communicate requirements and priorities, then use accountability-related information to inform subsequent governance decisions. In this way, governance and accountability are largely entwined.

**Accountability** is education oversight — including structures, policies, and tools — created and implemented at federal, state, and local levels to evaluate and ensure compliance with legal requirements and to encourage implementation of recommended actions and best practices for improvement, all for the purpose of meeting established goals. Accountability structures and tools generally include mechanisms to measure implementation of the expectations established through governance, as well as a combination of incentives and sanctions that reinforce implementation. Effective education systems use accountability structures to collect data on practice, including innovation and results of innovations, that, in turn, inform governance.

The research team examined governance and accountability structures, policies, and tools used to establish and oversee roles and responsibilities for special education and for improving outcomes for students with an IEP at each of the three key levels of California's public education infrastructure: local, intermediary, and state. The team also considered the federal role, but focused on identification of challenges and opportunities that could be acted upon by California entities at one of the three infrastructure levels.

There are several unique entities that are part of California's special education system and help to provide special education and services for California students with an IEP that were not included in the scope of this study. This study did not examine the unique role of the following entities in administering special education:

- Three State Special Schools including two Schools for the Deaf and one School for the Blind;

---

<sup>4</sup> In addition to the concepts defined in this section, this report uses other terms, including terms that are unique to special education, that are unique to California, and that may have multiple meanings in different contexts. To ensure understanding and application, readers should familiarize themselves with the terms as defined in the Glossary following the appendices.

- Three Diagnostic Centers that provide comprehensive assessments for students to determine whether they need special education and provide staff development and training services to LEAs;
- Nonpublic schools and agencies that serve LEAs and students with an IEP; and
- Los Angeles County Court Schools SELPA, a unique SELPA based on the population it serves and how the state allocates funding to the SELPA.

The research team also reviewed literature, as well as practices from other states, to better understand how to define and measure each of the areas for examination, or conditions for change, identified by the state for purposes of improvement, and to determine whether any specific policies within local, intermediary, and state education systems in California or elsewhere had already been found to influence any of the conditions. Results of this review are presented here and further explored later in the report.

Given the strong connection between more-inclusive practice and better outcomes for students with disabilities — and the Task Force’s 2015 call for one system of accountability as a critical step for improving the integration of general education and special education programs and services — this study focused in particular on how governance and accountability structures and resources might be changed to increase the proportion of students with an IEP who receive services and other supports in the least restrictive environment so as to improve student outcomes.

The Legislature established specific priorities for examination study parameters that the literature supported as conditions for change that could lead to changes in practice that are associated with improved practice and outcomes.

### **Condition for Change: Equitable Distribution of Funding and Supports for LEAs, Including Small LEAs**

Distribution of supports includes the provision of human, fiscal, and other resources from one entity to another, including through intermediary agencies, and the rules around how those resources must or can be used, including how those resources must or may be leveraged toward specific priorities. For example, in the realm of special education, the federal government allocates and distributes IDEA funding to states with specific rules about how it must allocate those funds to LEAs. The state determines the resource allocation formulas and rules for expenditure of state education funding, and a school principal may make decisions about how to allocate the staff funded by the LEA.

Creating equity requires that distribution of supports be closely tied to and responsive to accountability priorities, programming requirements, and student data (LaFortune 2019; Warren and Hill 2018; Humphrey et al. 2017). Resource allocation can often be difficult to adjust to correct for inequities, due to a long and broadly held expectation that resources should be allocated equally irrespective of variance in student needs and the programs required to meet those needs, an expectation that is antithetical to the complex and individualized nature of special education (Kolbe 2021; Kolbe 2019; La

Fortune 2019). Distributing funds and other supports equally (that is, based solely on student counts), rather than distributing them equitably (that is, based on actual need), can potentially be particularly harmful to small LEAs, where creating and staffing programs may be more expensive per student compared with larger LEAs that can benefit from greater economies of scale.

### **Condition for Change: Transparency in Decision-Making, Including Distribution of Funds**

Openness about how and why decisions are made contributes to effective governance and accountability structures and policies. For example, the effectiveness of governance policies and accountability policies depends on stakeholders understanding both the purpose and the content of a policy and their respective responsibilities for achieving its goals (Forman et al. 2018). For successful implementation of education policies, including those related to distribution of funds and other resources, stakeholders must be given adequate time and opportunity to understand a new policy, its intent, and how it differs from past policy (Adams et al. 2017).

Making relevant and useful information about governance (or decision-making) and accountability structures accessible to stakeholders across the education system increases the effectiveness of the structures because participants understand how the strategies or actions they are implementing are related to other strategies and the results they are intended to achieve (Elgart 2016). Stakeholders need to understand the purpose and content of accountability structures and how they are responsible for the goals set by the education system (Forman et al. 2018). Spurrier et al. (2020) concluded that the core goal of education accountability, which is better and more equitable outcomes for students, must remain at the center of state policymakers' decisions, including those related to funding. How funding is intended to be used to improve outcomes should be made evident to stakeholders.

### **Condition for Change: Parent, Family, and Community Input in Local Decision-Making**

Smith and Benavot (2019) found that in many education systems, the voices of those who work, teach, and learn in schools are largely absent. When stakeholder voices are included in decision-making, accountability is seen as a shared responsibility, leading to greater personal investment by those who are normally excluded, which, in turn, leads to better school and student outcomes (Smith and Benavot 2019). One of the best ways to engage stakeholders in decision-making is by sharing data with them, including data about school performance (Koppich et al. 2018; Murphy 2018) and how that context influences both school and individual student programs. Moving to an information system — an important tool for both governance and accountability — that is accessible to stakeholders has been found to strengthen IEP quality, implementation fidelity, and efficiency (Gordillo and Miller 2017).



## Condition for Change: Alignment of Governance and Accountability Structures

Aligning expectations for general education and for special education is integral to successful accountability (Spurrier et al. 2020). Russell and Bray (2013), who examined educators' perceptions of the federal special education and general education laws (that is, IDEA and the Elementary and Secondary Education Act [ESEA] as reauthorized by the Every Student Succeeds Act [ESSA]), found that having two separate laws establishing governance and accountability led to confusion and participants' prioritization of one over another. When policy guidance, or governance, is not explicit, laws can be interpreted differently at the state and school levels, creating conflict and potentially unintended consequences for student outcomes (Russell and Bray 2013). For example, ESEA and its accountability requirements are focused on high achievement and standardized assessments for all students, including those with an IEP, whereas IDEA is focused on individualized goals and an individualized program for each student with an IEP, creating tension between individualization and standardization and potential misunderstandings about the expectations for students with an IEP (Samuels 2005; National Council on Disability 2018a). In addition, the federal accountability structures established under IDEA require that states make determinations about whether LEAs are meeting requirements, need assistance, or need intervention, whereas ESEA requires that states make determinations about the need for improvement at the school level.

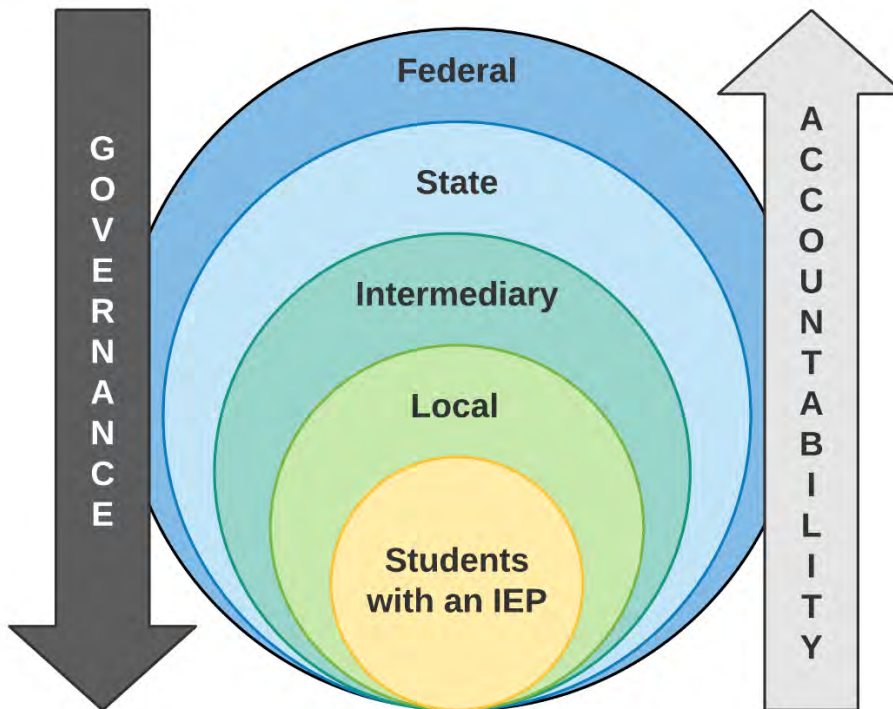
## Study Framework

To better understand how California has and could better leverage its governance and accountability structures to increase delivery of special education services within general education settings and thus help improve outcome for students with an IEP, the research team developed a framework to guide its analyses. At the core are students with an IEP, representing the common goal of positive learning experiences and functional and academic outcomes. From that center, the framework builds up and out to account for the roles and responsibilities at the four levels of education agencies that affect the experiences of California students: local (LEAs and schools), intermediary (county offices of education [COEs] and SELPAs), state (CDE), and federal (U.S. Department of Education).

In exhibit 5, below, the levels at which governance and accountability structures, policies, and tools are used are represented by the colored concentric circles — centered on students with an IEP — with arrows representing how governance and accountability interact between levels of the education system. Broadly, governance structures are top-down, meaning that the higher levels have governing authority over those below them. Conversely, accountability generally moves from the bottom to the top of the system, with lower-level entities being accountable to higher-level entities (for example, the state being accountable to the federal government). Typically, local entities are not governed by or accountable to intermediary agencies, but intermediary agencies help facilitate the interaction between the state and local agencies. For

example, within California’s general education system, LEAs are held accountable for student performance by the state — not by COEs — but COEs review LEAs’ Local Control and Accountability Plans (LCAPs) and provide support and technical assistance on behalf of the state.

### Exhibit 5. Governance and accountability framework.



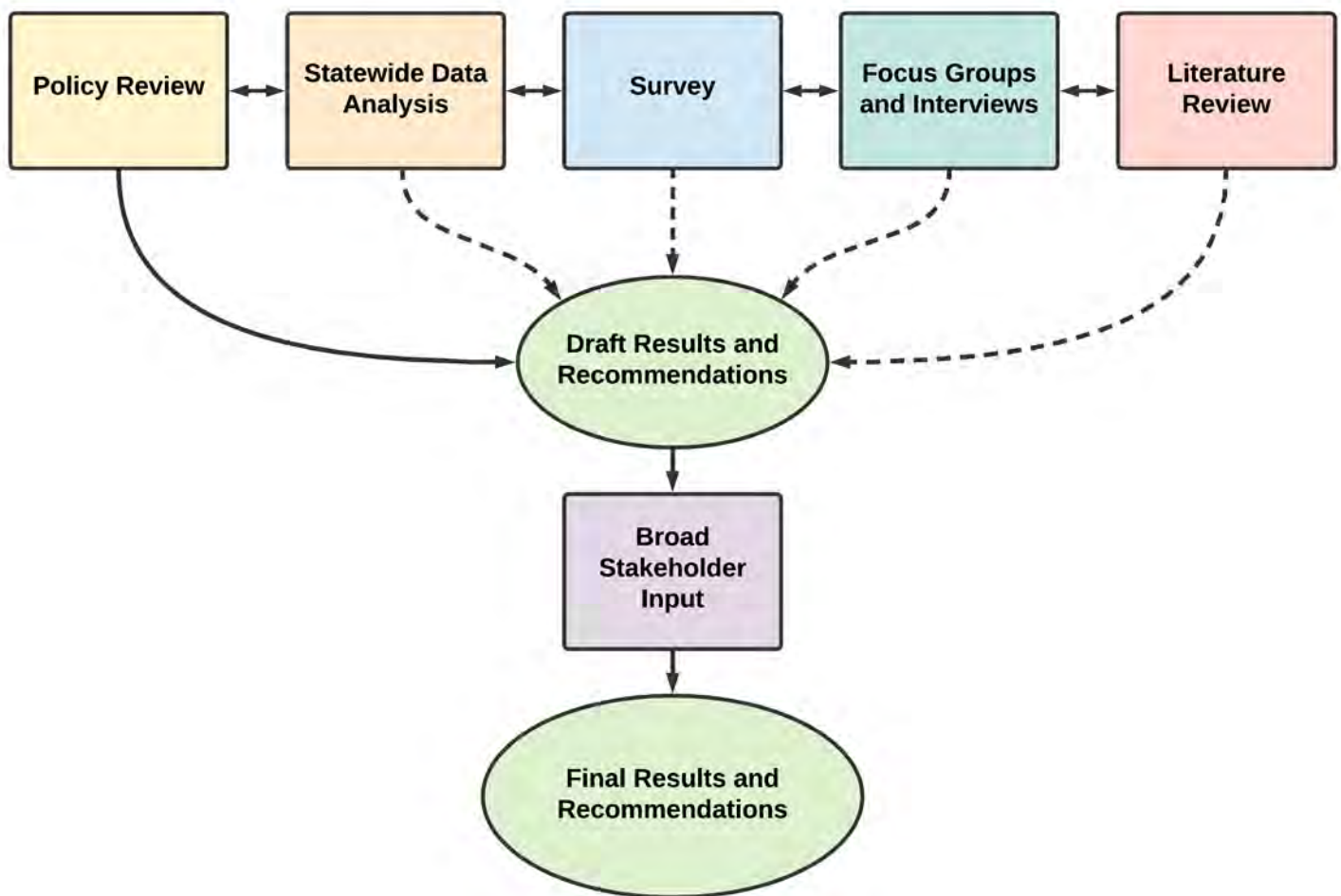
### Methods

The study used a mixed-methods approach to understanding the impact of governance and accountability structures on special education in California. A qualitatively driven mixed-methods approach is well suited for studying most issues of education policy, but it is particularly important for studies of education accountability systems (Hall and Ryan 2011). This is because accountability systems are heavily driven by quantitative data — namely, student outcome data — but a qualitative investigation is necessary for understanding the complex realities of how educational systems operate (Hall and Ryan 2011). Because no single method could be used to fully address the breadth or dimension of the research questions, the study used a combination of quantitative and qualitative methodologies.

This study did not examine the potential effects of school closures and learning loss due to the COVID-19 pandemic. Statewide data for the study were provided by the CDE or acquired by the research team from publicly available data sources for SY 2014–15 through SY 2018–19.

In aggregate across the following methods, the research team examined more than 23 million quantitative data points across hundreds of indicators for all of California’s 725,000 students with an IEP over three to four years of data; reviewed thousands of pages of education laws and regulations; reviewed survey responses from nearly 3,000 professionals and parents; and interviewed or conducted focus groups and listening sessions with more than 300 individuals (education professionals as well as parents) involved at different levels of California’s special education governance and accountability structures. The methods are summarized in exhibit 6 and details on each of these research methods are included in appendix A.

**Exhibit 6. Summary of the methods used to inform the results and recommendations of the report.**



[An accessible, plain text version of exhibit 6 is provided in appendix D.](#)

## **Policy Review**

The research team reviewed and analyzed all applicable and related federal and state laws, regulations, policies, procedures, and guidance to ensure an understanding of California's structures for governance and accountability and to explore their relative influence on student outcomes. Specifically for California laws and policies, the team conducted a review to identify areas of duplication, of misalignment with federal laws, and of inconsistency with the state's priorities for increased inclusive practices. Appendix A includes a list of the items reviewed.

## **Statewide Data Analysis**

The research team conducted comprehensive analyses of statewide education data to identify and explore trends, challenges, and opportunities. Initial descriptive analyses led to more in-depth analyses of a subset of LEAs that met specific conditions; these analyses aimed to identify factors within the study's scope that most influenced student outcomes and to identify areas for further examination.

Most analyses were based on data from SY 2018–19, with multiyear trend data from SY 2018–19, SY 2017–18, and SY 2016–17. This report notes any exceptions to these time periods. The study began in December 2020, and these represent the school years for which complete datasets were available at that time. In addition to not having complete datasets available for SY 2019–20, the end of SY 2019–20 was affected by emergency school closures due to the COVID-19 pandemic. This study did not evaluate the impact of the COVID-19 pandemic.

## **Literature Review**

The team conducted comprehensive reviews of research literature; of other state, regional, district, and school infrastructures for governance accountability; and available data from other school systems to understand structures and policies that could influence student outcomes and to identify potential models for improvement in California.

## **Surveys, Interviews, and Focus Groups in High-Performing LEAs**

To better understand local contexts and to develop profiles of high-performing LEAs and their interactions with relevant governance and accountability structures, the research team conducted interview and focus groups with a group of LEAs in order to develop sample LEA profiles. After an initial survey that received nearly 3,000 responses, including more than 1,200 from families of students with an IEP, the team reviewed LEA documents and met with administrators, educators, service providers, and families in a subgroup of high-performing LEAs. Takeaways from the LEA profiles are included in this report (see section 4) as illustrations of different governance and accountability structures.

## Broad Stakeholder Input

Once the research was concluded and draft recommendations were developed, the research team held a public webinar to share the recommendations and solicit broad community input on them. To collect additional public feedback on the potential benefits and drawbacks of the draft recommendations, the team subsequently published a website with study materials and a link to a feedback survey. The feedback survey was open from July through September.

The research team conducted the statewide survey, series of engagement sessions, and focus groups to collect data on community members' experiences with California's special education governance and accountability system to inform the study (described above). In addition to the engagements that informed the finding recommendations, the research team later coordinated an additional series of engagement activities to share potential recommendations with stakeholders and seek feedback on the potential benefits and drawbacks of the recommendations.

The team held a series of 46 meetings with members of the special education community, and general and special education leaders and professionals, to further the team's understanding of the implications of current structures and policy and to receive feedback on the potential benefits and drawbacks of the recommended changes to current structures and policies. Stakeholders who participated in interview and focus group sessions included families, special and general education teachers, administrators, business officials, and state agency staff. Community engagement sessions were attended by representatives of SELPAs, COEs, school districts, charter schools, education associations, advocacy organizations, and Parent Training and Information Centers. More than 300 total participants attended these sessions, which were held between June and September 2021. During the sessions, the team sought input on what stakeholders perceived to be potential benefits and drawbacks of the different recommendations. That qualitative feedback was then analyzed and summarized, with results presented in section 5 (Opportunities for Improvement: Recommendations and Implementation Strategies).

Throughout the study, the research team also received input and feedback from the study's advisory group, established in accordance with the study requirements. The advisory group included parents of students with an IEP, teachers, service providers, researchers, higher education professionals, administrators (school, district, SELPA, and COE), and representatives from state agencies. This study was not conducted by a statewide workgroup and the results and recommendations were not developed by the advisory group or with their unanimous consensus. However, the advisory group's input helped the study team make informed decisions when determining the study methods, interpretation of the findings, and development of the recommendations.

---

## Section 3. Study Results

This section presents the results of the study, organized by the three research questions. Study results for Question 1, based primarily on policy analyses, describe the education governance and accountability structures in California that are intended to support students with an IEP. Study results for Question 2, based on the review of related research and statewide data analyses, describe which factors (within the scope of this study) most affect outcomes for students with an IEP. For Questions 1 and 2, the results are followed by a conclusion summarizing the response to each question.

Study results for Question 3, based on policy, data, and survey analyses, as well as the literature review, are organized by the conditions for change identified in the scope for this study:

- a. The **equitable distribution of special education funding and supports to LEAs, including small LEAs**;
- b. **Transparency** in decision-making and distribution of state special education funding;
- c. Parent, community, and other stakeholder **engagement and input in local decision-making**; and
- d. **Alignment of accountability, compliance, and support structures** at all levels for all students, including for students with an IEP.

In each of these areas, the results are followed by a description of the challenges to improved outcomes that exist within the current governance and accountability structures. Also, a description is included of any unique challenges related to how the governance and accountability structures apply specifically to charter schools, to special education programs for students with an IEP who are aged 3–5, and to programs for students with an IEP who are aged 18–21. This study did not look at infant and toddler funding, governance, or accountability.

Finally, the study concluded with the development of recommendations to improve the system that include strategies for funding and supports. The recommendations are presented together in one section following the presentation of the results of the study.

---

# Section 3.1. California Governance and Accountability Structures for Supporting Students with an IEP

This section describes the results related to Research Question 1:

Which education governance and accountability structures in California are intended to support students with an IEP?

This section describes California’s education governance and accountability structures and tools for all students, including those with an IEP, and the overlapping governance and accountability tools specifically for students with an IEP. These descriptions were developed through the research team’s review of California laws, policies, and guidance, including information and guidance provided on the CDE website about its governance and accountability structures.

## Who’s Responsible for California Public Education?

The California public education system is vast: More than 6.2 million students and 300,000 teachers are learning and teaching, respectively, in more than 12,000 schools, including charter schools, and 1,000 school districts (CDE 2021g; Legislative Analyst’s Office [LAO] 2018). Administration of this complex system falls to multiple types of education entities with overlapping authority and responsibilities: schools; school districts; and county, state, and federal agencies (Brewer and Smith 2006; Kirst 2008; Maricle 2014).

### Schools and School Districts, or LEAs

Each California student attends a school that belongs to a school district, referred to as the LEA. Sometimes, in the case of a charter school, the school may serve as its own LEA. Each LEA is governed by a local school board, in most cases elected by constituents, whose responsibility is to “ensure that school districts are responsive to the values, beliefs, and priorities of their communities” (California School Boards Association [CSBA] 2021). School boards set direction for the LEA and provide one element of governance. LEAs have multiple advisory mechanisms intended to engage stakeholders; at the school level, School Site Councils are also intended to serve the purpose of engaging stakeholders.

### Charter Schools

School districts typically serve as authorizers for charter schools, although a charter school may instead be authorized by a COE and could previously be authorized by the

SBE. Under the Local Control Funding Formula (LCFF), some charter schools opt to be direct-funded LEAs, which means they receive funding in a similar fashion to school districts; others are funded through their authorizing LEA. When it comes to accountability for providing special education, charter schools currently can be considered either an independent LEA for special education or a school of an LEA. In the former, the charter school is responsible for providing all necessary services to students with an IEP; in the latter, the authorizing LEA and charter LEA agree on taking responsibility for doing so, whether at the charter school campus or at another site.

All charter schools, regardless of funding structure, are included in state accountability structures described in further detail in this section.

## **County Offices of Education**

California school districts are served by 58 COEs, of which 53 have elected COE superintendents. COEs operate as intermediary agencies to provide regional support to school districts. COEs facilitate LEAs in pooling resources for professional development and coordinated supports that otherwise might not be affordable to an individual LEA, especially a small LEA. For example, a COE might facilitate the pooling of funds to purchase a software system that can be used by all LEAs in the county. COEs also serve the state in some capacities, for example, by helping with such responsibilities as monitoring and oversight of student academic environments and oversight for district fiscal stability. Some COEs also serve and are accountable for student performance directly, through juvenile court schools, community schools, and other programs that are run by the COE.

## **Special Education Local Plan Areas (SELPAs)**

SELPAs are another type of intermediary agency, but unlike COEs, their responsibilities for supporting LEAs lie solely within the realm of special education. Either an LEA is required to belong to a SELPA or, in limited circumstances based on size and service scope, an LEA may serve as its own SELPA. Each SELPA must have an administrative unit (AU) that serves as the legal entity receiving and distributing funds on behalf of the SELPA; the AU is typically the COE that serves the same LEAs served by the SELPA, but it may occasionally be an individual LEA. SELPAs were conceived in California's 1974 *California Master Plan for Special Education* for the purpose of facilitating collaboration among LEAs and COEs that would ensure sufficient economies of scale to adequately provide services for students with an IEP. SELPAs are the direct recipients of all federal and state funding specific to special education. In turn, SELPAs allocate some or all of the funding to member LEAs based on an allocation plan developed by the SELPA's governing board, which represents the SELPA's member LEAs. SELPAs assist LEAs to pool resources for professional development and coordinated supports, and SELPAs receive funding from the state for some specific programs, such as alternate dispute resolution. More than 90 percent of California LEAs, serving approximately 60 percent of California students with an IEP, belong to a multi-LEA SELPA. LEAs that either meet size and scope requirements or seek a waiver, as defined by SBE policy, are their own SELPA, known



as single-LEA SELPAs. As of SY 2019–20, California had 136 SELPAs — 83 multi-LEA, 47 single-LEA, and 5 statewide charter SELPAs, plus one unique SELPA serving students in Los Angeles County court schools (CDE 2021h). Each SELPA has a required community advisory committee (CAC), which engages families, school staff, and other local stakeholders in providing input on special education programs and services.

## State Government

At the state level, four entities, each with a distinct role, govern some aspect of public education: the Governor, the California Legislature, the State Superintendent of Public Instruction, and the SBE. The Governor proposes the education budget and ultimately approves education bills. The California Legislature is responsible for approving education funding and proposes and votes on education legislation, actions which then must go to the Governor for consideration. The State Superintendent leads the CDE, serves as a spokesperson for state education priorities, and influences education policy by serving on several state education policy boards, including as a non-voting member of the SBE. The SBE is responsible for issuing regulations, serves as the state education agency (SEA) for federal programs, adopts state standards and frameworks, and has the authority to provide waivers to LEAs from some state requirements. Unlike the Governor, the California Legislature, and the State Superintendent of Public Instruction, all of whom are elected officials, the SBE's 11 members are appointed by the Governor. Decisions by these entities influence the role of the CDE in administering state and federal education programs (LAO 2018).

## Federal Government

Although statewide accountability for education falls within the purview of each state, federal accountability for all students, including those with an IEP, is prescribed by the Elementary and Secondary Education Act, as reauthorized by the Every Student Succeeds Act (commonly referred to as ESSA). However, additional accountability specifically for students with an IEP is prescribed under the Individuals with Disabilities Education Act and administered by the U.S. Department of Education's Office of Special Education Programs (OSEP).

## California Governance and Accountability for All Students, Including Those with an IEP

**California students with an IEP are part of the general education population. Thus, they are included in general education governance and accountability structures, both as general education students and, within that population, as a discrete student group based on disability and, for a large portion of them, as part of other student groups as well.** Although the state's LCFF does not control funding specific to special education (that is, IDEA and AB 602 funding), students with an IEP are explicitly included in LCFF accountability structures. Under 2013 legislation, governance and accountability structures for general education were broadly reformed around three goals — equity, local control, and continuous improvement — that serve

as a framework for more intentionally directing funds to meet student needs. The main governance and accountability structures used by the state for this purpose are the LCFF and its accountability tools, specifically the annual Local Control and Accountability Plan, the California School Dashboard (Dashboard), and the Statewide System of Support, as illustrated in exhibit 7.

**Exhibit 7. California’s governance and accountability structures and primary tools for general education that serve all students.**

Structure Type	General Education Governance and Accountability for All Students
Funding	Local Control Funding Formula
Primary Plan	Local Control and Accountability Plan (required annually for each LEA)
Accountability Data	California School Dashboard
Improvement Support	Statewide System of Support

**The Local Control Funding Formula.** The LCFF does not include any specific funding adjustments for students with an IEP who, like all other students, are part of the general education population and, thus, generate per-pupil base funding for their LEA. The formula does, however, provide LEAs with supplemental funding for students in several other groups, specifically, students who are from economically disadvantaged circumstances, those who are emerging multilingual learners, and those who are in the foster care system. Students in these groups are often collectively referred to as unduplicated students because they are counted only once, even if they fall into multiple categories. LEAs with high concentrations — that is, more than 55 percent — of their students in one or more of these subgroups receive an additional level of per-student funding, called concentration funding. Although the LCFF has no additional apportionment based on students’ disability status, most California students with an IEP are also economically disadvantaged (67.5 percent), and many are also English learners (28.6 percent); thus, these particular students with an IEP help generate supplemental and/or concentration funding for their LEA (Willis et al. 2020). The formula does not account for any potential interaction or multiplier effect to address the diverse needs of students who belong to multiple categories.

**The Local Control and Accountability Plan (LCAP).** LEAs have flexibility in how they budget and spend LCFF funding, the vast majority of which is not restricted to use with specific student groups or on specific programs. However, each LEA must develop an annual LCAP that, among other things, describes how it will use its supplemental and concentration funds to increase or improve services for the unduplicated student population that generated these additional funds (*California Code of Regulations* [CCR] Title 5 Section 15496[b]). Funding specific to special education (that is, IDEA and AB 602 funds) is not allotted through the LCFF, so its planned use does not have to be

considered in an LCAP. However, an LCAP must address how general education funding will be used to serve students with an IEP in the aggregate. Moreover, if an LEA prioritizes students with an IEP as a group, either on its own accord or in response to data for students with an IEP establishing the LEA as eligible for differentiated assistance, its LCAP must address how it will use its LCFF funding to serve this group.

Like district and charter school LEAs, any COE that serves students directly through community schools, court schools, or other special programs must also produce an annual LCAP. The COE's LCAP must explain how it plans to meet the needs of the students it directly serves, including students with an IEP. Whereas school districts submit their LCAP to their COE for review and approval, charter school LEAs submit their LCAP to their authorizer, and COEs submit their LCAP to the state.

**The California School Dashboard.** The Dashboard is California's tool for reporting consistent, transparent data on LEA, school, and, in certain instances, COE<sup>5</sup> performance on the SBE-adopted state and local indicators. It includes data for specific student groups, including for those with an IEP. Dashboard data assist the state and LEAs to identify strengths and areas in need of improvement. The state and local measures are used to inform both the Statewide System of Support and decisions about designation of resources for assistance, as well as the designation of funding for schools identified as needing assistance under California's plan for meeting the federal requirements for accountability under the ESEA as reauthorized by ESSA.<sup>6</sup>

**California's Statewide System of Support.** California's Statewide System of Support is the technical assistance component of the state's general education accountability system. Its purpose, as established in California *EC* Section 52059.5(b), is to build LEA capacity to:

- Support the continuous improvement of pupil performance within the state priorities;
- Address the gaps in achievement between pupil subgroups; and
- Improve outreach and collaboration with stakeholders to ensure that goals, actions, and services as described in school district and COE LCAPs reflect the needs of pupils and the community, especially for historically underrepresented or low-achieving populations.

The Statewide System of Support provides three levels of assistance: *general assistance*, *differentiated assistance*, and *intensive intervention*. All LEAs are eligible for general assistance. This assistance includes access to resources made available by various state and local agencies, such as webinars and manuals developed by the CDE, COEs, and the California Collaborative for Educational Excellence (CCEE), which was established in 2013 (*EC* Section 52074) to advise and assist LEAs in achieving the

---

<sup>5</sup> COE data are reported in the Dashboard only for students served directly by a COE.

<sup>6</sup> Additional details about state and local Dashboard measures are provided on the CDE website at <https://www.cde.ca.gov/ta/ac/cm/>.

goals set forth in their LCAP. For LEAs that meet eligibility requirements based on specified Dashboard criteria, differentiated assistance is provided by COEs, charter authorizers (for charter school LEAs), the CDE, and the CCEE. LEAs receive intensive intervention at the direction of the state if they have been “identified as having persistent performance issues and a lack of improvement over four consecutive years” (CDE 2021d).

The Statewide System of Support, coordinated by the CDE and the CCEE, contracts with a variety of education entities to serve as *lead agencies* with the overall charge of building LEA capacity. Among the different types of lead agencies, or leads, are those that provide support for general education and those that specifically provide support for special education. *Geographic leads* are funded to provide general support to all COEs and their LEAs in a designated geographic area, and *expert leads* provide support in specific content areas, such as early literacy, community engagement, multilingual learners, and the use of multi-tiered systems of support, and special education resource leads. Of the special education resource leads, some SELPAs are designated to serve as *statewide improvement leads*, providing LEAs with support focused on improving outcomes for students with an IEP; others are designated as SELPA-based *content leads*, focused, for example, on autism, universal design for learning, disproportionality (see Glossary), and supports for multilingual learners with disabilities. In 2018 and 2019, three SELPAs were designated to serve as statewide improvement leads and four as statewide content leads.

**Although students with an IEP are included in and addressed through the general education governance and accountability structures, including as a student group on the Dashboard and for eligibility for differentiated assistance, California also has additional separate and overlapping special education governance and accountability structures.** State structures and tools for special education governance and accountability, as provided in exhibit 8 side by side with those for general education, include: (1) the AB 602 funding system, (2) required LEA plans for special education, (3) reporting of State Performance Plan and Annual Performance Report (SPP/APR) data, and (4) CDE monitoring and technical assistance. Although several elements of the special education accountability system parallel or mirror, and in some instances duplicate, elements of state governance and accountability for general education, there are notable differences.

**Exhibit 8. California’s governance and accountability structures and primary tools for all students and for students with an IEP.**

Structure Type	General Education Governance and Accountability for All Students, Including Those with an IEP	Governance and Accountability Specifically for Students with an IEP
<b>Funding</b>	LCFF	AB 602, Low Incidence, Educationally Related Mental Health Services, etc.
<b>Primary Plans</b>	LCAP	SELPA Local Plan (Contracts and Certifications, Governance and Administration, Annual Budget Plan, Annual Service Plan), LEA Special Education Plan, LEA Comprehensive Coordinated Early Intervening Services (CCEIS) Plan
<b>Accountability Data</b>	Dashboard	State Performance Plan and Annual Performance Report Indicator Data
<b>Improvement Support</b>	Statewide System of Support	CDE Monitoring and Quality Assurance, Technical Assistance Projects

**AB 602 funding.** State funding explicitly for special education is provided through AB 602, the largest categorical funding stream outside the LCFF. Unlike LCFF funding, which is unrestricted and available to be prioritized locally, California’s special education funding can be spent only to serve students with an IEP. Furthermore, although the majority of California’s state special education funding — the portion referred to as AB 602 base funding — can be spent on any special education expense, approximately 10 percent of the state’s special education funding is restricted for specific purposes, such as services for students requiring out-of-home care and services for students with low-incidence disabilities (Willis et al. 2020).

Whereas LCFF funding is provided directly to individual LEAs and COEs, nearly all of California’s AB 602 special education funding is provided to SELPAs. California also allocates and distributes federal IDEA funds directly to SELPAs, using the allocation formula prescribed in IDEA. In multi-LEA SELPAs, the governing boards and staff, in consultation, then determine how to allocate and distribute AB 602 and IDEA funding among member LEAs and how much to retain for the SELPA itself to coordinate or provide regional programs and services. Each SELPA describes its allocation and distribution decisions in a required Annual Budget Plan.

**Special education reports and plans.** Through the federal and state special education governance and accountability structures, SELPAs and LEAs must submit multiple special education plans. Beginning in 2020, SELPAs were required to submit a SELPA Local Plan with four sections, each of which in prior years was required as a separate plan: Contracts and Certifications, Governance and Administration, Annual Budget Plan, and Annual Service Plan (CDE 2021h). The SELPA Annual Budget Plan and Annual Service Plan must be updated annually by a committee of special and general education teachers and administrators, with participation by parent member(s) from, or selected by, a SELPA's community advisory committee. Revisions to SELPA Local Plans must be reviewed and approved by the CAC, the SELPA's associated COE, and the governing board of each member LEA prior to submitting it to the CDE for review and consideration for approval (*EC* Section 56195.1).

As described on the CDE's website (CDE 2021h), the SELPA Local Plan must be submitted using CDE-adopted templates. The first section, Contracts and Certifications, establishes the SELPA's eligibility to receive IDEA funds, providing assurances that the SELPA and its member LEAs will meet the requirements of IDEA. The plan's Governance and Administration section describes the SELPA membership and how the SELPA is governed by its member LEAs. This section must be reviewed at least once every three years or when SELPA membership changes, and it is subject to a public hearing process. The Annual Budget Plan reports projected revenues and expenditures at the SELPA level and for each participating LEA. The Annual Service Plan details the continuum of special education service options available to students with an IEP within the SELPA, including listing any services provided by LEAs, by the SELPA, and by any other provider. The template does not include details about which entity provides which services, and the SELPA does not have to describe how it provides every service under IDEA.

In addition, LEAs that have been identified by the CDE for targeted or intensive monitoring of special education, based on SPP/APR and other data, are required by the CDE to submit a special education plan (SEP) developed and implemented by a SEP Improvement Team convened by the LEA. Each LEA's SEP must address SPP/APR indicators for which the LEA did not meet state targets, identify root causes for not meeting the targets, and describe intended improvement strategies and activities.

Lastly, LEAs identified as having significant disproportionality (see Glossary) by race and ethnicity in the identification, placement, and/or discipline of students with an IEP are required to submit a comprehensive coordinated early intervening services (CCEIS) plan to the CDE that describes how the LEA will address the root causes of the disproportionality.

**SPP/APR data.** Under IDEA, the CDE must develop and submit an annual SPP/APR report to OSEP and must publicly report each LEA's performance on the SPP/APR indicators (U.S. Department of Education 2021). SPP/APR indicators are set by OSEP, and although many of the 14 indicators focus on outcomes, such as graduation, acquisition of knowledge, and positive social-emotional skills, some focus on processes, such as timeliness of IEP development, to ensure compliance with IDEA's specific process-oriented requirements (CDE 2020a). Several SPP/APR indicators overlap with

Dashboard indicators, such as graduation, suspension, and ELA/math assessments. However, the measures for the indicators used for the SPP/APR are established by OSEP and are not consistent with the Dashboard measures for those same indicators. The CDE, as required, reports publicly each year on the performance of each LEA on the SPP/APR indicators. The CDE also makes an annual determination of whether each LEA has met IDEA requirements based on the indicators.

**CDE monitoring and technical assistance.** OSEP requires states to maintain general supervision systems to ensure LEA compliance with IDEA requirements. The CDE's Special Education Division must monitor and enforce LEA implementation of IDEA, using enforcement actions and technical assistance (34 CFR §300.600). As required, the CDE also engages in various cyclical monitoring activities with LEAs, as well as targeted and intensive monitoring for LEAs based on their data. Through targeted monitoring, the CDE works directly with LEAs to identify and correct noncompliance and to identify areas and strategies for improvement. The CDE also engages in intensive monitoring with each LEA that has been identified as having significant disproportionality (see Glossary) and other systemic performance challenges. On its website, the CDE describes this monitoring as “a process for systems change designed to provide LEA and school improvement teams with knowledge and technical expertise to develop a thorough understanding of problems, issues, and concerns in their schools, and what action needs to be taken to address disproportionality” (CDE 2021b).

The CDE also uses its dispute resolution system as required by IDEA (34 CFR §§300.151–300.153 and §§300.504–300.519) as a tool to monitor and enforce LEA implementation of IDEA. As outlined in IDEA, dispute resolution and litigation offer avenues for families to advocate for their child and resolve any disagreements with the LEA over their child's IEP. IDEA's parental rights exert a powerful influence on practitioners' decisions about how they serve students with an IEP, particularly given the potential costs involved with due process hearings and litigation (Wiener 2009). For example, superintendents have reported that even when they believe a parental request is unreasonable or inconsistent with IDEA requirements, they often yield to the request to avoid a due process complaint, hearing, or litigation (Pudelski 2016).

Lastly, the CDE provides direct technical assistance (e.g., fact sheets, tools, consultation) and funds technical assistance projects and providers to support LEAs. Notably, accountability systems that emphasize technical assistance and professional learning are more likely to promote authentic improvement, rather than just enforcing compliance with minimum legal requirements (Elgert 2016). In addition to funding the SELPA leads as part of the Statewide System of Support, the state of California has invested in other special education-oriented resources for LEAs by funding technical assistance projects to improve family engagement practices, support inclusive practices, support implementation of the CDE's Desired Results Developmental Profile for preschool-age children, and address disproportionality.

**Governance and accountability structures for some charter schools differ from those for other LEAs, for both general and special education.** In California, charter schools have different forms of governance that affect how they participate in both the general and the special education governance and accountability structures. During the years examined for the study, some charter schools were authorized by COEs and by the SBE, but most charter schools were authorized by school district LEAs. During the chartering process, the charter school and its authorizer agree on whether the charter school will be an LEA for special education purposes and on the role the authorizing LEA will play in providing special education.

Each year, charter schools, in coordination with their authorizers, opt to either receive general education (LCFF) funding directly or receive it indirectly via disbursement through its charter-granting LEA (CDE 2021e). Many charter schools that are not directly funded were created by an LEA to function as a school of the LEA and are governed by the LEA's school board, not a separate governing board. In addition to the decision about general education funding, each charter school and its authorizer must decide how to handle special education responsibilities. Most charter schools address their special education status in their initial authorization or through material revisions.

Under current state law (*EC* Section 47641), a charter school that, through its charter petition or renewal or otherwise, provides assurances that it has been approved to participate in a SELPA (whether one in its geographic region, i.e., the one that serves its authorizing LEA, or another SELPA, including one of five statewide charter SELPAs) can be deemed an LEA for funding and compliance purposes. A charter school that is an LEA for special education is directly accountable for serving all of its students who are or become eligible for special education services. AB 602 and IDEA funds appropriated to serve a charter school's students are distributed to the SELPA in which the charter school participates, and the SELPA allocates the funds to the charter school in accordance with the SELPA's allocation plan.

Alternatively, some charter schools function as schools within or affiliated with their authorizing LEA for special education purposes, including some charter schools that are directly funded under the LCFF. In these cases, the authorizing LEA is accountable for ensuring that students at the charter school receive special education services, as it would be for any other students in the district. When a charter school is a school within an LEA for special education, the LEA is responsible for using AB 602 and IDEA funds to serve students with an IEP at those charter schools in the same manner as it does all other students served at schools in the district. An important distinction for charter schools that are not their own LEA for special education purposes is that they do not have their own representation in a SELPA; rather, the authorizing LEA is the SELPA member and represents the LEA's and the charter school's interests.

Although there are multiple options for charter school governance structures and participation in state funding systems, some governance and accountability structures apply to all charter schools. Regardless of whether a charter school is directly funded under the LCFF and regardless of its LEA status for special education purposes, each charter school has its individual data reported on the Dashboard, and each charter school is required to submit an annual LCAP. In addition, all charter schools are subject



to the CDE's special education monitoring, and they have opportunities to participate in technical assistance through their authorizers, through SELPAs they may belong to, and through the Statewide System of Support.

**Governance and accountability structures for preschool programs and transitional kindergarten are separate from one another. Unlike transitional kindergarten, preschool has separate governance and accountability structures that are separate from K–12 schools.** The California State Preschool Program — established in 2008, administered at the state level by the CDE, and delivered locally by LEAs — provides optional part- and full-day services, as well as school meals, parent education, and other services. Only approximately 35 percent of 3-year-old children and 56 percent of 4-year-old children participate in either public or private preschool (Thorman and Danielson 2019).

At the local level, preschool programs can be administered through LEAs, colleges, community-action agencies, and private nonprofit organizations. Each county is required by the state to have a Local Child Care and Development Planning Council (LPC) that includes childcare providers, parents, public agencies, community agencies, and other local stakeholders appointed by the local county board of supervisors and the COE superintendent. LPCs conduct periodic needs assessments, establish priorities for the use of funds to address the needs of unserved and underserved populations within their county, and prepare a countywide childcare plan to mobilize public and private resources. Preschool-aged students with an IEP may participate in the state's preschool program as well as other childcare programs.

The state's preschool program not only is administered and funded separately from K–12 education, but also is subject to different accountability requirements. Preschool students are not included in the LCFF, LCAP, or Dashboard. Although there are no statewide tools for governance and accountability related to preschool, agencies administering preschool programs receive state funds to develop locally determined "early learning quality rating and improvement systems" (QRISs). A QRIS is a tool for continuous quality improvement, based on the state's preschool learning standards. It "provides supports and incentives for programs, teachers, and administrators to reach higher levels of quality, monitors and evaluates the impacts on child outcomes, and disseminates information to parents and the public about program quality" (CDE 2021a). The CDE also provides technical assistance and supports related to preschool programs, including development of the Desired Results Developmental Profile, an assessment instrument to measure the preschool progress of children with and without an IEP. In addition, it supports the California Preschool Instructional Network, which consists of local networks of preschool administrators, teachers, and leaders in 11 regions of the state (CDE 2021c). The network is not included in the CDE's descriptions of the Statewide System of Support.

Since 2010, California LEAs have had the option not only to offer preschool programs, but also to offer transitional kindergarten to 4-year-old students, including students with an IEP. As established in 2021 legislation, transitional kindergarten offerings will now increase in phases and will be available to all students by SY 2025–26. Transitional kindergarten students are counted in each LEA's average daily attendance rates and,

thus, are included in the calculation of the LCFF apportionment. Transitional kindergarten students, including students with an IEP, are also included in the Dashboard and LCAP when the indicators apply.

**The special education governance and accountability structures for supporting students aged 3–5 with an IEP are the same as those for K–12 students with an IEP.** Special education programs for students aged 3–5 are also administered at the state level by the CDE and at the local level by LEAs. Although not all LEAs necessarily have early childhood and preschool programs, and they are not solely responsible for providing preschool programs for all students, each one must provide FAPE to students aged 3–5 in their jurisdiction who are eligible for special education services. Under California’s special education governance and accountability structure, students aged 3–5 with an IEP are included in IDEA and AB 602 funding calculations, are included in the collection and reporting of SPP/APR indicators, may be the subject of an LEA’s SEP to plan for improvement, and are included when the CDE engages with LEAs in targeted or intensive monitoring.

**Students aged 18–21 with an IEP who have not graduated from high school with their cohort are not included in all the governance and accountability structures for general education, but are included in those for K–12 students with an IEP.** IDEA and California *EC* allow students with an IEP who have not graduated with a regular high school diploma to continue to receive special education services locally until their 22nd birthday. Because there are no general education programs in the public school system beyond grade twelve other than data about when students with an IEP graduate or exit school relative to the cohort of students that entered high school at the same time, programs for these older students fall only under the special education governance and accountability structures, including data on when they complete or exit special education and where they receive services. As with students aged 3–5, the CDE reports on students aged 18–21 with an IEP in the SPP/APR indicators, and these students may be the subject of CDE monitoring or improvement planning.

## **Conclusion: Governance and Accountability Structures for Supporting Students with an IEP**

California students with an IEP in grades K–12 are included in separate but overlapping governance and accountability structures — one for all students and one specifically for students with an IEP. The structures and tools that are used for governance and accountability in general education and special education have the same broad purposes of improving students’ learning experiences and education outcomes; use the same or similar data for accountability and planning purposes; and overlap at the state, intermediary, and local levels. When the state enacted the reforms to its broad governance and accountability structures through establishment of the LCFF in 2013, it appropriately included students with an IEP in the LCFF accountability structures and tools, but it did not include them as an unduplicated student group that generates supplemental and concentration grant funding through the LCFF. The state included special education and students with an IEP in some structures (e.g., LCAP, Statewide

System of Support) but retained separate governance and accountability structures for special education (e.g., SEP, AB 602 Funding). Although LEAs, COEs, and SELPAs were given new responsibilities and accountabilities for improving outcomes for students with an IEP through the LCAP and the Dashboard, overlapping responsibilities and accountabilities in the separate special education structures continue to exist.

In addition to including students with an IEP in the Dashboard and the LCAP, the state has invested in creating special education lead agencies in the Statewide System of Support and has invested significantly in increasing supports for inclusive practice, recognizing the importance of the delivery of special education in the least restrictive environment, which for most students is the general education classroom. However, the special education governance and accountability structures have not been modified to reflect and complement those broader governance and accountability structures for general education. The potential to reduce duplication and increase transparency is described in greater detail below. The results for Research Question 3 (see section 3.3) further examine the policies establishing the separate and overlapping special education structures, identify the most significant challenges, and make recommendations for improvement.

---

## Section 3.2. Factors that Most Affected Outcomes for Students with an IEP

This section provides the results related to Research Question 2:

Which factors, within the scope of this study, most affected outcomes for students with an IEP?

As detailed in section 3.1, the policy and literature reviews provided the research team with an understanding of California's current governance and accountability structures that are intended to support students with an IEP. To understand if and how those structures might be refined in ways that would likely result in improved outcomes for students with an IEP, the research team examined which factors, within the scope of this study, were most related to improved outcomes for students with an IEP.

To identify those factors, the research team first analyzed statewide student-level data for all California students to identify LEAs where students with an IEP had better-than-expected outcomes (such as higher graduation rates or greater rates of growth in proficiency on statewide English language arts and mathematics assessments) over a three-year period. Analyses included comparisons among students with an IEP across the state and comparisons of students with and without an IEP to identify areas of

strength, including which LEAs were performing well on the priorities of providing special education services in general education classrooms and improving academic outcomes.

Guided by the priority areas (conditions for change) in the study's scope and confirmed through the research team's literature review, the team analyzed the student-level outcome data and other statewide data. In investigating the statewide data on student outcomes, the team first sought evidence of patterns of improvement related to the first four indicators listed in exhibit 9 (student performance, LRE, disproportionality, and staff tenure) through descriptive statistics, trends, correlations, and regression models. These methods provided the research team with additional information about the outcome indicators, such as patterns in outcomes by student factor, including disability category, setting, and other demographics as well as structural factors. The research team used the results of these analyses to identify potential areas of best practice and areas of concern for further exploration.

Next, the team sought to understand and establish a set of factors from available, commonly reported data on the state's governance and accountability structures related to general and special education. The research team determined that the most consistently available data on structural factors for the various agencies tasked with governance and accountability in California that could be examined for potential relationships to student outcomes were: LEA, SELPA, and COE type (e.g., charter or non-charter LEA, single- or multi-LEA SELPA); size, location (including proximity to a metropolitan area), and composition; available data on LEA participation in monitoring activities and on any joint improvement activities administered with general education; and any available data on how LEAs interact with SELPAs, COEs, and other educational service agencies to provide needed special education services to students with an IEP.

The research team aggregated the student-level data for each LEA, which allowed for exploration of the relationship between LEA characteristics and student performance. This means, for example, that the team compared data for LEAs with similar demographic characteristics, such as a high percentage of students who had an IEP and were also learning English. Among similar LEAs, the team, in coordination with the CDE and as reported to the advisory group, identified a smaller number of LEAs that became the focus of further examinations to illustrate the LEAs' participation in the various governance and accountability structures. A list of the data examined by the research team to identify trends and LEAs that were performing better than expected is included in exhibit 9. Additional information on these and the other analyses are provided in appendix A, Detailed Methods, and appendix B, Technical Appendix.

## Exhibit 9. Statewide data sources used for study analyses.

Indicators	Data Sources
<b>Student Performance</b>	Student-level data from California Longitudinal Pupil Achievement Data System and California Special Education Management Information System; proficiency data from California Assessment of Student Performance and Progress
<b>Least Restrictive Environment</b>	Placement data from CASEMIS; comparison data from other states from the U.S. Department of Education <sup>7</sup>
<b>Disproportionality</b>	Special education eligibility, discipline, and placement data from CALPADS and CASEMIS
<b>Staff Tenure</b>	Public personnel data files from the CDE and CALPADS <sup>8</sup>
<b>Special Education Networks</b>	LEA of residence and LEA of service for each service provided to each student, from CASEMIS and CALPADs; Geographic Information Systems data from the U.S. Census Bureau <sup>9</sup>

## Relationship Between Governance and Accountability Structures and Outcomes

**Neither type nor size of LEA was associated with improved academic growth for students with an IEP or with these students spending more time in general education settings. When controlling for disability category, there were no significant student outcome patterns related to LEA type or size.** That is to say that student success or the lack thereof existed across LEA and SELPA sizes and configurations. Analyses were conducted using aggregate LEA data to examine whether LEAs of a certain size or type (such as charter and traditional LEAs) were more likely to achieve better outcomes for students with an IEP or to increase these students' participation in general education settings. The data analyses did not find any statistically significant associations or patterns between these governance factors and the outcome indicators. Previous studies (e.g., Willis et al. 2020) have shown that charter schools demonstrated higher outcomes for students with an IEP, but that the difference was not found to be significant in this study when controlling for disability category. This finding means that LEAs of a variety of types and sizes are successfully

<sup>7</sup> <https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/index.html>

<sup>8</sup> <https://www.cde.ca.gov/ds/ad/staffdemo.asp>

<sup>9</sup> <https://www.census.gov/programs-surveys/geography.html>

improving outcomes for California students with an IEP. Section 4 of this report, Profiles of High-Performing LEAs and Applied Learning on the Conditions for Change and Other Strategies for Improvement, includes profiles for LEAs of varying types and sizes, including a charter school LEA, to illustrate this finding.

**Neither type nor size of SELPA was associated with improved academic growth for students with an IEP or with these students spending more time in general education settings.** The analyses examined aggregate LEA data to explore whether an LEA's SELPA type (single- or multi-LEA) or size of the SELPA were related to any performance patterns when controlling for disability category. Although this result does not negate the potential positive effect for individual students of their LEA's participation in a SELPA, it shows that broadly, for all students with an IEP across an LEA, statewide data show no SELPA-related association with improved outcomes.

**Available data did not show a correlation between LEA participation in compliance monitoring activities and improved academic growth for students with an IEP or with these students spending more time in general education settings in future years.** Reviewing aggregate LEA student-outcome data, the research team found no associations or correlation between an entity's participation in CDE compliance monitoring activities and improved academic outcomes for students with an IEP or with increased provision of special education services in general education settings. However, the team did not have sufficient data to explore the possible effects of CDE compliance monitoring for specific students whose files were reviewed or specific schools that participated in monitoring activities; nor did the team have data on the technical assistance and supports that were received as a part of or in response to those monitoring activities.

The research team compared data for two types of LEAs, those that had and those that had not participated in CDE monitoring activities, including onsite monitoring during SY 2015–16 and SY 2016–17. Outcomes and LRE data for SY 2017–18 and SY 2018–19 did not show a relationship between CDE monitoring in the prior years and improved academic outcomes or increased provision of services in the LRE. It is important to note that during those years (SY 2015–16 and SY 2016–17), the CDE's focus was on procedural compliance and that, since then, the CDE has increased its focus on improving outcomes, matching OSEP's shift to results-driven accountability.

Due to the lack of available data, the research team was not able to analyze any association between participation in other governance and accountability structures and improved outcomes for students with an IEP. For example, the state does not currently systematically collect data on whether students with an IEP are a specific focus in an LEA's LCAP, whether any portion of the funds allocated to COEs for differentiated assistance are used to focus on improving outcomes for students with an IEP, or which LEAs have received specific support through the Statewide System of Support.

Despite the lack of data that would have allowed the research team to examine the relationship between other components of the state-administered governance and accountability structures and student outcomes, the lack of improved outcomes described above is consistent with the results of the team's literature review, which

showed that size of the administrative entity and other infrastructure factors are much less related to improving outcomes than practice-related decisions made at the local level, such as the placement of students by IEP teams in different settings and local factors influencing administrator and teacher retention (Darling-Hammond et al. 2018; Carver-Thomas et al. 2020). The findings in the research were supported by the interviews conducted to develop LEA profiles (see section 4), which also showed that size and type of LEA were not important factors in improving outcomes for students with an IEP. Those LEAs, consistent with the literature (Ruijs and Peetsma 2009; Tremblay 2013), attributed improved outcomes to adopting inclusive mindsets, investing in their staff, using timely student-level data to provide individualized support, and forging strong connections with families and the community. This evidence was used to support the research team’s prioritization of policy recommendations that create the conditions for change at the local level rather than policies that establish additional governance and accountability structures at the state level.

## Factors that Affected Outcomes for Students with an IEP

Given the lack of association between the available measurable factors on governance and accountability structures and academic progress and the LRE for students with an IEP, the research team delved further, analyzing statewide California data to explore two additional factors that research has shown to be related to improved outcomes for this student group. As directed by the study scope, the research team analyzed the relationship between the participation by students with an IEP in general education settings and student outcomes. The team also examined teachers’ professional longevity — a factor that was identified through the literature review as affecting student outcomes — which has been a significant education policy priority for California and for which statewide data were readily available.

**For students with an IEP, including students identified in each disability category, greater participation in a general education setting is a strong predictor of academic growth and improved outcomes as measured by statewide assessments (i.e., the CAASPP and the CAA).** On average, students with an IEP who spent more time in a general education setting over the years of this study showed greater academic growth (see Glossary) each year compared with those who spent less time in general education, confirming a relationship demonstrated in decades of earlier research (Barrocas and Cramer 2014; Cramer 2015). This finding was based on examining student growth for students with an IEP, relative to the expected growth for all students, as it related to the time spent in general education settings.<sup>10</sup> The study found that a 10 percentage-point increase in the time spent in general education was

---

<sup>10</sup> This is referred to as the normalized curve equivalent (NCE) score that, in essence, measures growth as how much the student improved relative to other students who performed similarly to them the previous year. Using an NCE score rather than proficiency alone reduces the likelihood that this finding is reflecting the notion that students who spend more time in general education settings might have fewer or lower severity needs than those who spend less time in general education.

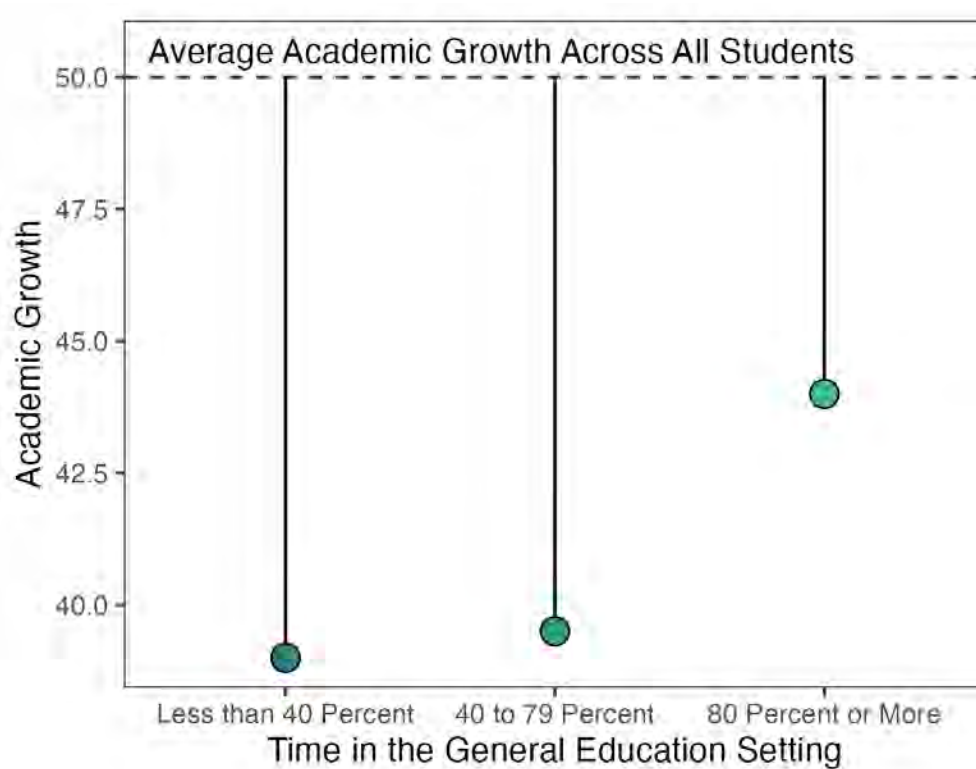
associated with a 13.3 percentage-point increase in growth on the summative statewide assessments (see exhibit 10). This means that on average, if a student with an IEP shifted from spending 60 percent of their day in a general education setting to 70 percent, the student's progress toward achieving proficiency on statewide assessments would be 113 percent of the progress they would make if they continued to spend only 60 percent of the day in general education.

To further extend that example, consider that most California students spend four to six hours in school each day. Splitting the difference and calling it five hours would mean that a student with an IEP who spent 60 percent of the day in special education settings would be there for three hours a day. Shifting the student's time in general education to 70 percent would mean the student was in general education settings for 3.5 hours a day — a difference of 30 minutes daily that, with the right support for the student, could translate into a 13.3 percentage-point learning gain. Increasing the likelihood of success of such shifts can be supported at the local level by capacity-building and support systems for general education teachers to include students with an IEP in their classes and for special education teachers (Hoppey and Mickelsen 2017).

It is important to consider that for some students with an IEP, the general education setting is not the least restrictive environment in which they can make meaningful progress toward their goals. Those students may need unique, specialized, or additional special education services that cannot be provided in a general education setting. Although there appears to be room for improvement in California's inclusion rates for students with an IEP, the LRE is appropriately an IEP team decision, and there should not be an expectation that all students with an IEP receive their special education services in a general education setting irrespective of their individualized needs.



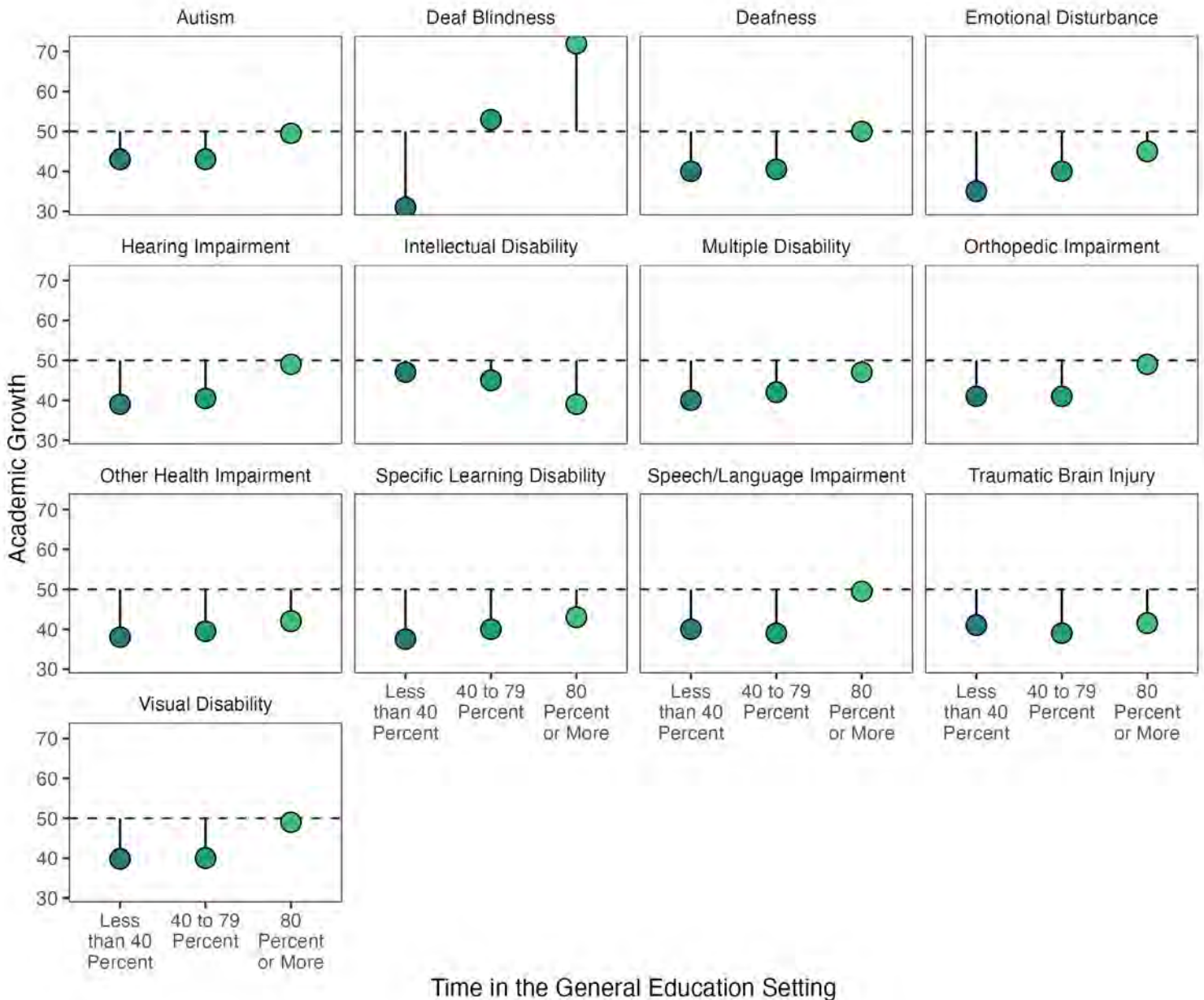
**Exhibit 10. Relationship between percentage of time spent in general education setting and academic growth as measured by the CAASPP and CAA.**



[An accessible, plain text version of exhibit 10 is provided in appendix D.](#) Source. Data from CASEMIS, CALPADS, and CAASPP for 2017–18. This represents the most recent year for which CASEMIS data included LRE designations.

Generally, a 10 percentage-point increase in inclusion translated to a 13.3 percentage-point increase in academic growth over time. However, this pattern varied somewhat by disability category. As illustrated in exhibit 11, an increase of time spent in the general education setting (moving left to right on the x axes) correlated with an increase in growth on standardized assessments (moving from bottom to top on the y axes). Each panel in the figure shows the relationship for one of the 13 IDEA-established disability categories. For all students except those in the Intellectual Disability category, spending more time in a general education setting was associated with greater academic growth. These results do include the CAA, which is an alternate assessment measuring progress toward alternate academic standards. Due to the lack of a standardized measure for nonacademic outcomes across the state, the team was unable to examine growth on functional and other nonacademic outcomes. However, the research literature suggests, based on a student’s increased time in a general education setting, that one could reasonably expect to see similar improvement on nonacademic outcomes as well (Katz and Mirenda 2002).

**Exhibit 11. Relationship between academic growth (y-axes) and percentage of time spent in general education (x-axes), by disability category.**



[An accessible, plain text version of exhibit 11 is provided in appendix D.](#) Source. 2017–18 CASEMIS and CAASPP data.

Just as students with an IEP profit from spending more time in a general education setting, their peers without an IEP profit from having them and special education teachers in the classroom (Gerrard 1994; Cole et al. 2004). Knowing that increased inclusion results in improved academic outcomes for all students could motivate educators to focus on creating opportunities in general education classrooms for

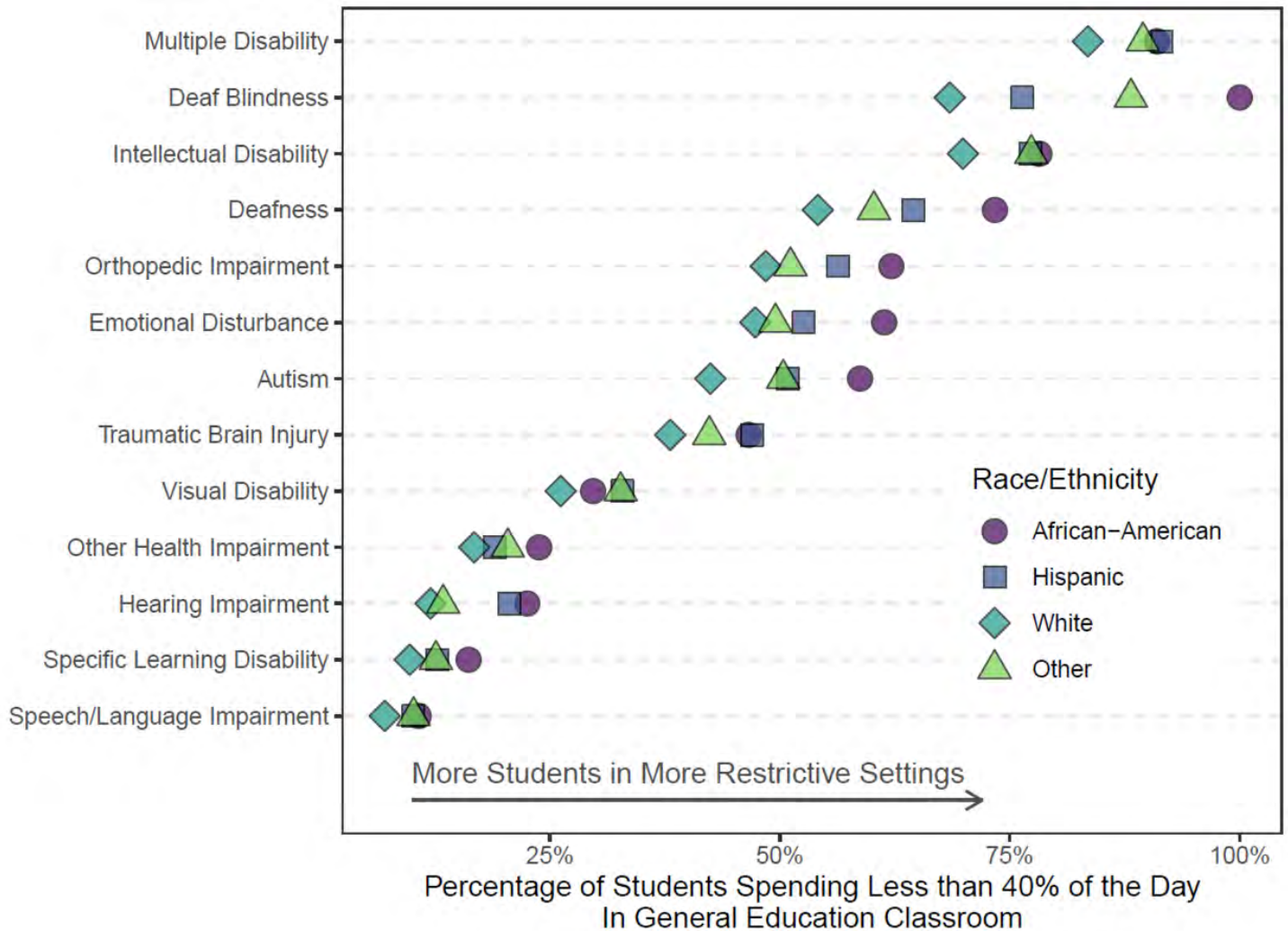
students with an IEP to benefit all students. This research has implications for teacher preservice training, as well as for in-service professional learning.

**For the years studied, California had among the country’s lowest rates for including students with an IEP in general education for at least 80 percent of the day and had among the highest rates for including these students less than 40 percent of the day.** This rate of inclusion in general education is evident across LEAs, irrespective of their geographic location; however, the degree of inclusion does vary by disability category and by race. For example, analyses showed that, compared with other states, California placed a greater percentage of students in the Autism category in a general education setting for at least 80 percent of the day, whereas its inclusion rates for students in the Emotional Disturbance and Intellectual Disability categories were near the lowest of all states. Previous research suggests that some students in the latter two categories may be inappropriately placed in nonpublic school settings when they could be adequately served in their district of residence because high-cost-pool funds are available from the state and SELPAs only for nonpublic placements (Doutre et al. 2021).

Across the state, the lowest levels of inclusion are for African American and Hispanic/Latinx students, regardless of disability category. For example, exhibit 12 shows the percentage of students with an IEP who are included in general education settings for less than 40 percent of the school day by race/ethnicity and disability category. Approximately 62 percent of African American students in the Emotional Disturbance category are in this more restrictive placement, compared with approximately 50 percent of students of other races in the same disability category. In every disability category except visual disability, white students are least likely and African American students most likely to be in this more restrictive setting.

Inclusion of students in the general education classroom was also related to the size of the LEA (inclusion was higher for smaller LEAs), population density (inclusion was higher for lower density), and the proportion of enrolled students that have an IEP (inclusion was higher when a lower proportion of students had an IEP).

**Exhibit 12. Percentage of students with an IEP in more restrictive settings (i.e., who spent less than 40 percent of the school day in general education settings), by disability category and race/ethnicity.**



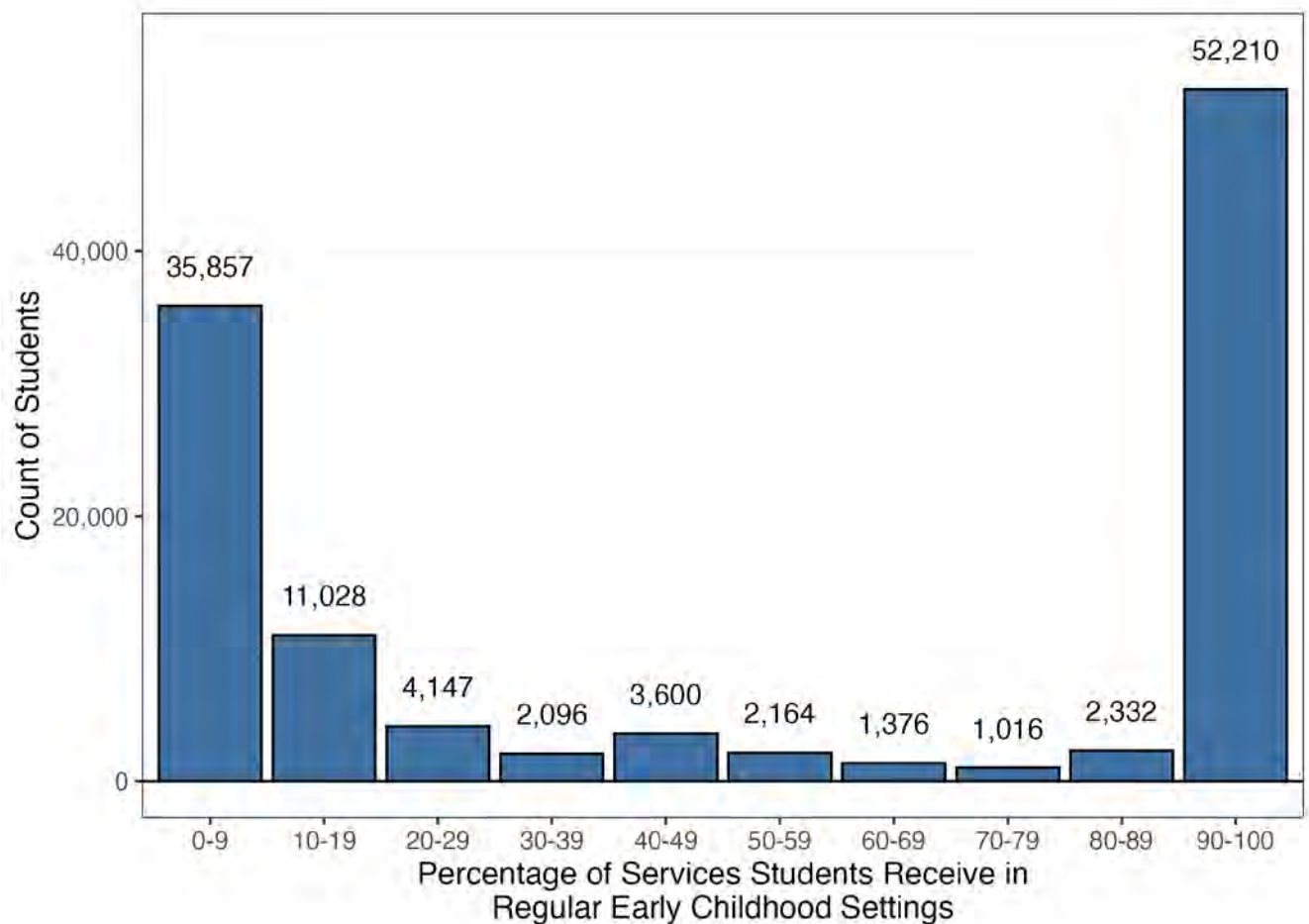
[An accessible, plain text version of exhibit 12 is provided in appendix D. Source: CASEMIS for 2017–18.](#)

**California students identified as needing an IEP earlier in their school experience were more likely to subsequently spend at least 80 percent of the day in a general education setting.** On average, students who were identified as needing special education services earlier than the median age for their disability category experienced a gradual increase in the amount of time spent in general education settings. Specifically, the time increased by more than two percentage points each year following their identification. This compares with students who were identified later than the median age and who tended to have no change from year to year in the amount of time spent in general education settings. This disparity between early and later identification was particularly evident for students in the Hearing Impairment, Autism, and

Speech/Language Impairment categories. On average, students in each of these categories who had been identified earlier than the median age for their respective category experienced annual increases of 3.5 to 5.2 percentage points in the amount of time they spent in general education settings.

**Among California students with an IEP, students aged 3–5 experienced less inclusion compared with school-age students.** LRE is measured differently for students aged 3–5. Rather than measuring it by the percentage of the school day spent in a general education setting, LRE for these younger students is measured by the percentage of their special education services that is provided in a regular early childhood setting (general education preschool, daycare, or other setting where at least 50 percent of the students do not have an IEP). This means that a 3-year-old with an IEP who attends a general education preschool program 15 hours a week but receives no special education services in that program and, instead, receives an hour of speech and occupational therapy each week in a special education setting, such as the special education classroom at their local elementary school, is reported as receiving 0 percent of their services in a regular early childhood setting. As illustrated in exhibit 13, for the study period, most students aged 3–5 with an IEP (47 percent) received all or most of their special education services in a regular early childhood setting. But close to a quarter of the students (23 percent) received no special education services in a regular early childhood setting.

**Exhibit 13. Proportion of special education and related services provided to students aged 3–5 in regular early childhood settings.**



[An accessible, plain text version of exhibit 13 is provided in appendix D.](#) Source: CASEMIS and CALPADS for 2017–18.

**Approximately 90 percent (89.7 percent) of students aged 3–5 with an IEP who were receiving services in California during the study years received the services from their district of residence.** Students in this age group tended to receive (1) language and speech services, (2) specialized academic instruction, (3) occupational therapy, and (4) individual and small group instruction. The need to develop additional inclusive preschool programs, including making existing programs more inclusive, has been recognized in many reports, including the *Master Plan for Early Learning and Care: California for All Kids* (Alcalá et al. 2020). The state has prioritized building new inclusive preschool learning environments for all students, including students with an IEP, allocating \$260 million for special education preschool and early intervention grants in the 2021 budget with a focus on inclusive settings. Given the potential impact of increasing inclusion rates for young students, the state could expect to see changes in school-age inclusion as a result of that and other ongoing investments.

**Students with an IEP who were taught by educators with more experience and, specifically, with longer tenure in their current LEA, had better academic outcomes and higher graduation rates compared with other students with an IEP.**

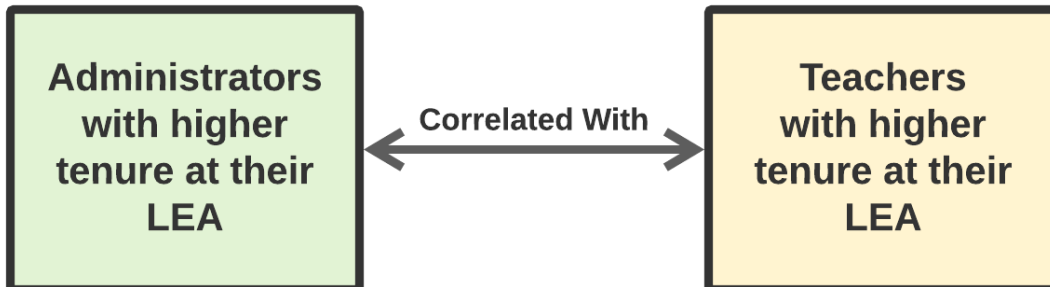
After accounting for district characteristics (such as proportion of students who are multilingual learners, economically disadvantaged, and/or have an IEP, as well as proximity to the nearest metropolitan area), teachers with more experience were strongly associated with higher graduation rates for students with an IEP as a group, as well as with increases in proficiency on statewide assessments for all students and improved graduation rates for all students. The association was even stronger for experienced teachers who also had longer tenure in their current LEA.

This result is consistent with previous research findings showing that maintaining a workforce of effective educators, including those who are prepared to serve students with an IEP, is one critical factor in improving outcomes for students receiving special education services. Indeed, research indicates that an effective teaching staff is among the strongest school-based factors influencing student performance and long-term outcomes for all students (Sanders and Rivers 1996; Rivkin et al. 2005; Rockoff 2004; Chetty et al. 2014). Specifically, teacher preparation (Boyd et al. 2009; Rice 2003), teacher credentials (Seebruck 2015), and teacher experience (Clotfelter et al. 2006; Rice 2003) are strongly associated with effectiveness for all teachers, whether general education or special education.

**Increased teacher tenure was associated with the tenure of the administrators in the school where teachers work, the proximity to a teacher preparation program, and the proximity to the nearest metropolitan area (which can represent access to greater resources).** The analyses of statewide data found that the average tenure for administrators in a school correlated with the average tenure of teachers, meaning that when building administrators stayed in their positions, teachers in the building also stayed longer. Although not causal, this finding is consistent with previous work (Levin and Bradley 2019), suggesting that turnover in administration is associated with turnover in other staff, including teachers. Exhibit 14 highlights the finding that administrator tenure and teacher tenure have a positive relationship (i.e., LEAs with administrators with longer tenure tend to have teachers with higher tenure as well).

---

**Exhibit 14. Teacher tenure at their LEA and administrator tenure at their LEA are positively correlated.**



Source. Public staff files provided by the CDE for SY 2018–19.

Previous research has established some of the challenges California faces regarding teacher recruitment, preparation, and retention (Darling-Hammond et al. 2018), and this study's results indicate that, even when controlling for administrator tenure, teacher tenure tended to be higher in California LEAs that are located closer to teacher preparation training opportunities. This suggests that LEAs with access to teacher training programs may have an easier time retaining teachers, which, as stated in this finding, can result in improved outcomes for students.

Despite significant state investments in teacher recruitment, training, and supports over the past several years, maintaining a workforce of effective educators has been an ongoing challenge in California. For at least 30 years, California has been experiencing a teacher shortage, and it is particularly severe for special education (Darling-Hammond et al. 2018; Carver-Thomas et al. 2020). Approximately two thirds of California's new special education teachers each year enter their role holding substandard credentials (Darling-Hammond et al. 2018; Ondrasek et al. 2020). An additional challenge to providing effective instruction in inclusive settings is that many general education teachers do not feel prepared to teach students with an IEP (National Center for Learning Disabilities and Understood 2019).

**Special education teachers have been restricted from providing instruction in general education classrooms unless they are certified general education teachers, which could create a barrier to increasing the provision of special education in general education settings (California Statewide Special Education Task Force 2015; Grady et al. 2019).** However, the California Commission on Teacher Credentialing recently approved a change in requirements for special education teacher credentials. Starting in 2022, credentialing programs will prepare and qualify special education teachers to teach in a general education classroom and will more heavily emphasize the practice of co-teaching. This shift is intended both to promote greater use of inclusive settings and to reduce special education teacher attrition by reducing



the sense of isolation that special education teachers often report feeling in the current siloed system (Jones 2020).

## **Conclusion: Factors Within Study Scope that Affected Outcomes for Students with an IEP**

The results described above align with the large body of research literature establishing that time spent in general education settings and with experienced teachers are the factors most strongly associated with improved outcomes and academic growth for students with an IEP. Further, the results establish that those governance factors for which the state has data, including LEA size, type, and membership in a SELPA, are not associated with improved outcomes, meaning that improved outcomes and increased provision of services in general education can and do occur in LEAs with many different types of governance. Illustrations of different LEA governing structures in which students with an IEP are performing well are included in the LEA profiles (see section 4).

The recommendations for improvements to California's special education governance and accountability structures, detailed in section 5, are grounded in these results. It appears that the state's policymaking authority may be best leveraged to continue prioritizing and focusing on increasing inclusive practice and teacher retention while directing governance structures for special education to the extent that such structures can also support those priorities or remove barriers to inclusive practice.

Another key opportunity arises from the need for the development of inclusive preschool programs for students aged 3–5, serving all students whether they have disabilities or not. The results also suggest that there is a potential need to consider another area for alignment, between the governance and accountability structures for preschool students, including those with an IEP, and the structures for K–12 students. This topic is further addressed in section 3.3.

Results from this study are consistent with findings in the research literature about how to improve outcomes for students with an IEP and provide insights into how California's current education systems work in practice and which factors are critical to increasing the amount of special education services provided in the LRE, which for most students is general education, in order to improve outcomes. Analyses explored connections between governance and accountability and student outcomes to assess whether state, intermediary, or local governance and accountability activities were connected directly to improved outcomes or were connected indirectly by having students with an IEP spend more time in general education, which research has shown to be associated with improved outcomes.

---

## Section 3.3. Challenges in Improving California’s Special Education Governance and Accountability Structures

Section 3.3 describes study results related to Research Question 3:

What challenges and opportunities exist for improving California’s education governance and accountability structures in ways that can lead to improved outcomes for students with an IEP?

This section describes the challenges portion of the research question; the opportunities for change are summarized in Section 5. Opportunities for Improvement: Recommendations and Implementation Strategies. The results and summaries of the challenges are organized around the four examination priorities that were established by the state in its legislative charge for this study and that were confirmed by the study itself as conditions for change:

- **Equitable distribution of special education funding and supports to LEAs, including small LEAs;**
- **Transparency** in decision-making and distribution of state special education funding;
- Parent, family, and community **input in local decision-making;** and
- **Alignment of the state and federal accountability, compliance, and support structures** for all students and for students with an IEP.

For each condition, this section provides context and general background, presents the study results related to the condition, and summarizes the related challenges. See section 5 for a discussion of the opportunities for improvement.

### Equitable Distribution of Special Education Funding and Supports to LEAs, Including Small LEAs

#### Background and Context

When the U.S. Congress initially enacted IDEA in 1975, it pledged that federal IDEA funding would cover 40 percent of the average per-pupil cost for special education (National Council on Disability 2018b). Since then, however, federal dollars have

covered only about 13 percent of per-pupil costs, making IDEA a severely underfunded mandate and contributing to special education's status as one of the leading cost pressures on school districts nationwide (Krausen et al. 2020). For SY 2018–19, federal funding covered just under 11 percent of special education costs in California, with state funding, through AB 602, covering 28 percent; that left local education agencies covering 61 percent of special education costs using local or other unrestricted funds (Willis et al. 2020).

Any equity-focused examination of how fiscal support is distributed from the state to LEAs on behalf of students with an IEP needs to consider the distribution of all funds, not just those specifically delegated and restricted to supporting special education services. Local or other unrestricted state or federal funds, including LCFF funds, are needed to cover most special education costs for students with an IEP, and LEAs have substantial flexibility in how they allocate these local resources so long as LEAs meet each student's IEP-identified needs. For example, one LEA might use these unrestricted funds to invest in more co-teaching arrangements to promote inclusive general education classrooms while another uses them to cover more pull-out services and segregated settings for students with an IEP. Decisions about how to use the funds must be based on the varying needs of each LEA's students with an IEP.

Currently, California distributes federal IDEA funds and state AB 602 funds directly to SELPAs rather than to LEAs, with the SELPAs then distributing some portion to member LEAs. The federal funds are allocated to SELPAs using an IDEA-required formula that includes a base amount according to child count and supplemental funding according to the total enrollment in each member LEA and the percentage of those students who are experiencing poverty. The state's AB 602 funding formula bases allocations to SELPAs on the aggregate average daily attendance rates of their member LEAs.

In the case of SELPAs that serve multiple LEAs, or multi-LEA SELPAs, the SELPA's governing board, along with SELPA staff, must establish a local plan that describes how the federal and state funds will be allocated to LEAs. For the reallocation of funds to LEAs, some multi-LEA SELPAs use the same two formulas that the state uses (the required IDEA formula and California's formula for AB 602 funds), whereas others have modified the state's AB 602 formula by assigning different weights to different student factors. Most multi-LEA SELPAs retain some funding that would otherwise go to LEAs so the SELPA can establish regional programs and fund support services for its member LEAs (Willis et al. 2020).

In addition to receiving a formula-derived allocation of IDEA and AB 602 funding to be used specifically to meet the IEP-identified needs of students, both single- and multi-LEA SELPAs receive funds, allocated by their own formulas, to be used for other supports, such as alternate dispute resolution, parent training, and support in developing some LEAs' SEP and CCEIS plans and in meeting data submission and other CDE or IDEA requirements. As with the broader AB 602 funds, the governing boards for multi-LEA SELPAs determine which funds will remain at the SELPA and which funds will be passed along to LEAs. The state also provides supports and services to LEAs through the Statewide System of Support and other technical

assistance activities, which do not appear to be effectively coordinated across general and special education. LEAs also access support and services through SELPAs, other LEAs, and other agencies.

The research team reviewed data and policy related to the state and SELPAs' roles in distributing funding for supports and services with a focus on equity. It also explored how individual LEAs access additional supports and services for their students through other LEAs. Specifically, the research team conducted a series of social network analyses to explore how California LEAs connect and receive services from one another, through formal and informal networks, to ensure that each LEA can provide FAPE to its students with an IEP. These activities advanced the research team's understanding of how intermediary agencies contribute to the conditions for change and assist LEAs, as well as the overlapping responsibilities between general and special education. Using this information, the research team further explored the current and potential future roles of intermediary agencies, including COEs and SELPAs, for special education.

## Results

**California's current approach to special education funding allocation and distribution means that after funding is distributed from the state to SELPAs, SELPA governing boards determine the allocation of funding to LEAs that belong to a multi-LEA SELPA, including all small LEAs.**<sup>11</sup> Each SELPA governance and allocation plan is unique, ranging from SELPAs that distribute all available federal and state special education funding to LEAs to those that reserve all federal and state special education funding for coordination of supports and services at the regional level (Willis et al. 2020; Warren and Hill 2018; Parrish 2012). This means that there is currently no process to ensure an equitable distribution of funds to LEAs, including small LEAs; the equitable distribution of funds is dependent on each SELPA's governing board and the neighboring LEAs that make up that governing board, rather than the state.

*California State Special Education Funding System Study, Part 2* (Doutre et al. 2021) provided the state with multiple considerations for better ensuring that funding provided to LEAs more closely aligned with student need. Considerations included (1) distributing federal (IDEA) and state (AB 602) special education funding directly to LEAs to better ensure coordination with local LCFF funding, including the required local contribution to implement special education and funds for students in overlapping categories of need; (2) allocating state special education funding based on child count, weighted based on the proportion of students in three cost groupings: students in low-, mid-, and high-cost disability categories; (3) providing small LEAs with a consistent base amount of funding to ensure their ability to provide required special education programs; and (4) sufficiently funding a high-cost pool and making the funds available for programs provided within an LEA (versus limiting them to be used for students placed in nonpublic

---

<sup>11</sup> For purposes of this study, a small LEA is defined as an LEA with a total student enrollment of fewer than 2,000. LEA enrollment in California ranges from fewer than 5 to nearly 600,000.

schools or licensed children’s institutions, as under the current system) and providing small LEAs with higher levels of reimbursement from the fund as needed.

The recommendations made in that report were based on quantitative and qualitative research completed in a two-part study to evaluate California’s special education funding system and its alignment to state priorities for inclusive practice and for ensuring the right funds are available for the students with the most need. Findings that LEAs face compounding costs for students who are in multiple need groups (e.g., special education and economic disadvantage) drove the recommendations, because despite these aggregate costs and needs, the funding streams are allocated and distributed separately, to separate entities.

Beyond the funds allocated to LEAs through SELPAs for special education services for students, SELPA governing boards allocate and direct the use of other funds appropriate for supports to LEAs. For example, the state provides additional funding to SELPAs for alternate dispute resolution. As with other funds, each multi-LEA SELPA governing board decides which portion of the alternate dispute resolution funds will be pooled for use at the SELPA level and which portion will go to LEAs for their independent use. Although many small LEAs benefit from their SELPA pooling of funds for such support, others may not be in a SELPA with a governing board that chooses to pool the funds. New funds provided for alternate dispute resolution in the 2021 Budget Act do have a more specific distribution methodology that requires a proportion of funds to go to member LEAs.

**Sufficient data were not available to determine whether special education supports provided through the Statewide System of Support and other technical assistance contracts are equitably distributed to LEAs, including small LEAs.**

California has invested significantly in providing broad special education supports to LEAs not only through its Statewide System of Support, but also through technical assistance contractors and providers and has based its investments on LEA needs. Yet the state has not required LEAs to work with specific contractors or providers based on the LEA’s data, nor has it required those contractors and non-state agencies to work with or offer support to specific LEAs based on available data. The state does not have comprehensive data available across expert and SELPA leads and other technical assistance contractors on which LEAs have been offered or have received supports and the impact of those supports. Reports from individual technical assistance contractors, including COEs and SELPA improvement and content leads, and from other providers provide examples of LEAs that have benefited from supports; however, there is no consistent data collection that would enable the state to determine which LEAs have accessed different levels and amounts of supports, and there are no consistent requirements for the leads and contractors to demonstrate if and how these supports have changed practice at the school or LEA levels.

The scarcity of available data meant that the research team could not determine whether the current distribution of technical assistance supports and resources was equitable. Most supports are provided to LEAs and SELPAs by request, that is, each LEA or SELPA chooses whether and how to access supports. Although LEAs are required to access technical assistance when they are identified as having significant

disproportionality or as needing assistance in meeting the requirements of IDEA, the research team did not find examples of written policies or guidance requiring leads or technical assistance contractors to provide supports to LEAs based on their size or on data demonstrating the need for improvement.

**Sufficient data were not available to evaluate the provision of general technical assistance. However, the distribution of funds for some of the support provided through the Statewide System of Support is adjusted by the state based on factors such as LEA size and Dashboard indicators.** Differentiated assistance under the Statewide System of Support is provided through COEs, based on each LEA's performance on the common Dashboard indicators. The state provides funds to COEs to provide targeted supports to each LEA in its jurisdiction, dependent in part on the size of each LEA. Other Statewide System of Support leads, like the SELPA content and improvement leads, provide support to LEAs and COEs upon request and based on their interest and engagement, not directed by the CDE or specifically based on the need of LEAs or to ensure equitable distribution of resources, including to small LEAs.

California's 2021–22 budget allocated \$400,000 in one-time non-Proposition 98 General Funds for an independent evaluation of differentiated assistance provided to local educational agencies. Through this upcoming evaluation of the technical assistance provided through differentiated assistance and the Statewide System of Support, the state may have data about the effectiveness of how current supports and services are distributed to LEAs that could be used to improve special education supports statewide.

**Educational service agencies, such as SELPAs, are used in many states to create economies of scale, but there is no evidence that mandating LEA membership in an ESA and allocating and distributing funding for service provision directly to ESAs rather than LEAs increases the effectiveness of ESAs.** ESAs are an understudied but ubiquitous part of the U.S. education system, existing in most states and providing a variety of services to state education agencies, LEAs, and students and families. Although ESAs' specific organization, roles, and functions vary considerably from state to state, ESA roles and functions related to special education are among the most common nationally, due in part to the specialized nature of some special education services and personnel (Stephen and Keane 2005).

The WestEd research team's review of state statutes found that 35 states have one or more types of state-organized ESAs, as defined in IDEA as "a regional public multiservice agency authorized by state law to develop, manage, and provide services or programs to LEAs." Most ESAs have some responsibility for or a role in special education, including provision of direct services, technical assistance and professional development, and strategic planning services. The most common ESA forms (adapted from Ahearn 2006) are:

- State-formed regional educational agencies (includes intermediate school districts);
- Non-regional state-formed networks of service units; and

- Cooperatives formed by LEAs under state guidelines.

Both COEs and SELPAs are ESAs in California, and most represent state-created regional educational agencies. Statewide SELPAs that serve charter school LEAs are an example of a non-regional state-formed network of service units. Other variations found across states in ESA governance and accountability structures included the extent to which:

- Membership is required, is fully elective, or is semi-elective (i.e., participation in ESAs is required only for districts that meet specific requirements, such as being below an enrollment threshold);
- Funding for the ESA is provided directly by the state, through fees paid by member districts, or a combination thereof;
- The ESA is granted taxing authority; and
- The ESA is governed by elected officials or appointed or elected member representatives.

These options are not mutually exclusive. In fact, several states have both regional ESAs that provide technical assistance to LEAs, where each LEA is part of a regional entity, and ESA cooperatives that are formed by LEAs for service provision. By strategically establishing flexible and voluntary ESA structures, a state education agency can support school districts in working together to meet the needs of their students with an IEP while they also remain responsive to the needs of their local communities (Ahearn 2006). California's ESAs, SELPAs, are most unique not only because membership is mandatory for all LEAs, but because all state and federal special education funding is distributed to SELPAs and not to each LEA.

The regulations governing each state's ESAs are outlined in its education statutes,<sup>12</sup> which set forth specific requirements to which an ESA and its members must adhere. This study found that even for small LEAs, mandatory participation in an ESA for the provision of services is uncommon nationwide and that California is one of only two states that mandate participation of all LEAs (other states mandate participation of small LEAs). The WestEd research team's review found no evidence that there was greater participation when membership was required or that less funding was provided to ESAs that did not have mandated membership. Like COEs in California, many states funded ESAs to support LEAs in a regional area, but did not require those LEAs to access the services. Although some ESAs have autonomy to determine how state funds allocated for ESA use are spent, the review did not identify another state where the use of state funds allocated for LEAs to provide services to students with an IEP could be reallocated by an ESA governing board, as is the case with SELPA governing boards.

**In California, COEs and SELPAs both serve as ESAs to help create economies of scale for special education services, and independent of COEs and SELPAs, LEAs also work with each other to create economies of scale for this purpose.**

---

<sup>12</sup> See appendix C for a link to each state's relevant statutes.

The research team reviewed evidence from CASEMIS and CALPADS demonstrating that during the study period, COEs, SELPAs, and LEAs all helped to create economies of scale in California. Data showed that nearly all of a student's special education services were provided by their LEA of residence. When students received services from outside their LEA of residence or from the LEA responsible for providing them with FAPE, they were most likely to receive those services from another LEA. The next most likely providers were nonpublic agencies and schools, followed by less common service providers such as COEs and other state or local public agencies. SELPAs rarely provide direct services and were the least likely to provide services to a student receiving services from an entity outside the student's LEA.

The research team also reviewed a sample of SELPA local plans but was unable to determine, from either the local plans or the statewide data, which proportion of services that were provided by entities other than the LEA of residence may have been brokered by the SELPA, the COE, or another agency versus brokered directly between or among LEAs. CASEMIS and CALPADS collect data on the LEA of residence and the LEA of service for each student, as well as on service providers for individual services, but do not collect data about any intermediary roles in coordinating or providing those services.

**California LEAs participate in and provide mutual aid through a strong network of special education service connections.** The research team used an established statistical method called social network analysis to examine the overall network and the connections within it. Social network analysis has been used to examine other networks in education and, more broadly, to examine service provision networks in other industries (Borgatti et al. 2009; Lazega and Snijders 2015). Additional information about the social network analysis method and the outputs of the analyses are included in appendix B.

Using five years of data (SY 2014–15 through SY 2018–19), the team examined how many students with an IEP received one or more of their special education services from an entity other than their LEA of residence. Services provided by nonpublic schools and agencies were removed from the data for these analyses. The data used for these analyses were obtained from CASEMIS and CALPADS and were certified as accurate by LEAs and SELPAs.

The team's analyses found ample evidence that, as needed, California LEAs used both formal connections (brokered or assigned through a related multi-LEA SELPA or COE) and informal connections (established by LEAs themselves) to ensure that students with an IEP received needed services. Data are not routinely collected — including in the SELPA local plan templates newly submitted in 2021 — about whether SELPAs broker agreements to provide services. The research team's review of SELPA plans found that some describe how arrangements are made, including the SELPA's facilitation of shared services between LEAs or a central program located in one LEA but supported by funds allocated by the SELPA governing board. However, others simply list services that are available within the SELPA and do not indicate whether the SELPA provides or assists LEAs to obtain any of those services or if the services are provided only by LEAs.



The results from the social network analyses provide a high-level view of how LEAs connect to serve students (a connection is defined as the connection made when a student received one or more services from an entity other than their LEA of residence):

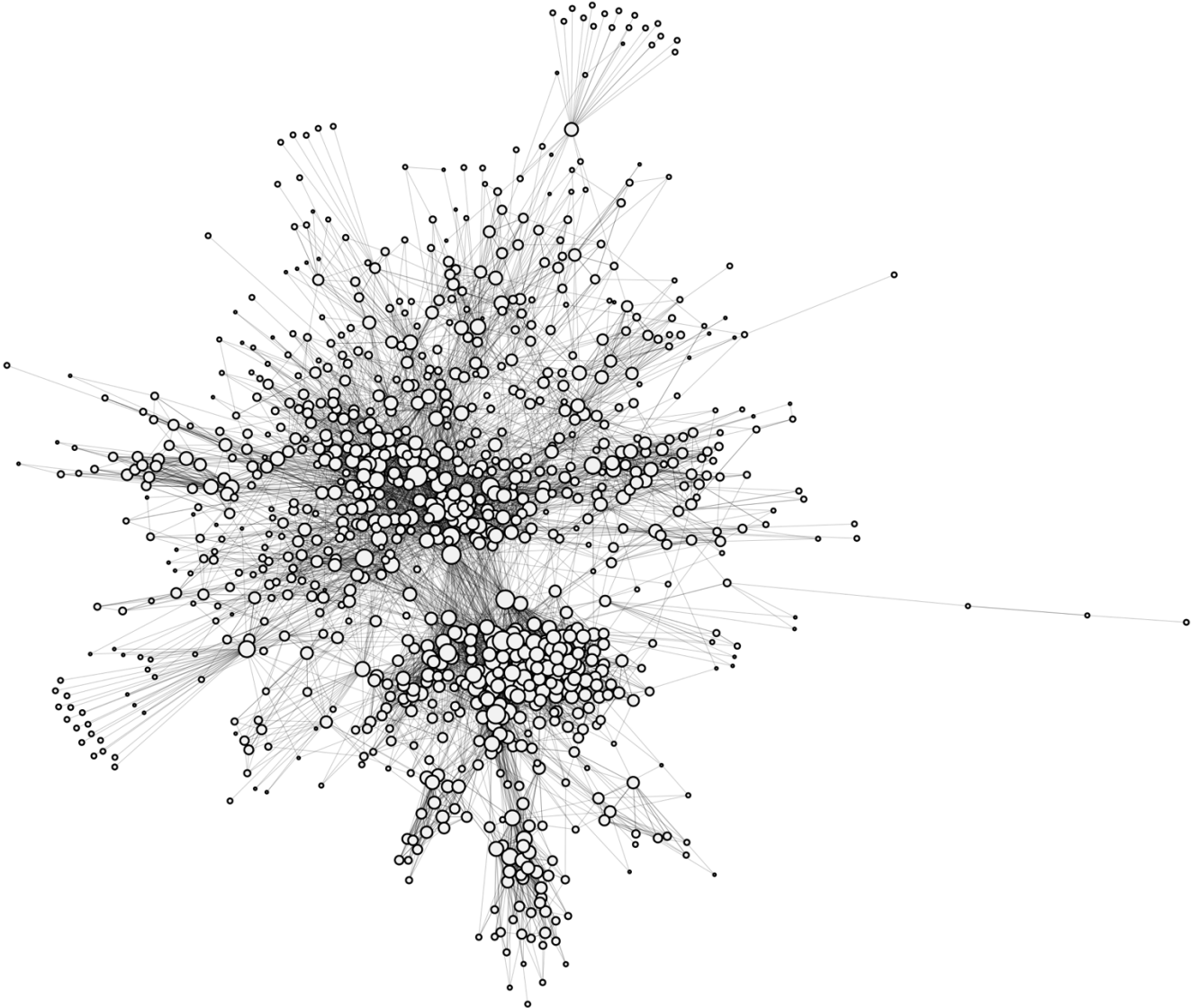
- Every LEA in the state had at least one connection with another entity.
- An LEA had an “in-connection” when it provided a service to a student from a different LEA of residence and an “out-connection” when one of its students received services from another entity.
- There were many LEA-to-LEA connections throughout the network, including between LEAs that were single-LEA SELPAs, between LEAs that were members of a multi-LEA SELPA, and between LEAs from different SELPAs.
- There were many clusters of highly connected LEAs, in which groups of LEAs had multiple in- and out-connections. These connections were not constrained by SELPA memberships or boundaries.
- Some LEAs were connected with only one or two other LEAs, and their main connection and outside service provider was a COE.

Exhibit 15 is a diagram of the California special education services network, charting every connection to provide or receive services made in the five-year period covered by the social network analyses; every LEA is represented in the diagram and every connection between two entities is represented.

Each circle represents an LEA, and the relative size of the circle corresponds to that LEA’s total number of connections with other entities; the more entities with which the LEA has connections, the larger the circle. Each line represents the connections that occurred between two entities (whether in-, out-, or both) at some point in the five years of data represented in this diagram.

**Exhibit 15. Network of special education service connections among LEAs and other entities, for SY 2014–15 through SY 2018–19.**

- LEA (circle size corresponds to number of connections)
- Connection between LEAs

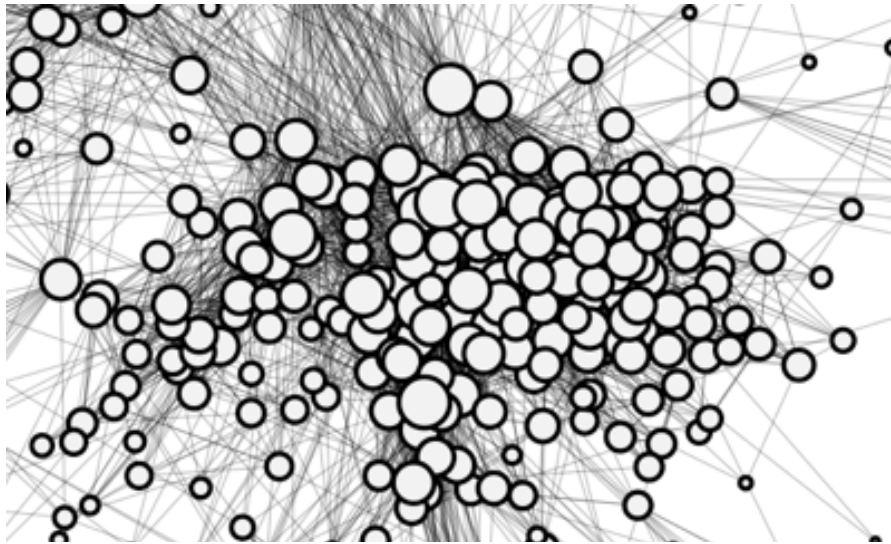


Source. Data from CASEMIS for SY 2014–15 through SY 2018–19.

Exhibit 16, an enlargement of a small portion of the diagram in exhibit 15, shows several clusters in which multiple LEAs were somehow working together to provide special education services. The density of lines (representing connections) shows the relative degree of connectedness in a group of LEAs. The enlargement shows clusters of LEAs that spanned several SELPAs and counties. In other words, these LEAs made connections both within and beyond formal boundaries (i.e., of COEs and SELPAs) to obtain services for their own students or provide services to other students.

---

**Exhibit 16. Clusters of LEAs and other entities connecting to provide services to or receive services from each other.**



Source. Data from CASEMIS for SY 2014–15 through SY 2018–19.

Exhibit 17, an enlargement of another small area in exhibit 15, highlights an example of where one large LEA serves as a common connection point for several other LEAs. This central LEA, larger than other LEAs around it, is represented by the largest circle. There are 16 smaller circles representing smaller LEAs on the edge of the network that are connected to the network with only one line each (that is, one connection) to the same larger entity.

---

## Exhibit 17: Clusters of LEAs and other entities connecting to provide services to or receive services from each other.

Source. Data from CASEMIS for SY 2014–15 through SY 2018–19.

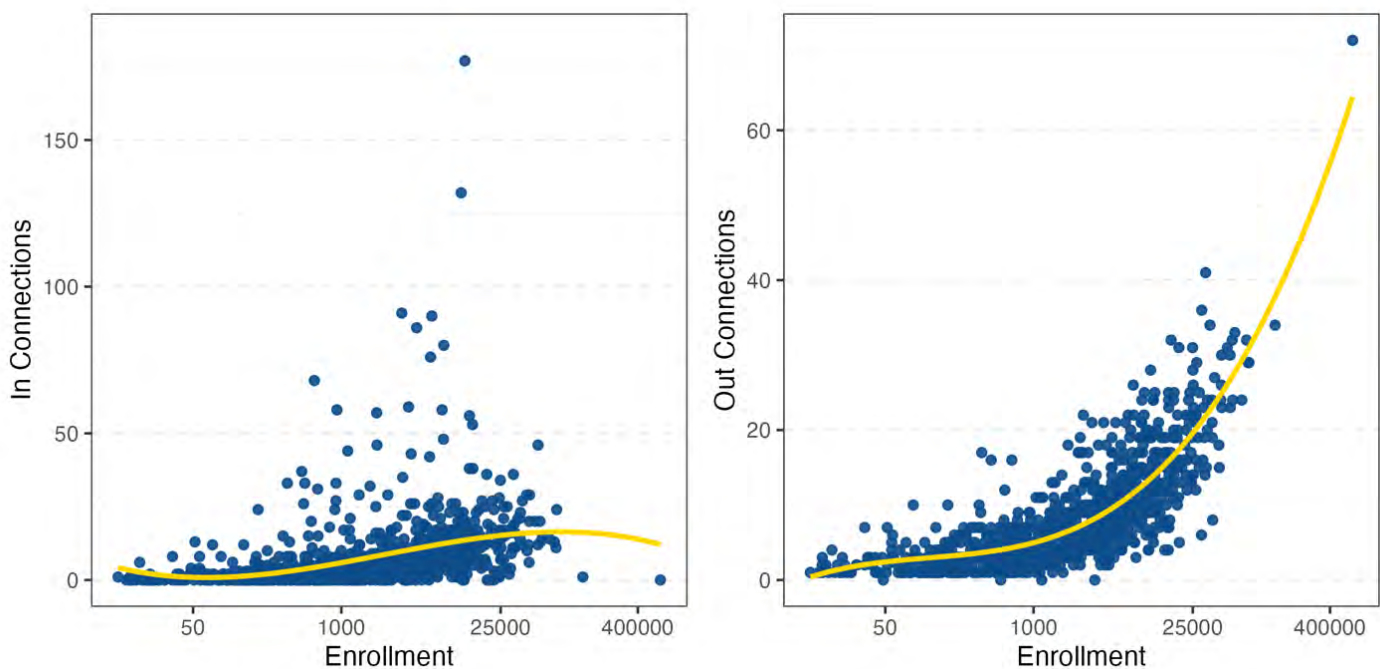
Because the needs of students with an IEP tend to evolve and because future incoming students with an IEP may bring new needs, it is important that LEAs not only make new connections for receiving and providing services, but retain existing connections to ensure access to a service that, while not needed one year, may be needed the next.

Further examination of the network found that it evolved over a period of three years, with new connections between LEAs being made each year (see exhibit B-21). This movement within the network also indicated that LEAs were able to enter and leave connections each year based on the changing needs of their students. At the same time, core clusters of LEAs persisted from one year to the next, indicating stability in the provision of coordinated services across LEAs. Furthermore, entities serving large numbers of students from other LEAs, a group that included COEs that provided direct services, remained constant each year. This was especially true for those LEAs on the periphery of the network. Overall, the network analyses suggest that California LEAs have created and flexibly participate in a robust network of special education service-provider connections to serve students with an IEP.

**LEAs of all sizes established in- and out-connections for special education service provision by reaching out to another entity for otherwise unavailable services for their own students (an out-connection) and by responding when other entities reached out to them for the same reason (an in-connection).** The social network analyses results showed that the number of an LEA's out-connections was associated with size of the LEA; that is, compared with smaller LEAs, larger ones more frequently reached out to receive services for students in other LEAs. The number of an LEA's in-connections was not as strongly associated with LEA size, meaning large LEAs were no less likely as small LEAs to provide services to students from outside their LEA of residence.

The two panels in exhibit 18 diagram the relationships between LEA size and numbers of in- and out-connections, respectively. Each dot represents an LEA, with all LEAs represented in the diagram. In both panels, LEA size is on the x-axis, with the smallest LEA on the left and largest on the right, and the number of connections is on the y-axis, with the fewest at the bottom and most at the top. The relatively flat line in the in-connections panel (left side) shows that there was not a pattern of increasing in-connections as LEAs got larger. By contrast, the upward slope of the line in the out-connections panel (right side) moving up shows that as LEAs got larger, they were more likely to access services from other LEAs or agencies.

**Exhibit 18. Relationship between LEA size and the number of the LEA’s in- and out-connections.**



[An accessible, plain text version of exhibit 18 is provided in appendix D.](#) Source. Data from CASEMIS for SY 2014–15 through SY 2018–19.

**Without being required to do so by California *Education Code* or by a SELPA governance plan, some single-LEA SELPAs provided services to students with an IEP from other LEAs and sought services from other LEAs and service providers for their own students with an IEP.** Most of the connections made by single-LEA SELPAs were with districts that were members of multi-LEA SELPAs, indicating that even if a large LEA is not required to belong to a multi-LEA SELPA, it still makes connections with other LEAs to ensure all students receive the services they need. As shown in exhibit 19, single-LEA SELPAs on average had more connections, both in- and out-, than LEAs that were members of multi-LEA SELPAs. Those differences were closely associated with the size of the LEA and its geographic location. Many single-

LEA SELPAs are in urban areas, generally with more opportunities to connect to nearby LEAs or other service providers.

**Exhibit 19. Average number of in-connections and out-connections per LEA, by SELPA type.**

<b>SELPA Type</b>	<b>Average Number of In-Connections per LEA (min, max)</b>	<b>Average Number of Out-Connections per LEA (min, max)</b>
<b>Multi-LEA SELPA</b>	7.3 (0, 132)	7.5 (0, 41)
<b>Single-LEA SELPA</b>	17.9 (0, 59)	25.2 (4, 72)

Source. Data from CASEMIS for SY 2014–15 through SY 2018–19.

State Special Schools, which do not belong to a SELPA and which were outside of the scope of this study, also figured into the network of connections, but they provided services to students from other LEAs (in-connections) much more often than receiving services from other entities for their own students (out-connections).

In the absence of available data specifically identifying who brokered, initiated, or facilitated LEA connections, the research team explored SELPAs’ potential role in doing so by analyzing the clusters of connections that stood out within the larger statewide network. Clusters were initially quantified using a clustering algorithm based on the connections in the network, with no consideration of geographic location (to create the diagram of the network presented in exhibit 15).

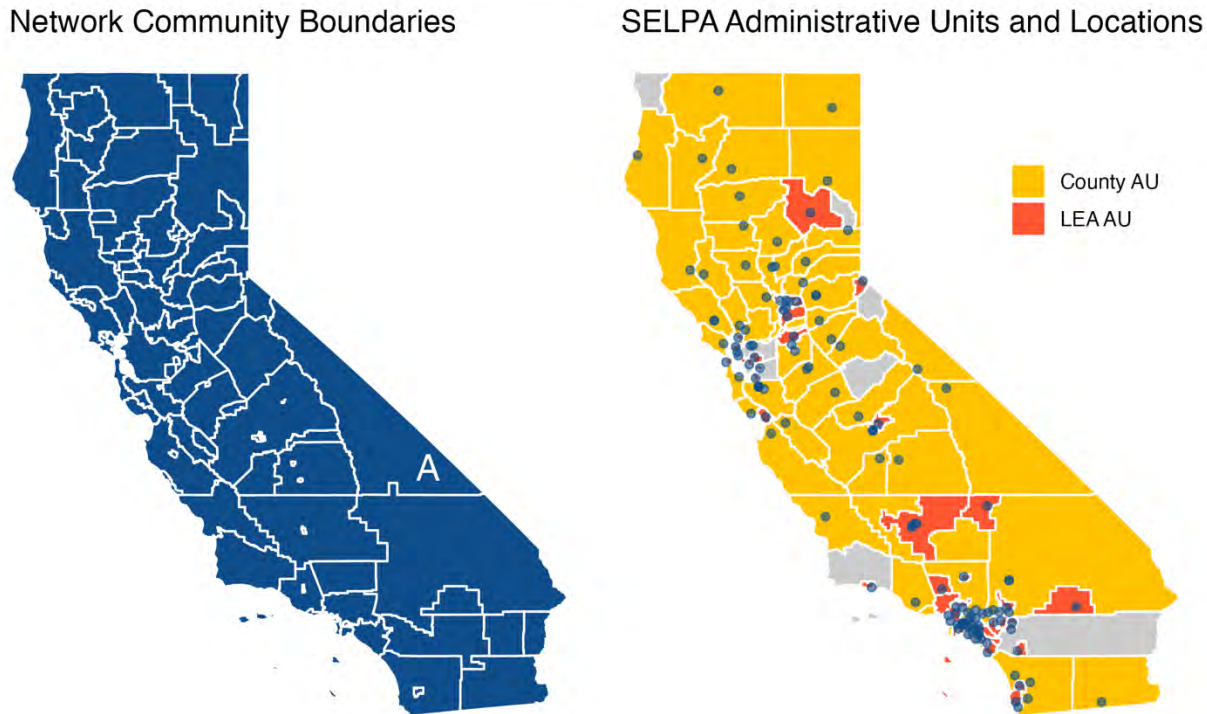
The research team added geographic information to the network in order to map the communities. The left panel of exhibit 20 provides a map of the clusters detected through the social network analyses (with cluster borders outlined in white), and the right panel provides a map of SELPA boundaries. The SELPA boundaries map has darker shading (red) showing locations where the LEA is the administrative unit. The locations with moderate shading (yellow) are where the administrative unit is the COE. The counties with the lightest shade (gray) are the counties where there is not an administrative unit tied to the COE for that county (i.e., their SELPA administrative unit is in another county or is tied to an LEA in the county). As such, this map highlights areas where SELPA resources (and natural ties between LEAs) may be most related to the LEA location or the county.

Comparing these two maps shows that the clusters of service provision connections were not constrained by or did not always follow the boundaries of counties or of SELPAs. Throughout the state, LEAs have been creating connections with LEAs that may or may not be members of their SELPA. Within the time frame of this study, most

clusters either included LEAs from more than one SELPA or represented a subset of the membership of one multi-LEA SELPA. For example, in exhibit 20, there is a network cluster labeled “A” in eastern California. This community (in blue) represents LEAs from more than one SELPA and even crosses county boundaries. The research team observed similar patterns in several other locations across the state.

---

**Exhibit 20. Map of clusters of LEA special education service connections (left panel) with map of SELPA boundaries (right panel).**



Source. CASEMIS IEP data for SY 2014–15 through 2018–19. Geographic data from the U.S. Census Bureau and SELPA directory publicly provided by the CDE.

### **Summary of Challenges Related to the Equitable Distribution of Funding and Supports**

- 1) Responsibility for the equitable distribution of funding and supports for small LEAs currently rests solely with the governing boards of multi-LEA SELPAs. Because state law allocated and distributes all federal (IDEA) and state (AB 602) special education funding to SELPAs rather than directly to LEAs and gives multi-LEA SELPAs and their governing boards the authority to keep or allocate the funding to their members as they see fit, the state currently cannot ensure an equitable distribution of special education funding to LEAs, including small LEAs, which are necessarily members of multi-LEA SELPAs.

- 2) Due to lack of available data, the state does not yet have a way to evaluate the distribution of supports to LEAs through the Statewide System of Support and other technical assistance projects, including determining whether supports are equitably distributed in the current model.
- 3) LEAs currently participate in both required and ad hoc statewide special education service provision networks by making connections and entering into agreements with fellow LEAs, COEs, and other agencies to provide or receive special education services for students with an IEP when the LEA of residence cannot itself provide the service(s). The state does not have a mechanism for tracking whether LEA connections are independently initiated or are SELPA- or COE-facilitated. The lack of data about the resources and supports LEAs receive, together with the significant autonomy provided to SELPA governing boards on whether to facilitate regional programs, could result in an inequitable distribution of funding and supports to LEAs, including small LEAs.

## Transparent Decision-Making and Distribution of Funds

### Background and Context

As described in the study framework and key concepts, transparency is a necessary condition for change because the effectiveness of governance and accountability policies and structures depends on a common understanding among participants and stakeholders about the purpose of the structures, and their role in implementing those structures (Forman et al. 2018). It's important, too, that participants and stakeholders understand how the strategies and actions they are implementing are related to other strategies and actions and what the intended results are (Elgart 2016).

In the same vein, being transparent about funding decisions is critical. Spurrier et al. (2020) concludes that the core goal of education accountability, which is better and more equitable outcomes for students, must remain at the center of state policymakers' decisions, including those related to funding. How funding is intended to be used to improve outcomes should be made evident to all stakeholders.

The research team sought to evaluate the transparency of the current special education accountability structures, policies, and tools through its policy review, specifically focused on identifying opportunities to improve the transparency of special education governance and accountability structures at the state, intermediary, and local levels.

The policy review was augmented by survey responses from professionals and families in 31 LEAs that had better-than-expected outcomes for students with an IEP. The research team's intent in selecting these LEAs was to better understand the relationship between the conditions for change and other factors related to governance and accountability in LEAs with such outcomes. The selected LEAs were also chosen to represent different LEA types (that is, charter LEAs and those in single- or multi-LEA SELPAs), sizes, and California geographic regions. The survey yielded responses from



1,576 education professionals and 1,244 parents, totaling nearly 3,000 respondents. Additional details on the selection of LEAs for the survey and on survey methods are provided in appendix B.

## Results

### Transparent Decision-Making

**California reports that it has state systems for special education monitoring and accountability that are designed to meet federal IDEA requirements for monitoring IDEA implementation, reporting annually on LEA performance, and making annual determinations of LEA performance. However, neither detailed information about how those structures are used, nor data resulting from those structures are easily available outside of the CDE, which is a potential barrier to transparent decision-making.** For example, the SEP, a CDE accountability tool used by many LEAs each year, is not named or described on the CDE website. Nor are completed LEA SEPs made available publicly, by CDE or LEAs. The research team was able to find documents about the SEP on a website developed by SELPAs to assist LEAs in completing the SEP.

Survey results from education professionals as well as families indicated a similar experience. Very few teachers surveyed (17 percent) were familiar with the CDE's monitoring process, and only about half (49 percent) were familiar with the dispute resolution process. By contrast, most administrators were familiar with the CDE's special education monitoring process (72 percent) and dispute resolution process (88 percent).

**California has established state priorities for special education and directed significant amounts of funding for technical assistance to support inclusive practices.** California has transparently prioritized improved outcomes for students with an IEP in part through funding technical assistance projects and Statewide System of Support content leads related to special education. By allocating funding for specific activities and including priorities in its annual Budget Act with detailed parameters for funding, the state clearly communicates its priorities, thereby providing transparency. Evidence of the priorities for improved outcomes includes state funding for SELPA content leads and improvement leads in the Statewide System of Support dedicated to supporting LEAs to improve outcomes for students with an IEP.

The state's 2021–22 public budget package made even more investments in special education that communicated the priority of inclusive practices, including \$15 million in one-time funds in support of the Supporting Inclusive Practices project. "Funds are to be used to increase opportunities for pupils with disabilities to meaningfully participate in the least restrictive environment, as appropriate, and improving local educational agencies' outcomes on performance indicators as mandated by the federal [IDEA]" (CDE 2021c).

**There is minimal publicly available state guidance for LEAs and the special education community regarding state expectations for improved outcomes for**

**students with an IEP and the increased provision of special education services in general education settings.** The research team conducted a review of publicly available resources on the CDE website and found that although there were descriptions of the state’s special education infrastructure, procedures for allocating special education funds, and descriptions of some compliance monitoring activities, the website made minimal connections between them and the state’s priorities of inclusive practices and improved outcomes. For example, the research team’s website review did not find practice briefs or guidance describing inclusive strategies that teachers and administrators could use, highlighting examples of best practice, or distributing resources developed by content leads and other technical assistance providers.

The CDE website page titled *Laws, Regulations, & Policies: Federal and state legislation, laws, regulations, policies, legal advisories, and guidance* (<https://www.cde.ca.gov/sp/se/lr/>) includes one state policy, non-regulatory guidance including Special Education Transportation Guidelines (2018) and a link to the official letters issued by the CDE and the State Director of Special Education providing program clarification on procedural and/or implementation issues. The CDE has issued 36 official letters since January 1, 2011, on various topics, with the most recent related to COVID-19 and students with an IEP. More than half of the letters were issued to describe a change in the *EC* or in regulations, and very few of them established new guidance or were related to recommended practice for program improvement and resources for meeting legal requirements. Given the state’s significant investments in technical assistance and the Statewide System of Support, relevant supports have likely been developed through that system, by the SELPA leads, the CCEE, and other technical assistance providers. However, resources the state has invested in are not distributed via public websites.

**When asked what they would change about special education oversight in California, both general education and special education teachers identified the need for additional guidance and training.** Through the survey administered for this study in early 2021, general education teachers (totaling 346 respondents) most often requested assistance on collaboration between teachers and increased training for support staff and teachers. The top two needs identified by special education teachers (totaling 400 survey respondents) were more support and training on (1) improving the IEP process and (2) how to make inclusion more effective (such as offering incentives for inclusive practices). It is important to note that the research team instructed respondents to consider supports broadly and not necessarily specific to the challenges introduced by the COVID-19 pandemic.

Examples of guidance that other states provide in the area of inclusive practices include the Massachusetts Department of Elementary and Secondary Education’s online *Guidebook on Inclusive Practice* (<https://www.doe.mass.edu/eval/guidebook/>), which is based on the frameworks of Universal Design for Learning, positive behavioral interventions and supports, and social and emotional learning. It is connected to the state’s Educator Evaluation Framework and provides multiple tools and rubrics for evaluation.

The Washington State Office of the Superintendent of Public Instruction (OSPI) provides another model for using state investments in technical assistance and support to build guidance that is issued statewide. On its website (<https://www.k12.wa.us/policy-funding/special-education-funding-and-finance/inclusionary-practices-professional-development-project>), the OSPI shares data, describes why the state chose to focus on inclusion as a priority, explains how it has invested available funding in the priority, and provides guidance in *The Inclusionary Practices Handbook*, which is described on the website as including best practices and “practical examples for implementing inclusionary practices in Washington state” (para. 10). The handbook includes instructional guides for early childhood and K–12 educators, a family guide to inclusion, and a leadership guide for administrators.

**There is no direct communication between the state and LEAs about the state’s special education priorities.** Because LEAs do not directly establish eligibility as eligible subrecipients of IDEA funds, LEAs do not establish a point of contact for administration of the IDEA grant with the CDE, and the CDE has not otherwise been able to successfully maintain a directory of LEA special education directors. The state and special education community members reported that the CDE uses multiple mechanisms to communicate publicly with those interested in special education, including a public listserv and public webinars. Other communication about CDE priorities and activities often occurs through the State SELPA Association, which is a professional association that SELPA directors must pay to belong to. There is not currently a mechanism for the CDE to communicate with LEA special education directors other than through the State SELPA Association. The state does have mechanisms to communicate with LEA and COE superintendents.

The research team reviewed practices of other states and found that some states were sending regular updates by email or holding regular calls with LEA special education directors, either for the whole state or regionally. The frequency and purpose of those communications varied; states use the updates as an opportunity to inform LEAs about new guidance, to make LEAs aware of technical assistance opportunities, and to gather questions from the field. Some states make those communications publicly available, such as Wisconsin, whose Department of Public Instruction website includes weekly updates (<https://dpi.wi.gov/sped/news>), topical guidance (<https://dpi.wi.gov/sped/topics>), and guidance specifically on supporting students with an IEP (<https://dpi.wi.gov/sped/supports-educating-students-ieps>). Wisconsin, like other states, also hosts an annual State Superintendent’s Conference on Special Education & Pupil Services Leadership (see <https://dpi.wi.gov/sped/educators/consultation/leadership/fall-leadership-conference>).

**The California School Directory does not include whether charter schools are LEAs for purposes of special education or just schools of an LEA.** Under the LCFF, charter schools that choose to receive direct funding notify the CDE of that decision through the COE where their LEA authorizer is located. The research team found that the California School Directory (<https://www.cde.ca.gov/SchoolDirectory/>) included the field “Charter Funding Type” to indicate whether the charter school was directly funded under the LCFF or locally funded through its authorizer. Although the

state could use SELPA governance plans to deduce which charter schools are LEAs for purposes of special education, it has not reported schools' special education statuses publicly. The directory does not include each charter school's special education status – that is, whether the charter school is an LEA for special education purposes or is a school of an LEA. The lack of available information raises concerns about whether parents who might be considering enrolling their child in a charter school can easily find out if their child's special education services would be administered by the charter school or by the authorizing LEA, something that may matter to parents.

## Transparent Distribution of Funds

**The two-system distribution of funds (LCFF funding goes directly to LEAs, and federal and state special education funding goes to SELPAs) is a potential barrier to transparency to strategic coordination of human and fiscal resource allocation across general and special education.** Budgeting and allocating funds for meeting the needs of the same students (that is, students with an IEP) to two separate entities with different governance structures reinforces the notion that special education is separate and distinct from general education and, in doing so, may discourage inclusive and integrated practice. There is also an inherent lack of transparency when funding and spending are tracked through two different systems (Kolbe 2019; Warren and Hill 2018; Parrish 2012).

**Subgranting and distributing IDEA funds to SELPAs and allowing multi-LEA SELPAs, in turn, to subgrant funds to their member LEAs does not promote transparency and may be inconsistent with federal policy guidance.** Federal guidance from the U.S. Department of Education has clarified that LEA accountability under IDEA applies to the subrecipients of IDEA funds directly. As the subrecipients of IDEA funds in the current funding system, SELPAs should be accountable for meeting all requirements of IDEA funds assigned to subrecipients.

As described in OSEP's 2009 Letter to Hokenson (OSEP 2009), Part 75 of the U.S. Department of Education's General Administrative Regulations (EDGAR)<sup>13</sup> defines grantees and allows for subgrants only as authorized. Although a state, as the grantee for the IDEA Part B grant from the federal government, may subgrant IDEA funds to LEAs that meet the definition of LEA in 34 CFR §300.28, the subgrantee may not, in turn, subgrant the funds it receives. "Under IDEA, the subgrantee is responsible for providing FAPE to children with disabilities within its jurisdiction and ensuring that Part B funds are expended in accordance with the application provisions of IDEA" (OSEP 2009, 2).

This means that if the subrecipient of funds is an ESA — in the case of California's current special education funding system, a SELPA — serving other LEAs, the ESA as

---

<sup>13</sup> EDGAR was amended and renumbered after OSEP's 2009 Letter to Hokenson. The regulatory citations in this report reflect the current citations and are different from the citations in OSEP's letter.

a whole is responsible for meeting IDEA requirements. This means that the ESA (that is, the SELPA in California), not its member LEAs, should:

- Meet maintenance of effort (MOE) and excess cost requirements;
- Meet requirements for spending a proportionate share of IDEA funds to provide equitable services to students with disabilities who are placed by their parents in private schools in the jurisdiction of an LEA;
- Be the subject of the state's annual determinations of whether an LEA met the requirements of IDEA;
- Be treated as an LEA for public reporting of APR data; and
- Be assessed for risk and monitored for compliance with IDEA, including being evaluated, as a whole, for significant disproportionality and subjected, as a whole, to the subsequent reservation of funds for comprehensive coordinated early intervening services.

IDEA allows a state to require an LEA to establish joint eligibility for IDEA funds (34 CFR §300.223), as when both entities agree to work together to meet IDEA requirements. However, further regulation clarifies that if an ESA is required by state law to carry out programs under IDEA Part B, then the joint responsibilities do not apply to the administration and disbursement of any payments received by the ESA and must be carried out only by that ESA (34 CFR §300.224[b]).<sup>14</sup> Applied in California, this provision means that if the SELPA applies to the state to receive federal special education funding, it is assuring it will implement IDEA, and it cannot pass that responsibility to any entities to which it provides funding or services. This also applies to LEAs and schools; even though an LEA may distribute funds to schools, those schools do not become subrecipients and the LEA remains accountable for IDEA implementation. This restriction is also reflected in IDEA's description of charter schools that are part of an LEA. IDEA regulations provide that the LEA, as the subrecipient, remains responsible for ensuring that IDEA requirements are met (34 CFR §300.209(b)(2)).

It appears that the current California special education funding system in which SELPAs allocate funds to member LEAs could be a case of subrecipients subgranting funds, which is impermissible under IDEA and EDGAR (34 CFR §75.708). Under federal law,

---

<sup>14</sup> Federal responsibilities for subrecipients include identifying children's eligibility for special education services (34 CFR §300.101); providing for the education of children with disabilities within the LEAs' jurisdiction (34 CFR §300.201); and receiving and using IDEA Part B funds for paying the excess costs of providing special education and related services to children with disabilities for whom the LEA is responsible (34 CFR §300.202). LEAs are accountable to the state for providing FAPE for students with an IEP, for collecting and reporting data (34 CFR §300.601(b)), and for establishing eligibility to receive federal special education grant funds (34 CFR §300.224). LEAs also are monitored for compliance with IDEA (34 CFR §300.600).

the SELPA, itself the subrecipient of federal funds, could contract with LEAs to provide services, but would ultimately remain responsible for the provision of FAPE to each student with an IEP within its jurisdiction. It is important to note that OSEP has not reviewed the state of California's funding allocation system since 2009 when the guidance referenced above was issued.

**In California, districts, charter schools, and COEs, and not SELPAs, are currently accountable for implementing special education programs and providing FAPE to all eligible students with an IEP. This includes accountability for the financial responsibilities assigned to subrecipients under IDEA for maintenance of effort, excess cost, and expenditure of a proportionate share of federal funds for parentally placed private school students (California EC Section 56841).** Although the state does not verify each LEA's eligibility as a subrecipient of IDEA funds, school districts, charter schools, and COEs are treated as LEAs in that they are monitored for IDEA compliance, receive annual determinations, and are the subject of publicly reported data on the APR indicators. The study did not find evidence that SELPAs are monitored or that their risk of noncompliance with IDEA is assessed, as is required for the subrecipient of IDEA funds. It appears that only LEAs are monitored and assessed for IDEA compliance.

**Multi-LEA SELPAs are responsible for ensuring that their member LEAs comply with IDEA requirements. However, SELPAs receive no specific funding to do so, nor are they given the authority to do so.** Among their responsibilities as defined in state law (*EC* Section 56195.1), SELPAs are tasked with ensuring that required IDEA data and information are submitted to the state, with establishing compliant local policies and procedures, and with ensuring that special education plans meet standards under IDEA and state law. However, as described above, decisions about how to use the funding provided to multi-LEA SELPAs are made by their governing boards, and there is no requirement that any funds be set aside for multi-LEA SELPAs to fulfill IDEA-related responsibilities such as establishing local policies and procedures, reviewing and preparing data, and ensuring that special education plans are compliant. Similarly, there is no guidance for single-LEA SELPAs on the separation of the SELPA and the LEA or on how the SELPA is to ensure LEA compliance with IDEA.

The research team reviewed content on the CDE website related to special education governance and accountability structures, including the page that describes SELPAs (<https://www.cde.ca.gov/sp/se/as/caselpas.asp>). The research team found language that may contribute to inconsistent understanding of roles and responsibilities in special education governance and accountability, as described in this result. The website states that services for students with an IEP "are provided through the SELPAs." This is inconsistent with California *EC* and accountability practices, which place responsibility for service provision on school districts and charter school LEAs. The research team found that despite the statement on the website, only a very small number of students with an IEP receive services through a SELPA.

## Summary of Challenges Related to Transparent Decision-Making and Distribution of Funds

- 1) The state's special education monitoring structures are not consistently transparent, and the state has not communicated its priorities and guidance on implementation of those priorities to the special education community.
- 2) The state does not have mechanisms to communicate directly with LEA leaders, including charter school LEAs, about special education and the state's priorities for increased delivery of special education services in general education settings and improved student outcomes.
- 3) The SELPA is the subrecipient of IDEA funds but is neither included in state monitoring activities nor subject to the standard oversight required for IDEA subrecipients, including MOE, SPP/APR public reporting, significant disproportionality, and local determinations. LEAs, including charter schools, are the focus of state oversight, yet they do not receive funds directly from the state (and, therefore, are not a subrecipient of IDEA funding).
- 4) SELPAs have been assigned responsibilities for governance and accountability without receiving protected funding to carry out these responsibilities, without having the authority to hold LEAs accountable when needed, and without having state-established mechanisms for collecting data on and evaluating the effectiveness of specific programs.

## Family and Community Input in Local Decision-Making

### Background and Context

Family and community input are essential for effective special education, starting with the decisions that are at the heart of the framework for this study, that is, decisions made regarding each IEP for an individual student. The unique and experience-based perspectives of parents and other family members can help inform LEAs' improvement efforts by offering insight into how potential strategies may or may not succeed in meeting students' needs (Modaffari and Jimenez 2021). IDEA recognizes the value of this perspective in its numerous requirements for how LEAs must engage parents throughout their child's IEP process (34 CFR §300.322).

Another means families and communities use to provide input on local decision-making is dispute resolution. Local practice and procedures, especially related to IEP team decisions for specific students, can be influenced by the issues raised and resolution reached through dispute resolution, including alternate dispute resolution. Because due process hearings and litigation are often expensive and divisive, federal and state policies tend to encourage the alternative approach of mediation — a collaborative and less costly way to resolve disagreements about how best to serve students with disabilities (Li 2019). The state has invested significantly in alternate dispute resolution, allocating \$100 million in the 2021–22 budget for dispute resolution to provide more

opportunities for resolution of special education concerns. The 2021–22 Budget Act also allocated funds for the state to explore a statewide IEP facilitation network, which could become another means for parents to provide input.

## Results

**Community advisory committees are not required by IDEA.** IDEA requires that each state establish a statewide special education advisory council to support the development of state policy guidance (34 CFR §300.167 et seq.). California fulfills this responsibility through its Advisory Commission on Special Education.

IDEA does not, however, require establishment of advisory councils at the intermediary level, whereas state law requires the creation of a CAC in each SELPA local plan (*EC* Section 56190), with CACs authorized in part to advise the SELPA on developing the local plan, to recommend annual priorities, and to assist in parent education. CACs must include parents, though the law does not specifically require the inclusion of specific parents, such as charter school parents. Nor does IDEA require local special education advisory councils; however, the research team found that some states require LEA special education advisory councils.

**Although California requires SELPA CACs to support LCAP parent advisory committees as a way of ensuring that parents of students with an IEP are represented in the LCAP process, CACs have relatively little access to and provide relatively little input on LEAs' general education programming.** California *EC* requires CACs to support LCAP parent advisory committees to ensure that parents of students with an IEP are represented in the LCAP process (Section 56194[g]). However, there is no accountability for this requirement in the LCAP itself. The research team did not find evidence that LEAs have specifically sought out parents of students with an IEP to participate in local parent advisory committees.

The disconnect between the SELPA CACs and the LCAP process is even greater for charter schools. Each charter school, whether it is an LEA for purposes of special education or not, must complete an LCAP. Most charter school LEAs belong to one of a handful of statewide charter SELPAs. Given that these few SELPAs each have hundreds of charter school LEA members, having their CACs support the LCAP parent advisory committee for each member LEA may not be feasible.

**LEAs and COEs are both required to establish an LCAP parent advisory committee and, as needed based on the demographics of their student population, an English learner parent advisory committee.** The LCAP parent advisory committees, defined in *EC* Sections 52063 and 52069, must include a majority of parents and representation from the unduplicated student groups, which does not explicitly include students with an IEP. Students with an IEP are not required to be represented by parents on the committee despite that fact that there are students with an IEP in each unduplicated group, and in some cases they are over-represented in those groups.



LEAs and COEs whose enrollment includes at least 15 percent English learners and at least 50 pupils who are English learners are also required to have an English learner parent advisory committee that must also be composed of a majority of parents. There are no federal or state requirements to have a similar committee for parents of students with an IEP.

**Although SELPAs have some accountability under California *Education Code* for IDEA requirements, unless a SELPA is directly involved in the development and implementation of a student's IEP, the SELPA is not typically subject to dispute resolution when parents are not satisfied with how their LEA has provided FAPE.**

Under IDEA, public agencies are required to establish procedural safeguards that, among other things, ensure opportunities for dispute resolution (34 CFR §300.500). Parents or public agencies may file due process complaints with the state regarding identification, educational placement, evaluation, or provision of FAPE (34 CFR §300.507). The LEA that is responsible for the provision of FAPE bears the responsibility under both federal and state law as the party to the complaint who can resolve the dispute with a student's parent (*EC* Section 56501.5) and that is subject to corrective action when noncompliance is found. SELPAs have some accountability under state law for IDEA requirements but are generally not subject to dispute resolution requirements.

**Some multi-LEA SELPAs serve as a third party in providing alternative dispute resolution, but there is no guidance on how a single-LEA SELPA is to provide the same objective third-party experience for students and families.** SELPA local plans must describe how parents and others may address questions and concerns about LEAs (*EC* Section 56205[b][5]). Some SELPAs and LEAs that have applied for and received supplemental funding for dispute resolution have taken on the role of providing third-party dispute resolution mechanisms for member LEAs to resolve disputes between parents and school districts. Other SELPAs provide parent training, but no dispute resolution services, and some provide both, at the discretion of each SELPA's governing board.

The state has not restricted the use of alternate dispute resolution funding for specific uses and has not collected data on the training and services provided by SELPAs or data about dispute resolution patterns by LEA and SELPA. The lack of such data limited the research team's ability to evaluate the effectiveness of different models for training and dispute resolution including whether SELPAs, most of which have a COE as their administrative unit, are the most appropriate entity for continuing these important services.

Between 2006–07 and 2016–17, the number of special education cases (including both hearings and mediations) filed with California's Office of Administrative Hearings increased by 84 percent (Li 2019), highlighting the importance of continued support for dispute resolution at the local level for families and LEAs. The state continued to invest in alternate dispute resolution through its 2021–22 budget, allocating \$100 million to SELPAs, to be allocated and distributed based on the count of students with an IEP in each SELPA, as well as funds to explore the development of a statewide IEP facilitation network and funding for training on the IEP process.

## **California has increased funding for Family Empowerment Centers that provide families and guardians with training and peer-to-peer support.**

Family Empowerment Centers provide access for parents and guardians of students with an IEP to information about special education, training to participate in IEP and other processes, and peer-to-peer support in their communities (*EC Section 56400 et seq.*). The centers are mandated to, among other things, have a majority of parents, guardians, and family members of students with an IEP on their boards of directors, and to serve families of students with the full range of disabilities. The state's Budget Act of 2021 established a mechanism and funding for regularly evaluating the centers and collecting annual data on their completed activities. However, at the time of the study, there were no statewide data available on the services provided to families by Family Empowerment Centers or otherwise to examine the centers' effectiveness in early resolution of problems.

## **Summary of Challenges Related to Family and Community Input in Local Decision-Making**

- 1) Parents, guardians, and other family members of students with an IEP have opportunities to provide input on decision-making across LEAs through their SELPA's CAC, but may lack involvement as members of LCAP parent advisory committees and other local committees that influence general education programming. Focus groups conducted with parents for this study revealed that they need and want to receive meaningful training and information about the system, but they should also have more intentional opportunities to inform local decision-making, including about prioritizing inclusive practices. CACs' limited scope under special education may lead to family and community input at the regional level, but is not clear how parents or SELPAs leverage that input to inform planning and decision-making within LEAs.
- 2) Given the makeup of statewide charter SELPAs, families of students with an IEP who attend charter schools may have fewer opportunities than others to participate and provide input for decision-making.
- 3) The state does not report sufficient data about services to families to use for decision-making or for evaluating the effectiveness of alternate dispute resolution programs run by SELPAs. The state has recently established expectations for consistent uses of alternate dispute resolution funding and other supports for families across the state.

## **Alignment of Accountability and Support Structures**

### **Background and Context**

Accountability structures typically hold states, LEAs, and schools accountable for student performance in two ways: (1) through data collection and reporting, with each entity's student performance reported to the public, and (2) through consequences based on student performance (National Research Council 1997). Consequences can

include rewards or positive recognition, sanctions or reporting requirements, and offers of additional, targeted support.

The current federal accountability system for general education — ESSA — has shifted away from the high-stakes “one-size-fits-all” approach of its predecessor, the No Child Left Behind (NCLB) Act. Instead, it emphasizes the importance of each state individually planning for continuous improvement (Adams et al. 2017). Compared with high-stakes accountability systems, a growth-oriented approach to accountability may better promote authentic, sustainable changes — and thus lead to improved student outcomes. This is because the former may prompt leaders and practitioners to focus more tightly on short-term test results rather than addressing systemic issues, and the latter may prompt them to examine their systems and change conditions for learning (Elgert 2016; Adams et al. 2017). California’s four-part accountability system was built to mirror ESSA’s strong focus on continuous improvement at the local level and has enjoyed broad support for this focus (Plank et al. 2018; Humphrey and O’Day 2019).

ESSA and IDEA both currently require that states collect and report data on student outcomes using multiple measures, rather than a single composite measure. Such a practice enables greater transparency and insight into how LEAs are serving students (Adams et al. 2017). Accountability systems have been found to lead to instructional shifts — often through a trickle-down effect, with district and school leaders directing teachers to change their practice based on the school’s performance (Hannaway and Hamilton 2008).

State education agencies have been increasing their accountability systems’ focus on technical assistance and professional learning for local practitioners and systems (Louis et al. 2010; Center for American Progress and Council of Chief State School Officers 2014). Such practices include creating school support teams, pairing high-growth schools with low-growth schools, creating professional learning networks for low-performing schools, and engaging external support providers (Center for American Progress and Council of Chief State School Officers 2014). Practitioners and others have widely praised California’s general education accountability system — the LCFF and its accountability tools, the LCAP, the Dashboard, and the Statewide System of Support — for its strong focus on technical assistance and support (Elgert 2016; Plank et al. 2018; Humphrey and O’Day 2019; Furger et al. 2019).

As described in Section 3.1, California Governance and Accountability Structures for Supporting Students with an IEP, California has separate and overlapping general and special education governance and accountability structures. The results in this section related to alignment build on the results presented in section 3.1 and are organized similarly to that section, by funding, required plans, accountability data, and improvement supports.

## Results

### Funding

#### **Separate funding structures for general education and special education provide the opportunity to have and justify separate budgeting and planning processes.**

California's separate funding structures, as introduced in section 3.1, include a different calculation for students with an IEP that is different from calculations for students in other student groups that generate additional funding; the distribution of federal and state special education funding to an intermediary entity (SELPAs) for special education and directly to LEAs for general education; and there are restrictions on the use of state special education funding that are not in place for funds allocated to meet the needs of other student groups (e.g., English learners, students in foster care).

The separate funding streams extend beyond just funding for students' education programs into funding for regional administration and supports to build the capacity of LEAs to improve student outcomes, including through the Statewide System of Support. For example, funding and naming separate special education leads and IDEA technical assistance contractors rather than expert leads on inclusive practice and other evidence-based strategies for improving outcomes for students with an IEP may signal that the work of improving inclusive practices is the work of special education alone and not the collective work of an LEA. This messaging would not be consistent with the state's expressed priority to increase inclusive practices.

### Required Plans

**The LEA general and special education planning structures and tools mandated by the state lack alignment and in some cases are duplicative; LEAs complete multiple improvement plans with similar purposes.** Each LEA is required to submit an annual LCAP wherein it describes how it will use its supplemental and concentration funds provided under the LCFF to increase or improve services for the unduplicated student population that generated these additional funds, including students with an IEP.

In addition, for special education, any LEA that does not meet state targets for the special education SPP/APR indicators is required to submit a SEP describing how it examined data and identified root causes and how it plans to address the issues identified through the data. As described in section 3.1, the indicators measured and reported in the LCAP and in the SEP overlap. Given the results of this and other studies about the strategies most likely to improve outcomes for students with an IEP — increased delivery of services in general education settings, teacher retention, and coordination between general and special education — it is reasonable to expect that the activities that will improve outcomes for students with an IEP would be planned and implemented together with general education. Having two separate and distinct improvement plans and processes may also create divided ownership for improving outcomes for students with an IEP.

**There is duplication between the LCAP and the comprehensive coordinated early intervening services (CCEIS) plan, which is required when an LEA is identified as having significant disproportionality by race and/or ethnicity in the identification, placement, or discipline of students with an IEP.** When an LEA is identified as having significant disproportionality, it must plan to use 15 percent of its federal IDEA funding to serve students who need additional supports and services, including those students without an IEP. LEAs must examine the underlying causes of the disproportionality, which is similar to the process of examining data about student groups for the LCAP.

CCEIS are intended for students who do not have an IEP in order to reduce disproportionality. To be most effective, CCEIS funds should be coordinated with other funds and with any plans for systemic interventions for students who do not have an IEP but need additional supports, such as plans for professional development for general education teachers and for the use of supplemental and concentration funds provided through LCFF for educational interventions (Crain et al. 2018; OSEP 2008).

**California Education Code does not fully address the redundancies in the various improvement and planning processes required for LEAs.** California *EC* requires that each SELPA, when creating its special education local plan, “cooperate” with COEs to ensure compatibility with other local plans, including LCAPs (*EC* Section 56195.31). This means that SELPAs develop local plans that are submitted to the CDE for review, with an assurance that the SELPA cooperated with COEs to ensure compatibility. LCAPs are developed by LEAs and reviewed by each LEA’s COE. For their part, LEAs are also required to include an assurance that the SELPA reviewed or contributed to the plan, but this does not ensure coordination between general and special education at the LEA level.

Special education plans (SEPs) are created by LEAs, with support from SELPAs, and are reviewed by the CDE. All of these coordination requirements are intended to encourage alignment, but how well they actually align or coordinate cannot be evaluated because the same reviewers do not have access to or authority over the different plans. The current solutions to provide assurances of coordination or cooperation have only required coordination between SELPAs and LEAs, not within LEAs, and do not address the redundancies created when multiple plans address similar improvement priorities.

**The current IDEA statute, as reauthorized in 1997 and 2004, no longer requires submission of a local plan and allows LEAs to establish eligibility for IDEA funds through a series of assurances. Previously, IDEA required the creation of a local plan in order to establish eligibility for IDEA funds.** Yet, despite this change, California continues to require that SELPAs create a local plan in order to establish IDEA funding eligibility. The research team reviewed multiple SELPA Annual Service Plans, which were developed using the revised local plan templates required by the state beginning in 2020, and found them to consist mainly of the definitions of various special education and related services from IDEA and California *EC*. Routinely, these local plans did not describe which services were coordinated by the SELPA and which

services were provided by LEAs, and some included statements that specific services were not provided within the SELPA.

The purpose of SELPA local plans is to describe the continuum of services available for students. The fact that these local plans describe services does not mean that the SELPA assumes the responsibilities of ensuring that students with an IEP receive FAPE or providing special education services. Although the CDE reviews each SELPA's local plan for completeness, it does not review the plans for quality, nor does it monitor to ensure that SELPAs do in fact ensure that a continuum of services is provided in their area. In addition, the research team found through interviews and focus groups that there is a misunderstanding among some LEAs and SELPAs that the full continuum of services must always be available. IDEA does not require that each LEA, or any entity, have a full continuum of services available at all times for any possible student; rather, it requires that an LEA ensure that a continuum of placement options is available based on student needs as determined by the IEP team (34 CFR §300.115).

Another purpose of the local plan in California is for each SELPA to establish eligibility for federal IDEA funding, both for itself and, in the case of a multi-LEA SELPA, on behalf of each of its LEAs. It appears that, through a governance plan, multi-LEA SELPAs, rather than the state, are reviewing LEA eligibility to receive IDEA funds. This approach is not consistent with the IDEA regulations (34 CFR §300.200), which require each LEA to submit assurances to the SEA. IDEA does not permit another LEA, including an ESA, to determine whether an LEA is eligible for IDEA funds.

**The SEP is not explicitly required by IDEA.** Although it is sound practice for the state to have each LEA analyze and address the areas in which it is not meeting state targets as part of continuous monitoring and improvement systems supported in IDEA, the number of plans the state requires and receives for review is significant, with CDE needing to dedicate significant resources to review their completeness, although it does not currently monitor their implementation. Although the scope and size of these improvement plan requirements and the intended outcomes significantly overlap with the LCAP, SEPs are reviewed by the CDE and LCAPs are reviewed by COEs. The research team did not review procedures indicating that reviewers have access to or conduct reviews across the plans to coordinate supports for improvement.

## Accountability Data

**The statewide student databases for general education and special education have recently been combined into one database (CALPADS), reflecting recent efforts in California to reduce redundancy in data collection and maintenance.**

Prior to 2019, California used a separate database for gathering special education data by LEAs, the California Special Education Management Information System (CASEMIS). As of the 2019–20 school year, LEAs provide special education data through CALPADS, the state's longitudinal data system used to maintain student data for all students, including demographics, discipline, assessments, staff assignments, and other data for state and federal reporting.

The transition from CASEMIS to the integrated CALPADs created opportunities for increased knowledge about and potential coordination and use of data between general and special education. Now, the special education data required by the state for public reporting are in the same system with general education data.

**The data on the SPP/APR indicators published by the CDE for each LEA overlap with and in some cases duplicate the data reported in the Dashboard for each LEA, but are not linked to the Dashboard. Different measures for similar indicators as well as the scope and timelines for statewide data may lead to less transparency for parents and other stakeholders and confusion for LEAs engaging in collaborative planning.**

For some SPP/APR indicators, such as graduation, dropout rates, and suspension and expulsion rates, the measures developed by OSEP for the SPP/APR and special education public reporting are different from the measures developed for the Dashboard (see section 3.1). Reporting both sets of data in one place or combining reporting could create confusion for community members, including families and guardians reviewing data, but it is important that LEAs and stakeholders have access to special education data for data-based decision-making. Other SPP/APR indicators, such as least restrictive environment, disproportionality, child find (the identification of students as eligible for special education), and IEP timelines, may supplement the measures reported on the Dashboard and could be useful for LEAs engaging in improvement planning.

Currently, special education SPP/APR data are reported annually, for each LEA, on the CDE website (<https://www.cde.ca.gov/sp/se/ds/leadatarpts.asp>). The data are not included on the Dashboard, and the Dashboard currently does not link to the SPP/APR data. This may contribute to a lack of alignment in the use of data for improvement planning. Sixty-eight percent of nearly 400 surveyed administrators agreed that special education data is used separately from general education data for decision-making and improvement planning.

However, public reporting on SPP/APR indicator data may not have an effect on the practices found to improve outcomes for students with an IEP. The literature review for this study found that accessible information systems can strengthen IEP quality, implementation fidelity, and efficiency, but those systems had to be accessible and provided within the context of school processes and individual student programs (Gordillo and Miller 2017). Although publicly reporting data raises general awareness about practices, the research team did not find evidence that simply publicly reporting data ensured their use in decision-making if not otherwise required, or evidence that publicly reporting special education data on its own was related to increases in the provision of special education services in general education settings or improved student outcomes. The research calls for the availability of relevant formative data to be used to inform local decision-making and classroom instruction to improve outcomes because more summative, annual data collections are available too late to inform decisions and tend to be too broad in scope to inform specific practices (Glover et al. 2016; McLeskey 2017).

**Although SELPAs are tasked with assisting LEAs to submit accurate data to the state, there does not appear to be any accountability mechanism for ensuring**

**that SELPAs carry out this responsibility and they are not provided with specific funding to do so.** Federal law requires that LEAs provide SEAs with data and information needed to meet the state’s obligations under IDEA (34 CFR §300.211). California state law assigns much of the responsibility for data submission to SELPAs (*EC* Section 56601) but gives them no authority (if, for example, an LEA chooses to submit data directly to the state), and funding to conduct data collection and reporting activities is subject to prioritization by each SELPA governing board.

In contrast, under IDEA, LEAs are accountable for timely and accurate data reporting through public reporting of their certified data and subject to state oversight. LEAs, including small LEAs, are also individually responsible for certifying their data for CALPADS submissions.

## Improvement Supports

**The LCFF tasked COEs and the Statewide System of Support with providing technical assistance to LEAs to help them improve outcomes for all students, including those with an IEP. The Statewide System of Support includes support to LEAs through SELPA resource leads, also called special education resource leads.** Intermediary agencies currently play an important role in supporting LEAs to meet the needs of students in California’s accountability and continuous improvement system. State law established the Statewide System of Support, which is focused on building LEA capacity to support continuous improvement of student outcomes, addressing achievement gaps for student subgroups, and improving collaboration and outreach in support of the priorities (*EC* Section 52059.5(b)). In the law that established the Statewide System of Support, reference is made to students with an IEP being a focus population, underscoring the intent to unify improvement systems and supports in the state.

The Statewide System of Support, including the SELPA improvement and content leads as well as other technical assistance providers that are not named content leads (e.g. Supporting Inclusive Practices, State Performance Plan Technical Assistance Project), is designed to play a key role in building LEA capacity to promote continuous improvement for “historically underrepresented or low-achieving populations,” including students with an IEP (*EC* Section 52059.5). The LCAP must address specific areas of performance that are also prioritized in IDEA, such as parent involvement and family engagement, achievement on statewide assessments, dropout rates, and suspension and expulsion rates (*EC* Section 52059.5(d)). These are consistent with the IDEA priorities defined in the SPP/APR (34 CFR §300.600), and supports can be coordinated using federal IDEA funds, which may be used for technical assistance for schools and LEAs that are implementing comprehensive support and improvement activities under ESEA to improve the performance of students with disabilities (34 CFR §300.704(b)(3)(xi)).

There may be opportunities for increased coordination of the supports provided across the Statewide System of Support. For example, there are separate content leads for English learner students with an IEP and for regional Title III English specialists in the System of Support. Given the high percentage of students with an IEP who are also



English learners, there may be a benefit to coordinating supports among leads, building the capacity of Title III regional specialists to work with COEs and LEAs to better serve students across multiple programs.

**A large proportion of the LEAs that were eligible for differentiated assistance under the state’s general education accountability system during study years were so designated in part or wholly due to the performance of students with an IEP.** The low academic performance of students with an IEP was the most common factor for LEAs needing differentiated assistance. In 2018, for example, 243 of the 374 LEAs eligible for differentiated assistance were eligible due to their outcomes for students with an IEP; in 2019, 187 out of the 333 eligible LEAs were eligible for the same reason.<sup>15</sup> Thus, students with an IEP are not just one of multiple student groups within California’s general education accountability system; they are a group that LEAs and COEs are already tasked with prioritizing and, thus, should be specifically addressed in the LCAP for each of these LEAs.

California currently requires collaboration between SELPAs and COEs on member LEAs’ LCAPs. But the disconnect between the varied plans that address special education (LCAP, SEP, SELPA local plan) may lead to disjointed ownership and responsibility for improving outcomes for students with an IEP. The state offers little guidance on best practice for coordinating and integrating general education and special education plans.

## **Implications for the Alignment of Accountability and Support Systems for Charter Schools**

**Not all of the general education and special education governance and accountability structures differentiate between charter schools that are and are not LEAs for purposes of special education.** The processes for the allocation and distribution of funds clearly distinguishes between the two types of charter schools, for both general education and special education. For LCFF funding, charter schools notify the CDE through an annual update whether they opt to be “direct funded,” in which case the LCFF funds are distributed directly to the charter via the COE where the charter (or its authorizer) is located, or whether they opt to be “locally funded,” in which case LCFF funds will be distributed to the charter school through their authorizer (CDE 2021e). California charter schools that are LEAs receive special education funding through SELPAs. California charter schools that are a school of an LEA for the purposes of special education receive special education funding through authorizing LEAs.

All charter schools are treated the same, regardless of funding or LEA status, for purposes of the LCAP and other improvement planning and for the Dashboard. This means that each charter school, including those that are schools of an LEA, must develop an annual LCAP; data for each charter school is also included on the Dashboard in the same way it is included for all LEAs. For other general education state and federal accountability structures, all charters, whether locally or directed funded, are

---

<sup>15</sup> April 15, 2020, memo from Superintendent Tony Thurmond to the State Board of Education

also considered LEAs. This holds true for differentiated assistance (state accountability) and for ESSA (federal accountability). One difference between traditional and charter LEAs is that when a charter LEA is eligible for differentiated assistance, it receives direct differentiated support from its authorizer (LEA, COE, or the SBE). For all traditional LEAs, differentiated support is provided by the COE, and funding is provided to the COE for that support.

The CDE has aligned its special education monitoring to this practice as well and treats all charters the same, whether or not they are LEAs for purposes of special education. It also reports publicly on the SPP/APR measures on each charter school even though it is only required to report for LEAs for purposes of special education. This practice could lead to better transparency and is consistent with the Dashboard. By contrast, the CDE may find that when it monitors a charter school that is not an LEA for the purposes of special education, it is, in fact, monitoring the authorizing LEA because the charter school is not required to meet the requirements of IDEA, including those related to child find and IEP development.

**The charter school status of direct or local funding under the LCFF and being an LEA for purposes of special education or a school of the authorizing LEA are not connected.** This means that a charter school may be directly funded for the LCFF but be dependent on its authorizing LEA for special education funding and supports. Or, conversely, a charter school may be locally funded for LCFF, but for purposes of special education be independent and belong to a SELPA to receive special education funding and supports. The implications of this are both a lack of transparency and an additional opportunity for the planning of programs for students with an IEP to be separate from the planning for all students. The lack of transparency also affects parents, as it is unclear whether the school or the authorizing LEA is responsible for local implementation of IDEA and ensuring FAPE for students with an IEP.

### **Implications for the Alignment of Preschool, K–12, and Post–High School (Ages 18–22) Accountability and Support Systems**

As described earlier in the report, students with an IEP aged 3–5 and 18–22 are included in the special education governance and accountability structures but for the most part, are not included in the general education structures. However, this could change over the next several years for younger students. The *Master Plan for Early Learning and Care: California for All Kids* (Alcalá et al. 2020) (Master Plan) recognized that young students with an IEP experienced the early learning and care system as separate and unequal participants and were often excluded. The report recommended continuing to increase inclusive opportunities while also intentionally examining data related to potential underrepresentation of young children in early preschool by race and ethnicity.

**Many regular early learning and early childhood programs are administered through direct contracts with the state or other entities and not through LEAs, SELPAs, or COEs.** The accountability and support structures built around the K–12 infrastructure may have a different effect on early learning and preschool programs that are not part of the K–12 system.

Special education programs for students with an IEP aged 3–5 are exclusively funded and administered through SELPAs and LEAs, and 90 percent of students with an IEP in this age group receive their services from their district of residence. This indicates the need for streamlining services and ensuring that families know of the availability of special education services, whether they participate in early learning programs through an LEA, a SELPA, or another agency or entity. Every community needs a supply of quality early learning and care facilities that meets the diverse needs of its children, including those who need an IEP; the Master Plan (Alcalá et al. 2020, 10) prioritized uniting, or aligning, early learning and care:

To ensure that all young children have the strongest possible start, California must use the opportunity that comes with the shifting of early childhood programs from the California Department of Education (CDE) to the California Department of Social Services (CDSS) to align and combine existing programs. Differences in program operations, policies, and provider types have caused breaks in child care services, disrupted participation in welfare-to-work activities, and interrupted continuity of care for children. In addition, there are different standards for various providers and members of the workforce, all of whom need to be competent in early childhood development and critical learning needs. This change enables a whole-family approach to services with a goal of disrupting poverty and supporting optimal child development through simplification and coordination within the departments that are part of the California Health and Human Services Agency.

**This study did not review the alignment of post-high special education programs with other programs such as career and technical education and adult education.** Because there is not a mandated general education program for students who do not complete high school that is comparable to the special education programs provided for students aged 18–21, the research team did not study alignment of the accountability and support systems. Although outside the scope of this study because it is not part of the state’s current special education accountability system, the research team observed that alignment with career and technical education and adult education is essential and should be included in ongoing special education accountability.

### **Summary of Challenges Related to Alignment of Accountability and Support Systems**

- 1) Special education funding is separate from general education. Sustaining separate and parallel funding structures, for education programs and for LEA supports, is not consistent with the state’s priority to increase inclusive practices. In addition to the lack of alignment within LEAs, the process of allowing SELPA governing boards to establish unique allocation plans contributes to a lack of transparency as well as a lack of alignment and consistency between LEAs related to how funding gets from the state to LEAs.
- 2) The LCAP, the SEP, and CCEIS plans and their planning processes have overlapping purposes and can be duplicative and disconnected. Through these

plans, improving outcomes for students with an IEP is assigned to LEAs, but supports for improvement are separately managed by COEs, for the LCAP, by SELPAs and the CDE for the SEP, and by the CDE and other technical assistance providers for CCEIS planning.

- 3) IDEA no longer requires submission of a local plan to establish eligibility for IDEA funds, but California continues to require SELPAs to complete local plans to establish their eligibility for IDEA funds. SELPAs establish eligibility on behalf of LEAs but do not have the authority to determine an LEA's eligibility.
- 4) California students with an IEP are fully included in the data reported for each LEA through the Dashboard. In addition, California reports on the performance of each LEA on the SPP/APR indicators through files posted on the CDE website. Given the changes in data reporting, alignment to CALPADS, and increased integration of general education and special education data activities, there may be a greater need for intra-LEA coordination of data collection and reporting in addition to, or in place of, the inter-LEA coordination and supports currently provided by SELPAs.
- 5) Although all charter schools are treated the same as LEAs in most special education and general education accountability structures, charter schools that are not LEAs but instead are schools of an LEA do not have the same autonomy and resources as those that are LEAs because they receive funding through their authorizing LEA.

## **Conclusion: Challenges in Improving California's Special Education Governance and Accountability Structures**

This section detailed the results of the research team's examination of the governance and accountability structures specifically related to the four conditions for change and summarized the challenges that guided the research team's development of the recommendations presented in Section 5. Opportunities for Improvement: Recommendations and Implementation Strategies. While there are many challenges to improving special education governance and accountability, there are also significant opportunities, especially to improve the alignment of California's general and special education governance and accountability structures.

---

## Section 4. Profiles of High-Performing LEAs and Applied Learning on the Conditions for Change and Other Strategies for Improvement

To better understand the application of the governance and accountability structures in LEAs and their potential effect on student outcomes, the research team identified five LEAs with notably positive outcomes — particularly for students with an IEP — and conducted focus groups and interviews to learn about each LEA’s successful strategies for serving all students, including those receiving special education services. Understanding that changes related to the factors that affected student outcomes, including receiving special education services in a general education setting and teacher retention, generally happen at the local level, but that governance and accountability structures can either hinder or support positive change, the research team sought to learn more about the role that governance and/or accountability structures played in each LEA’s efforts to create successful conditions for learning for all students, including those with an IEP. This section provides a profile of each of the selected LEAs.

Five LEAs were chosen for further study from among LEAs with different governance structures based on their positive outcomes in one or more of the following areas, as shown in an analysis of statewide data:

1. High proficiency for students with an IEP on statewide assessments;
2. High growth for students with an IEP on statewide assessments;
3. Lower-than-expected overidentification of students in specific race and ethnicity categories for special education, given the LEA’s location and demographics; and
4. Lower-than-expected discipline disproportionality of students (with or without an IEP) in specific race and ethnicity categories, given the LEA’s location and demographics.

Teachers, administrators, and families from each LEA were invited to participate in a series of focus groups to provide more detailed information about what they believed contributed to these positive results. The administrators for the SELPA and the COE serving each of the five LEAs were also invited to participate in interviews. See

appendices A and B for additional information about the methods for selecting the LEAs and creating the LEA profiles.

Through the focus groups and interviews, the research team learned that LEAs with any type of governance structure can achieve success in one, some, or all four of the positive outcome areas described above. The common implementation strategies across the five LEAs, as identified in transcript analysis described in appendix B, are consistent with conditions identified in previous research and reflect the conditions for change examined throughout this study:

- **Inclusive vision, mission, and mindset.** A sense of responsibility among general and special education staff for the education and support of all kids in the school regardless of whether they have an IEP; the use of terms like *community* and *family* to refer to the school.
- **Strong communication and relationships.** Strong internal communication practices and relationships within the LEA; frequent LEA communication and strong relationships with families; robust connections with other community partners.
- **Longevity** in teachers/instructional staff and administrators; **strong teacher induction and support systems.**
- High value placed on **shared decision-making** with teachers, instructional staff, families, and students.
- **Empowerment** to make decisions about education programs and resources at the local (school/district) level.
- Timely and accessible **student-level data** that show **performance and growth** on academics and wellness.

Using focus group and interview data, the research team produced short LEA profiles to spotlight how each LEA worked to improve its education programs and achieve some of the conditions that need to be in place to improve outcomes for students with an IEP.

These LEA profiles serve as reminders of how governance and accountability systems affect people, from teachers and administrators to families and students. Many LEAs encounter barriers to achieving the conditions described here, and the recommendations in this report are intended to support LEAs in overcoming those barriers.

Profiles are provided for the following LEAs:

- Bay Area Technology School, a charter school LEA in Alameda County and a member of the El Dorado Charter SELPA, which serves charters across the state;

- Etiwanda Elementary School District, an elementary school district with 14,000 students located in San Bernardino County and a member of the West End SELPA, one of several multi-LEA SELPAs within the county;
- Pajaro Valley Unified School District, a unified school district with 20,000 students and the only single-LEA SELPA in Santa Cruz County;
- Plaza Elementary School District, a small (under 200 students) and rural elementary school district in Glenn County and a member of the Glenn County SELPA; and
- Visalia Unified School District, a unified school district with 30,000 students in Tulare County and a member of the Tulare County SELPA.

## Bay Area Technology School

**Geographic/Governance Context:** A direct funded charter school LEA in an urban area

**A Key Strategy for Success:** Coordinated planning for general education and special education

Bay Area Technology School (Bay Tech) is a charter school LEA. It is in Alameda County and authorized by the Oakland Unified School District. However, it is a member of the El Dorado Charter SELPA. In SY 2018–19, Bay Tech’s student population of 300 had demographics and overall performance very similar to other charter schools in the state,<sup>16</sup> but Bay Tech’s students with an IEP demonstrated higher-than-expected performance on academic proficiency based on the LEA’s location and its student demographics. This suggests Bay Tech had overcome some of the barriers that schools face to improve outcomes for students with an IEP.

The El Dorado Charter SELPA that serves Bay Tech is based in El Dorado County (located more than 120 miles from Bay Tech) and serves charter school LEAs across the state. The relationship between Bay Tech and its SELPA illustrates how many charter schools in California are served by SELPAs with remote administrative units coupled with regional SELPA employees that provide in-person support. SELPA administrators noted that Bay Tech has a high level of engagement with the SELPA and participates actively in its governance council despite the geographic distance from the administrative unit. An interesting feature of the El Dorado Charter SELPA, and other charter SELPAs generally, is that they are subject to market competition in a way that traditional SELPAs are not. LEAs across the state can provide notice to and leave their charter SELPA to join a different SELPA if they choose, but traditional SELPAs do not have the infrastructure to support remote participation outside of their immediate

---

<sup>16</sup> In 2018–19, Bay Tech’s student population consisted of 59 percent students who were economically disadvantaged, compared with the 54 percent statewide charter average, and 19 percent English learners, compared with the 16 percent statewide charter average.

geographic area, making a non-charter LEA's local SELPA the only viable option. According to administrators at the El Dorado Charter SELPA and at Bay Tech, charter SELPAs in general benefit from this competition — it motivates them to perform well for their member districts and is one of the factors that drives continuous improvement within the SELPA itself.

As a key strategy for improving outcomes for students with an IEP, Bay Tech strives for financial and programmatic independence. In contrast, many charter schools in California are established as schools of their charter authorizer. In those cases, the authorizer's SELPA is the de facto SELPA for the charter school, the charter's special education finances are subject to the allocation plan of the authorizer's SELPA, and the charter authorizer is legally responsible for providing FAPE to the students with an IEP served by the charter school. Although that dependence is a preferred model for many charters and their authorizers, Bay Tech administrators established their independence from their charter authorizer, Oakland Unified School District, in order to become their own LEA for special education. Once the transition was approved, Bay Tech could choose which SELPA it wanted to join and became solely responsible for providing FAPE to students with an IEP. Bay Tech administrators chose a SELPA with an allocation plan that passes most of its state and federal special education funding directly to member LEAs. According to Bay Tech administrators, becoming its own LEA for special education was a programmatic decision, not a financial one. The school still purchases many of its services from Oakland Unified, and the services cost approximately the same as before. A key difference, according to Bay Tech administrators, is that receiving all their funds directly enables them to make decisions more easily about all students' needs comprehensively, rather than separately considering the needs of their students with an IEP. Coordinated planning for general and special education enables them to serve their student population more effectively, holistically addressing all aspects of a student's academic, emotional, and behavioral needs.

## Etiwanda Elementary School District

**Geographic/Governance Context:** A relatively small school district (serving about 14,000 students) in a geographically large county encompassing seven different SELPAs

**A Key Strategy for Success:** Prioritizing teachers and teacher support

Etiwanda Elementary School District (Etiwanda), located in San Bernardino County, is an elementary school district with 14,000 students. In SY 2018–19, Etiwanda's students with an IEP had higher performance on academic proficiency on statewide assessments (34 percent) compared with students in nearby LEAs (10 percent).<sup>17</sup>

Etiwanda is a member of the West End SELPA, one of seven SELPAs within San Bernardino County, California's largest county geographically. Given the county's size

---

<sup>17</sup> All units in San Bernardino County.



and the number of SELPAs serving its LEAs, regional administrators spoke to the importance of establishing a shared vision for all children and young adults countywide, noting that the San Bernardino COE and many school districts in the area play a key role in setting and fulfilling the county’s vision for a strong education system.

Connections between all education agencies and other agencies, such as the County Behavioral Health Department, help advance whole-child initiatives, such as improving access to social-emotional support and mental health services.

As a key strategy for improving outcomes for students with an IEP, Etiwanda invests in staff support and retention. Despite its relatively small size, Etiwanda has its own teacher induction program. According to Etiwanda’s administrators (many of whom also have long tenure in the district), in-house mentorship provided by a senior staff person who also works in the district helps their teachers embrace “the Etiwanda way,” which includes an orientation toward continuous improvement, prioritization of professional learning, and an “all kids are our kids” mindset. Although Etiwanda values its independence and conducts most of its training internally, it also consistently takes advantage of the low- or no-cost teacher professional learning offered by its SELPA. Instructional staff said they stay at Etiwanda because of the high value the district places on teacher support, staff relationships, and teacher voices. Etiwanda’s emphasis on supportive relationships appears to influence teacher-parent relationships as well. When asked about what they believe is working well in Etiwanda, parents were quick to identify teachers — especially teacher-parent communication and relationships — as foundational to their positive experiences and their children’s success.

## **Pajaro Valley Unified School District**

**Geographic/Governance Context:** A single-LEA SELPA

**A Key Strategy for Success:** Close connections with its community

Pajaro Valley Unified School District (Pajaro Valley), which serves 20,000 students, is the only single-LEA SELPA in Santa Cruz County. In SY 2018–19, Pajaro Valley served students whose demographics were considerably different from the demographics of students in other LEAs in the county: 81 percent of Pajaro Valley’s students were identified as economically disadvantaged, compared with 31 percent countywide; and 43 percent were designated as English learners, compared with 10 percent countywide. Also, despite Pajaro Valley overidentifying students who were Hispanic/Latinx as having special education needs, its special education identification rate for students who are Hispanic/Latinx was less disproportionate than that of other LEAs. In an area of the state where Hispanic/Latinx students are overidentified for special education, Pajaro Valley was less likely to overidentify than its neighboring LEAs. Hispanic/Latinx students served by Pajaro Valley had only a 25 percent higher chance of being identified as having a disability when compared with all students, whereas Hispanic/Latinx students served by nearby LEAs had a 37 percent higher chance.

Pajaro Valley illustrates how some medium-sized to large LEAs establish their own SELPA and create service networks with other LEAs both within and outside of their

COE and immediate regional area. Pajaro Valley’s relationship with its COE differs from those of other LEAs in the county, all of which are members of the North Santa Cruz County SELPA. And although Pajaro Valley connects with the COE for some alternative high school services and for sharing professional development, it provides most of its own special education services and does most of its own strategic planning. In addition to connections within the county, Pajaro Valley has formed many service connections outside of the county. During the years of the study, CASEMIS data showed that Pajaro Valley provided services to 18 students for whom it was not the district of residence. Pajaro Valley also forms connections with community-based organizations, such as family empowerment centers and physicians’ offices.

As a key strategy for reducing the disproportionate special education identification rate for Hispanic/Latinx students, Pajaro Valley prioritizes hiring and retaining staff from its community. Pajaro Valley administrators reported that the vast majority of staff live and work within the community and that many attended Pajaro Valley themselves. In addition, most instructional assistants are bilingual, and many teachers speak Spanish. The district has also focused on hiring bilingual psychologists, as bilingualism may help them more effectively distinguish between a language acquisition issue and a learning disability, which is thought to be a contributing factor to the statewide overidentification of Hispanic/Latinx students for special education. According to administrators, connections with nearby California State University of Monterey Bay, as well as in-house mentorships for new teachers focused on dual language learners, support the district’s ability to attract and retain a community-grown workforce that contributes to a better understanding of Pajaro Valley’s students and their needs.

## Plaza Elementary School District

**Geographic/Governance Context:** A small, rural school district with critical connections to its COE

**A Key Strategy for Success:** An inclusive culture modeled at all levels of system

Plaza Elementary School District (Plaza) is an elementary school district serving fewer than 200 students in rural Glenn County, and it is a member of the Glenn County SELPA. In SY 2018–19, Plaza’s student population had very similar demographics to other LEAs in its county,<sup>18</sup> but, as a group, its students with an IEP had much higher performance on academic proficiency (50 percent) compared with nearby LEAs (14 percent), and SY 2018–19 test scores for Plaza’s students show that the test scores of its students with an IEP grew more, on average, than 67 percent of students in California. Plaza has been able to overcome some of the barriers that are common to small and rural school districts that are trying to improve outcomes for students with an

---

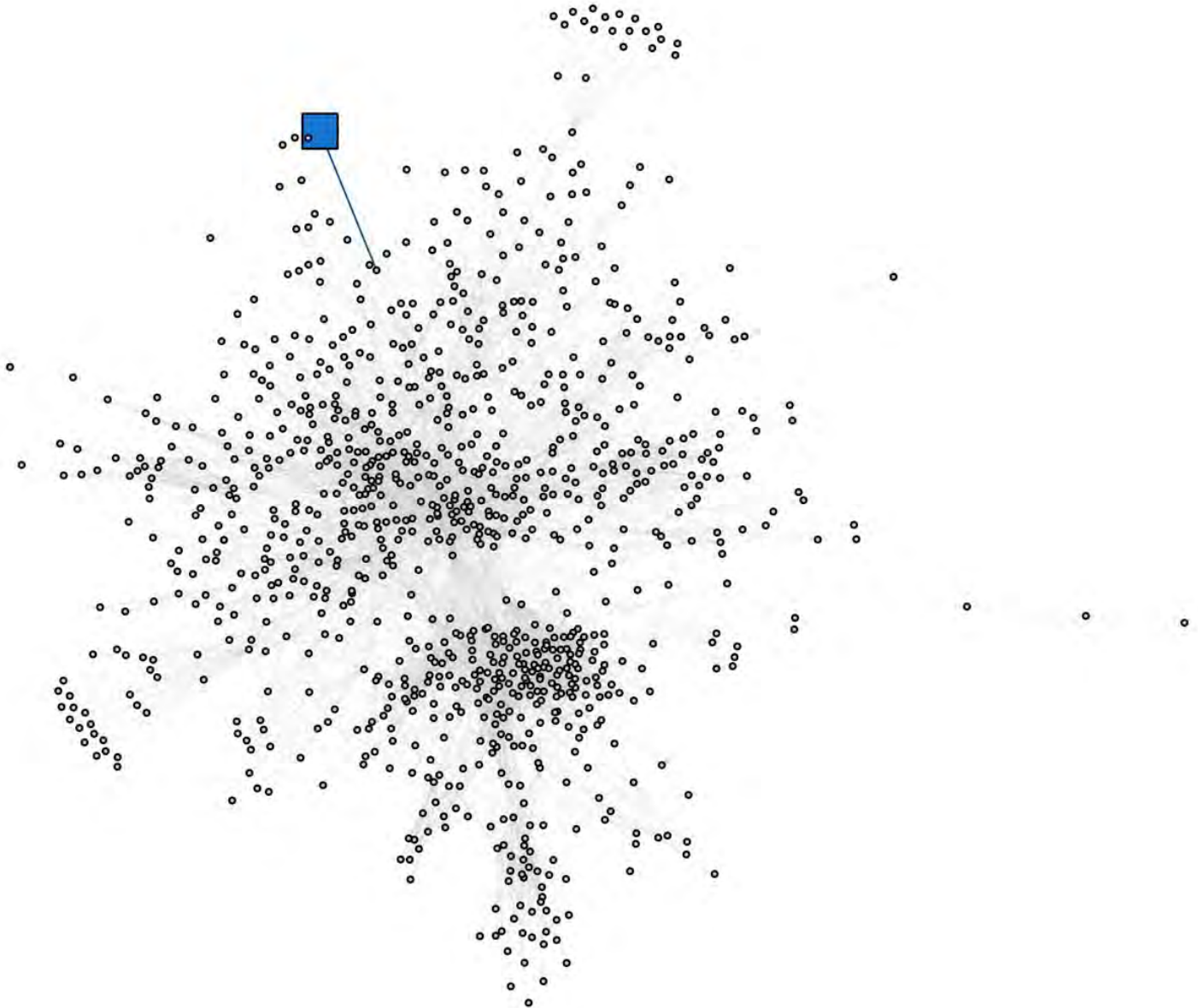
<sup>18</sup> In SY 2018-19, 58 percent Plaza’s student population were identified as economically disadvantaged, compared with the average of 55 percent for LEAs countywide, and 14 percent were identified as English learners, compared with the 16 percent countywide average.

IEP, and the district has done so while housing the countywide class for students with intensive support needs.

Plaza is an example of an LEA that relies on support from regional agencies as part of its governance structures. As shown in exhibit 21, Plaza (the large square near the top of the graphic) is on the periphery of California's special education network, with only one connection, which is to its COE (represented by the one line connected to the large square). Its position in the network illustrates the importance of having regional agencies serving as connectors for small and rural LEAs that might otherwise have no connections. Plaza benefits from its regional agency connections in many ways, such as when the COE hires service providers and provides services to the students enrolled at Plaza and when SELPA program specialists, hired through the COE, attend IEP meetings as special education administrators.

---

## Exhibit 21. Plaza's context in California's special education network.



Source. Data from CASEMIS for SY 2014–15 to SY 2018–19.

As a key strategy for improving outcomes for students with an IEP, Plaza serves students with an IEP in the general education classroom whenever possible. To support inclusion, Plaza's staff maintain detailed student-level data that help general and special education teachers target skills in the general education classroom from year to year. Regional administrators credited the high academic performance and growth of Plaza's students with an IEP to the district's teachers, its hands-on administrators, and the inclusive and student-centered culture that those adults have fostered for students. The COE and the SELPA try to model these same values in their governance structures and processes; for example, they establish administrator offices in close proximity to their

LEAs, and they consistently include SELPA staff, who are also COE staff, in the COE reviews of LCAPs and the provision of assistance to LEAs through California’s Statewide System of Support.

## Visalia Unified School District

**Geographic/Governance Context:** A large school district in a multi-LEA SELPA

**A Key Strategy for Success:** A continuum of integrated supports for students

Visalia Unified School District (Visalia) is a unified school district with nearly 30,000 students in Tulare County, and it is a member of the Tulare County SELPA. In SY 2018–19, the demographics of Visalia’s student population were similar to those in other LEAs in its county,<sup>19</sup> but Visalia had proportionate special education identification rates and discipline rates for students who were Hispanic/Latinx when examining districtwide risk ratios.<sup>20</sup> In other words, Hispanic/Latinx students at Visalia were not more or less likely to be identified for special education compared with other student groups and were slightly less likely to be disciplined compared with other student groups. These outcomes are more positive than in nearby LEAs where, on average, Hispanic/Latinx students were significantly less likely to be identified for special education than other student groups and were 14 percent more likely to be disciplined.

The regional governance structure in Tulare County illustrates how some California counties are integrating their COE and SELPA. The Tulare COE is the administrative unit for the Tulare County SELPA, and the SELPA director sits on the COE board as the special education director for the county. The COE’s differentiated assistance team consists of leaders with general and special education backgrounds who work together to provide support to LEAs. Tulare’s collaborative approach to supporting LEAs is also reflected in where they choose to house different instructional initiatives. For example, when the county first launched its multi-tiered system of support (MTSS) initiative, the initiative was housed in the SELPA and run by special education staff. However, COE and SELPA administrators quickly realized that this initiative was beneficial for all students, so they made it into a general education initiative, housed in the COE, with support from special education staff.

As a key strategy for reducing disproportionate special education identification and discipline rates for Hispanic/Latinx students, Visalia invests in a robust MTSS that offers a full continuum of supports for students in the general education classroom who do not have an IEP and are struggling academically and behaviorally. District administrators shared that they prioritized providing a continuum of support for all students in general education — along with data systems that help teachers understand which students

---

<sup>19</sup> In 2018–19, Visalia’s student population consisted of 73 percent students who are economically disadvantaged, compared with the 76 percent countywide average, and 15 percent English learners, compared with the 27 percent countywide average.

<sup>20</sup> The district’s risk ratio rates for racial disproportionality across special education and discipline were 1.01 and 0.85, respectively, compared nearby LEAs’ averages of 0.78 and 1.14.

need support — at the request of teachers. Teachers reportedly had requested ways to proactively address student needs rather than having to identify students as having disabilities in order to get them the support they need. Having discovered benefits through a multi-tiered system of academic and behavioral support, the district then built a robust set of social-emotional and wellness supports for students as well. To fund these integrated supports, Visalia braids various funding streams to pay for personnel who work with all students, not just those with an IEP. Underlying these practices is an inclusive mindset oriented to integration. Braiding funds allows administrators to budget holistically for different types of interventions and services that meet a variety of the academic and behavioral needs represented in their student population, rather than funding services that support specific “types” of students, such as students with an IEP.

## **Conclusion: LEA Profiles and Applied Learning**

These five LEAs demonstrate that some California schools and districts have already begun to overcome some of the barriers to serving students with an IEP. Such LEAs focus on achieving the enabling conditions for improving outcomes for students with an IEP, such as adopting inclusive mindsets, investing in their staff, using timely student-level data to provide individualized support, and forging strong connections with their families and communities.

As shown by the diverse settings of these LEAs, it is possible to achieve these conditions in a variety of geographic and governance contexts. However, given that these conditions remain elusive for many LEAs, California’s governance and accountability structures can do more to both empower and support LEAs in achieving them.

This study’s recommendations thus aim to improve California’s governance and accountability structures to enable more LEAs to adopt on-the-ground practices that can create effective, inclusive conditions for learning and improve outcomes for students with an IEP.

---

## **Section 5. Opportunities for Improvement: Recommendations and Implementation Strategies**

Based on the results of the examination of California’s governance and accountability structures for students with an IEP presented in section 3, this section describes the opportunities for improvement, or recommendations, and strategies that can be used to implement them in order to make improvements related to one or more of the study’s areas for examination:

- a. The **equitable distribution of special education funding and supports** to LEAs, including small LEAs;
- b. **Transparency** in decision-making and distribution of state special education funding;
- c. Parent, community, and other **stakeholder engagement** and input in local decision-making; and
- d. **Alignment** of accountability, compliance, and support structures at all levels for all students, including for students with an IEP.

In developing the recommendations and consistent with the legislative charge, the research team prioritized those four areas, specifically as they relate to improving outcomes for students with an IEP and increasing the delivery of special education services in general education settings when appropriate. Consistent with the 2015 California Statewide Special Education Task Force, the recommendations also prioritize moving toward one overall system to serve all California students, including students who have an IEP, with common governance and accountability structures encompassing both general and special education. Given the legislative charge for the study, the research team always prioritized reducing duplication, or creating one system, over maintaining separate systems unless there were data showing that separate systems provided sufficient additional benefit to students to justify additional, separate structures or activities.

Although many of the recommendations are interrelated and, if adopted, would build upon each other, the recommendations and strategies provided in this report are not inherently interdependent. Based on the results of this study and other examinations of factors related to improving special education in California, policymakers, including the California Legislature, the CDE, the SBE, the California Department of Finance, and others, could choose to adopt these recommendations in part or in whole and with adjustments as deemed appropriate. In instances where the potential success of one recommendation or strategy would be dependent on the adoption of another recommendation or strategy, that is specifically noted in the implementation strategies.

Implementation of these recommendations would require coordinated efforts across state agencies and their partners, including COEs, SELPAs, LEAs, and other partners in the Statewide System of Support, such as the CCEE. When there is a reference to the state implementing a recommendation, it is intended to include the state's relevant partners.

Consistent with the study framework (see exhibit 5), recommendations are organized by the roles and responsibilities at each level of the education system, that is, where the implementation of recommended changes would occur. Each recommendation includes the most closely related condition(s) for change and broadly references the challenges it addresses (see section 3). Each recommendation is followed by a series of strategies for implementation that include proposed timelines, resources, and highlighted sections of California *Education Code* that could require revision. Unless noted as specific to a

population, the recommendations and strategies are inclusive of all students with an IEP aged 3 through 21 and of charter school LEAs.

To provide policymakers with additional context, each broad recommendation is followed by a summary of stakeholder input generated from a series of listening sessions and focus groups that the research team conducted with a cross-section of groups engaged in special education across the state (see “Methods” in section 2 and appendix A for additional details). In those sessions, the team sought and documented stakeholder feedback on the potential benefits and drawbacks of the proposed recommendations. In some cases, as noted, input from stakeholders helped to shape the implementation strategies.

To make it easier for the reader to track recommendations and strategies, they are identified alphanumerically. Each recommendation is identified with a number (e.g., 1, 2), and each related strategy is identified with that same number and an appended letter (e.g., 1a, 1b). The alphanumeric identifiers do not denote priority or a required order for adoption and implementation.

## Recommended Timelines

This study’s recommendations are intended to be implemented over a three-year transition period beginning upon enactment or adoption by California policymakers. For purposes of the report, that transition period is established as follows:

- Some recommendations include a timeline indicating immediate implementation. That means implementation could take place immediately following approved changes to California *EC* or other state policies.
- For many recommendations, the timeline includes a transition that begins one year after any policy changes, allowing the state to develop processes and resources in the first year of implementation. For most of the recommendations that would modify the roles and responsibilities of LEAs, intermediary agencies (COEs and SELPAs), and the state, the research team recommends a three-year transition beginning one year following any policy changes. This means that if the state made policy changes and developed guidance and resources during the 2022–23 school year, then:
  - Year 1 of implementation would be the 2023–24 school year;
  - Year 2 of implementation would be the 2024–25 school year; and
  - Year 3 of implementation would be the 2025–26 school year.



## Recommendations for the Local Educational Agency Role and Responsibilities in Special Education Governance and Accountability

**Recommendation 1. Clearly establish that each LEA (i.e., school district, charter school that is an LEA for special education, and, in limited circumstances, COE) is responsible for its students with an IEP and, therefore, for meeting all legal requirements under IDEA and California *Education Code*. Give each LEA full authority to make special education funding and program decisions for its students.**

This recommendation would help the state **ensure the equitable distribution of funding and supports, increase transparency, and support alignment**. It addresses the challenges related to ensuring transparency in the governance and accountability systems by ensuring that LEAs and families clearly understand that the LEA is always ultimately responsible for implementing IDEA and providing FAPE to students with an IEP. It also addresses the challenges associated with the lack of transparency created by having two separate entities responsible for local governance and accountability, specifically for receiving funding and for improvement planning and accountability.

### Implementation Strategies, Timelines, and Resources

**1a. Revise *Education Code* Section 56026.3 to define LEA for purposes of special education as:**

- **School districts;**
- **Charter schools that can establish eligibility as an LEA for the purposes of special education;<sup>21</sup> and**
- **COEs that are LEAs for the purpose of special education.**

To **create transparency and align general and special education governance structures**, clearly establish in *California Education Code* that LEAs are solely responsible and accountable for special education and implementation of IDEA and remove any requirements or references that SELPAs or other agencies are responsible or accountable for the implementation of IDEA, which includes:

- Child find and identification of eligible children under IDEA;

---

<sup>21</sup> This study did not consider charter schools that function as schools of or are affiliated with their authorizer to administer special education and provide FAPE to be LEAs for purposes of special education.

- The provision of special education and related services to eligible students in accordance with each student’s IEP in the least restrictive environment;
- Placement decisions in accordance with IDEA requirements;
- Complaints, mediation, and due process hearing requests filed with the CDE regarding a student in the LEA’s jurisdiction;
- Determinations of significant disproportionality and the requirement to provide CCEIS;
- Annual determinations of whether the LEA meets IDEA requirements and public reporting on OSEP’s SPP/APR indicators;
- IDEA fiscal requirements (LEA MOE and excess cost); and
- CDE subrecipient monitoring activities and correction of any identified noncompliance.

Continue to allow LEAs, at the discretion of each one and its elected school board, to contract for or otherwise retain assistance related to local IDEA implementation beyond the supports provided by the state as described under recommendations 3 and 5. However, despite any outside implementation assistance an LEA might procure, for purposes of special education accountability, including through the CDE monitoring and dispute resolution processes, the LEA would retain full responsibility for IDEA implementation. Each LEA, as governed by its elected school board, would ultimately have the authority to make special education governance decisions, and neither the authority to make decisions, nor the accountability for those decisions, could be passed to another entity.

**Special consideration for charter school LEAs:** Include in the definition of LEA for purposes of special education only charter schools that can establish eligibility as an LEA under IDEA (see strategy 1c). Many of the implementation strategies in this section would not apply to charter schools that are not LEAs for purposes of special education, meaning those that are a school of an LEA or that are affiliated with their authorizer to implement IDEA.

Changes to charter school statutes beyond special education were well outside the scope of this study. However, the state should consider the IDEA provision that states may allow a charter school that cannot independently demonstrate eligibility as an LEA for purposes of special education to establish joint eligibility with another LEA. The state may require charter schools to establish joint eligibility only “if the charter school is explicitly permitted to do so under the state charter school statute” (34 CFR §300.223[b]).

**Timeline and resources for implementation:**

Immediate (2022–23); minimal one-time resources would be needed.

Because the CDE currently monitors LEAs and not SELPAs for compliance with IDEA requirements and LEAs participate in the current governance structures (e.g., LCAP, Dashboard, CDE monitoring, dispute resolution), additional ongoing funds should not be needed to implement this recommendation. This revision could take place immediately and without new ongoing resource commitments.

Minimal resources, including staff time, would be needed to make this revision to California *Education Code* and ensure that the definition is clear in all relevant state resources.

**California *Education Code* that might need to be revised:<sup>22</sup>**

- Section 56026.3, Definitions, local educational agency
- Sections 56205 to 56208, State Requirements, local plans
- Sections 56301, Identification and Referral, written child find policies and procedures
- Sections 56195 to 56195.5, Local Plans
- Section 56325, Assessment, placement in a residential nonpublic, nonsectarian school
- Sections 56156.4 and 56162, Licensed Children’s Institutions and Foster Family Homes

**1b. Assign the responsibility of receiving and overseeing the use of IDEA and state special education funds to each LEA.**

Consistent with policy guidance from the U.S. Department of Education (see pp. 82 of this report), the state should align its distribution of funding with its accountability structures, ensuring that the subrecipient of federal funding does not subgrant funds and is accountable for implementation of IDEA. This strategy would create transparency; align the distribution and governance of special education funding to the distribution and governance of LCFF funds; and be consistent with the recommendations of the 2021 California funding study (Doutre et al.) to promote increased coordination of funding across programs within each LEA.

If the state opted not to distribute funds and assign the responsibilities of an IDEA subrecipient to each LEA, it could instead continue to distribute funds to SELPAs and require SELPAs to assume responsibility for local implementation of IDEA.

That approach would necessitate significant changes in the requirements for CDE monitoring of SELPAs, including additional oversight on the use of funds by SELPAs. That means that, as subrecipients of IDEA funds, SELPAs would be responsible for and

---

<sup>22</sup> These lists highlight some of the California *Education Code* and other state policy or guidance that may need to be revised as part of implementation of each recommendation. They are not comprehensive.

the subject of CDE monitoring for all LEA requirements, including providing FAPE to all of the students with an IEP within their jurisdiction, conducting child find, and meeting LEA MOE and other fiscal requirements. SELPAs would be the subject of significant disproportionality review and actions, of public reporting on SPP/APR indicators, and of any complaints or due process hearing requests.

Although IDEA does provide for a state requiring LEAs to establish joint eligibility with another LEA if an LEA “will not be able to establish and maintain programs of sufficient size and scope to effectively meet the needs of children with disabilities” (34 CFR §300.223[a]), the IDEA regulations stipulate that “[i]f an educational service agency is required by State law to carry out programs under Part B of the Act, the joint responsibilities given to LEAs under Part B of the Act (1) [d]o not apply to the administration and disbursement of any payments received by that educational service agency; and (2) [m]ust be carried out only by that educational service agency” (34 CFR §300.224[b]).

#### **Timeline and resources for implementation:**

Begin as soon as possible with full implementation by SY 2025–26; minimal ongoing resources would be needed to distribute funds.

This strategy could be implemented in phases. Given the updated federal guidance, implementation should begin as soon as possible. Implementation of this strategy would require implementation of strategy 1c in order to establish each LEA’s eligibility for IDEA funds.

Minimal ongoing resources could be needed for the process of calculating and distributing special education funding to a larger number of entities. However, because the state currently distributes both state (e.g., LCFF) and federal (e.g., ESEA) general education funding to each LEA, there is a mechanism for allocation and distribution.

#### **California *Education Code* and other policy that might need to be revised:**

- Sections 56195 et seq., Local Plans and Local Requirements
- Section 56205, State Requirements
- Section 56836.23, Program Specialists and Administration of Regionalized Operations and Services, apportionment of funds

**1c. Remove the requirement that each SELPA establish eligibility for special education funding through the submission of a local plan. Require each LEA, under the direction of its elected governing board, to establish eligibility for special education funding through an application that includes the series of assurances and budget reports required by IDEA.**

IDEA no longer requires submission of a local plan for an entity to establish funding eligibility. This study found that (1) there is no mechanism in place to monitor the quality

and implementation of SELPA local plans; (2) SELPA local plans do not routinely include information about which services are provided or coordinated by the SELPA and which are provided by LEAs; (3) SELPAs do not have the authority to determine LEA eligibility for funds; and (4) SELPAs should not subgrant IDEA funds, consistent with EDGAR and U.S. Department of Education guidance that a subrecipient of IDEA funds may not subgrant those funds or pass on responsibility for IDEA implementation. These findings provide support for discontinuing the requirement that SELPAs submit a governance and allocation plan to the SEA as the means for establishing eligibility for special education funding.

If the state opted to make LEAs, and not SELPAs, the subrecipient of special education funds (see strategy 1b), and thus responsible for implementation of IDEA (see strategy 1a), then each LEA, not SELPA, would be required to establish eligibility for special education funding annually. The IDEA regulations provide the requirements for establishing LEA eligibility:

An LEA is eligible for assistance under Part B of the Act for a fiscal year if the agency submits a plan that provides assurances to the SEA that the LEA meets each of the conditions in §§300.201 through 300.213 (34 CFR §300.200). The assurances include that the LEA will:

- Have policies, procedures, and programs that are consistent with the state's policies and procedures for implementing IDEA (34 CFR §300.201);
- Use federal IDEA funds, in accordance with IDEA, to pay the excess costs of providing special education, to supplement and not supplant state, local, and other federal funds, and for permissible uses of IDEA funds (34 CFR §§300.202, 300.208);
- Meet the MOE eligibility and compliance standards (34 CFR §§300.203–205);
- Comply with the rules for carrying out a schoolwide program under Title I of ESEA (34 CFR §300.206);
- Ensure that all personnel necessary to carry out Part B of the Act are appropriately and adequately prepared (34 CFR §300.207);
- Serve students in charter schools that are public schools of the LEA and provide funds to charter schools on the same basis and at the same time as other schools (34 CFR §300.209);
- Coordinate with the National Instructional Materials Access Center or otherwise provide instructional materials to blind persons or other persons with print disabilities in a timely manner (34 CFR §300.210);

- Provide the SEA with data and information necessary for the SEA to implement IDEA, including data on children who have an IEP (34 CFR §300.211);
- Make information about the LEA's eligibility available to parents and to the general public (34 CFR §300.212); and
- Cooperate to ensure the linkage of records pertaining to migratory children with an IEP, including health and educational information regarding those children (34 CFR §300.213).

This strategy would help create transparency and align the governance structures for special education and general education at the local level rather than having special education governance structures operating across LEAs. The elected governing board of each LEA would be responsible for all funding applications and budgets. This recommendation would also increase transparency for families, guardians, and other stakeholders regarding which entity has the authority to make decisions, is responsible for implementing FAPE, and is accountable for improving outcomes for students with an IEP.

Because LEAs, and not SELPAs, are the current subject of CDE monitoring, this strategy could also create alignment between the application for funds and other accountability structures and allow the CDE to verify implementation of the assurances as part of its cyclical LEA monitoring. This strategy also establishes more direct contact between the CDE and special education administrators. It is interdependent with strategy 1a (clarifying that LEAs are responsible for implementation of IDEA) and strategy 1b (providing special education funding to LEAs).

**Special consideration for charter school LEAs:** This strategy also provides the state an opportunity to establish criteria for a charter school to become an LEA for purposes of special education and to demonstrate eligibility for IDEA funding. Each charter school that wishes to be an LEA for purposes of special education must provide the assurances and budget information required of all LEAs. The state could also develop additional criteria for charter schools (e.g., that the charter school must have a governing board that operates independently of its authorizer's governing board, that the charter school LEA's petition for authorization describe how it will meet the requirements of IDEA).

As part of this application process, the CDE would collect information annually about which charter schools are an LEA for purposes of special education. If each LEA submits an application, that application and the eligibility process could be one way to collect special education charter status.

#### **Timeline and resources for implementation:**

Immediate (2022–23) policy changes could lead to LEAs beginning to establish eligibility for direct funding for SY 2023–24; minimal one-time resources would be needed in order to revise guidance or materials, create a new application, and establish procedures for the CDE to determine LEA eligibility. Beginning with SY

2023–24, some LEAs (LEAs that are currently single-LEA SELPAs) could establish eligibility directly, transitioning to full implementation by SY 2025–26. Ongoing resources would be needed for reviewing LEA applications, but the amount would be minimal given the opportunity to repurpose funds from discontinued activities.

To implement this strategy, the state would need to develop a special education funding application, ideally as part of the state’s consolidated application for federal funds, that includes the assurances required by IDEA and that elicits sufficient budget detail for the state to verify that each LEA meets the LEA MOE eligibility standard. The application could be informed by modifying applications used by other states to establish IDEA eligibility. As described above, the state currently monitors LEAs for many of the requirements in the assurances, so additional resources should not be needed for monitoring.

Minimal ongoing resources would be needed for reviewing annual LEA applications and reviewing each LEA’s budget to ensure it meets the LEA MOE eligibility standard. However, resources would also be freed up if the state replaces the local plan with a simpler application for funds (see strategy 1b) that could provide the necessary resources for this review, given that the CDE already has strategies in place for monitoring LEA compliance with IDEA. The review of these applications may also be combined with the review of consolidated applications for other federal funds, which would also promote alignment across governance structures.

**California *Education Code* and other policy that might need to be revised:**

- Section 47646, Special Education Funding, charter school
- Section 56195 et seq., Local Plans.
- Sections 56205 et seq., Elements of the Local Plan, state requirements
- Section 56213, Special Education Local Plan Areas with Small or Sparse Populations, receipt of additional funds
- Section 56360, Implementation, continuum of program options
- Section 56836.23, Program Specialists and Administration of Regionalized Operations and Services, apportionment of funds
- Definition of California Special Education Local Plan Areas on the CDE website at <https://www.cde.ca.gov/sp/se/as/caselpas.asp>

**1d. Sufficiently fund a statewide extraordinary cost pool that would be available to adequately cover high-cost programs for LEAs that lack necessary resources. Reimburse LEAs for services that are provided by the LEA when the total program cost exceeds a set threshold. Consider reimbursing LEAs on a sliding scale based on their size and the proportion of their budget that is needed for the high-cost program.**

This strategy would help to ensure that LEAs, including small LEAs, have sufficient resources to meet the requirements of IDEA, decreasing the need for cost pooling at the regional level to provide services, a practice that has not been monitored either for its potential implications for student placements or for how it might affect the equitable distribution of funding and supports. This strategy would expand LEA autonomy, and the autonomy of IEP teams, to increase the delivery of special education services in general education settings. It would also shift the responsibility for equitable distribution of special education funding from SELPA governing boards to state policymakers.

High-cost-pool funds should be available for high-cost programs that are provided by an LEA or a consortium of LEAs and that provide students with an IEP with access to general education settings, rather than only for high-cost placements in non-public schools or agencies. For high-cost programs that do not provide access to general education settings, the application for funds should include a plan to prepare to transition to a less restrictive environment.

This strategy is consistent with *California State Special Education Funding System Study, Part 2* (Doutre et al. 2021). Another recommendation from that study that could also contribute to small LEAs having more equitable supports is the establishment of a base level of funding to small LEAs to ensure stability.

**Timeline and resources for implementation:**

Immediate (2022–23); significant ongoing resources would be needed to fund and administer the program.

This strategy would benefit students with an IEP and LEAs immediately upon implementation. The 2021 California funding study (Doutre et al.) recommended a statewide extraordinary cost pool amount of \$360 million to be commensurate with pools in other states and to provide reasonable support to LEAs. Additional resources would be needed for the administration of the extraordinary cost pool, and the state should evaluate whether the recommended amount would ensure that LEAs had the resources they need and that funds were equitably distributed.

In addition to funding the high-cost pool, ongoing resources would be needed to administer the program. If the state established a threshold of three times an LEA's annual per-pupil expenditures, the state would likely receive 8,000 to 10,000 applications each year. One-time resources would be required to develop the application process and procedures as well as procedures for monitoring the appropriate use of high-cost-pool funds. Administration of the high-cost pool could be contracted to a CDE partner or administered by providing funding for CDE positions.



Finally, one-time funding would be needed to build the capacity of LEAs to establish accurate methods of determining the cost of individual student programs, especially for students who participate in general education settings. This training could be tied to training on other fiscal requirements for LEAs, potentially through COEs under their responsibilities for LEA fiscal oversight (see strategy 3d).

**California *Education Code* and other policy that might need to be revised:**

- Section 56836.20 and 21, Nonpublic, Nonsectarian School Contracts
- Extraordinary Cost Pool Claim Process

**Stakeholder Input on the Potential Benefits and Drawbacks of Recommendation 1**

Most stakeholders agreed that the recommendation and related strategies to clarify that the LEA is ultimately responsible for local IDEA implementation would very likely benefit students with an IEP. One parent provided a specific example of how the lack of transparency can affect students, reporting that when their child, a student with an IEP, began attending a regional program, the student's local IEP team members discontinued participation in IEP meetings. This meant that the team could not discuss transitioning the student back to a program within the student's LEA of residence, and the parent felt that their child could not exit the regional program. Some stakeholders asserted that this clarification is not necessary because it is already clear that each LEA is responsible and accountable.

Some stakeholders, mostly SELPAs but also some LEAs and parents, expressed concerns that if LEAs rather than SELPAs received and oversaw the use of special education funds, some LEAs might not be willing to participate in cost sharing for shared programs, including regional programs. Some interview and online-survey respondents asserted that LEAs would refuse to enter into agreements to jointly serve students without the mandate to join or create a SELPA. However, study data examined by the research team do not support the assertion that when LEAs are not members of a SELPA they refuse to serve students. The research team did not find any legal citation that provides SELPAs with the authority to require the joint provision of services. Rather, it was found that the establishment of joint programs within a SELPA is dependent on the agreement of a SELPA governing board, which typically consists of LEA superintendents. This recommendation and its proposed implementation strategies do not preclude those superintendents from entering into similar agreements with each other directly or through the SELPA or ESAs that they form with other LEAs, as further described under recommendation 2.

Other stakeholders, including many LEAs and some parents, saw a potential benefit for students with an IEP of more options along a continuum of placements that includes some or more inclusion in general education settings. Some LEAs and parents expressed concern that, under current SELPA plans, LEAs might commit to funding

space in regional programs independent of and potentially prior to IEP meetings where placement decisions are made.

Some LEAs raised concerns about the ability of individual LEAs to continue to comply with IDEA's MOE requirements if the implementation of current SELPA allocation plans ended and if SELPAs no longer assisted LEAs in meeting those requirements. California currently evaluates LEA MOE for each LEA, meaning school districts and charter schools that are LEAs for purposes of special education. However, SELPAs assist LEAs in demonstrating compliance with MOE. Because LEAs have not had sole authority over budgeting state special education funds, the clarification that SELPAs are not LEAs and may not subgrant funds could provide an opportunity for the CDE to require each LEA to re-establish a baseline amount for MOE in its first independent application for IDEA funds.

**Recommendation 2. Provide each LEA with the sole decision-making authority, autonomy, and necessary resources for entering into and exiting from agreements with other LEAs, either individually or as consortia, and other types of agencies (e.g., COEs, SELPAs, nonpublic agencies) to offer a flexible continuum of services to meet the variable needs of its students with an IEP.**

This recommendation would help the state **improve the equitable distribution of funding** and supports for LEAs, including to small LEAs, **increase transparency**, and **promote local stakeholder engagement**. By giving LEAs this services-related authority, the recommendation would align planning and resource allocation with local accountability for improved outcomes, as well as with the planning processes for program improvement for special education and general education.

All LEAs currently have the authority — which they do exercise — to voluntarily make different types of agreements with other entities for services and supports the LEA might need. Additionally, each California LEA is currently required to belong to a SELPA if it does not meet the size and scope requirements to become a single-LEA SELPA. This recommendation would eliminate the SELPA mandate and not require an LEA to enter into an agreement with any other education entity.

Some LEAs currently enter into agreements with other LEAs, directly or through a COE or other ESA for emergency management support, provision of mental health services, and other activities for all students. Aligning the responsibility and the authority to enter into agreements for special education with the other responsibilities of the LEA and its elected school board could create greater opportunity for family and community input in local decision-making and would place the responsibility for budgeting and planning on the LEA. Both of those changes are consistent with the priority for local control under the LCFF.

This recommendation would reaffirm each LEA's responsibility for ensuring FAPE for students with an IEP, which is consistent with existing state accountability structures for improving outcomes for those students, including the Dashboard, the LCAP, and the

Statewide System of Support. It would eliminate any implication that ESAs, including SELPAs and COEs, take on the LEA responsibility for providing FAPE when they administer a regional program or provide special education services directly to students.

LEAs, including small LEAs, that currently do not manage agreements to provide services could need significant support to make this transition if they were unable to establish or join an ESA to coordinate those services.

**Special consideration for charter schools:** This recommendation and the following implementation strategies do not apply to charter schools that are not LEAs for purposes of special education, meaning those that are schools of an LEA. Because those charter schools are not LEAs for special education, their authorizer, not the charter school, would have the authority to enter into agreements and would be responsible for providing FAPE.

## **Implementation Strategies, Timelines, and Resources**

### **2a. Revise California Education Code to remove the requirement that each LEA belong to a SELPA.**

Without the requirement for a local plan (see strategy 1c), there would no longer be a need for mandatory local plan areas. If this strategy were implemented, participation in ESAs, including current SELPAs, would be voluntary, left to the discretion of each LEA and its locally elected governing board.

This strategy is supported by the findings that (1) LEAs currently access needed services for students with an IEP from multiple sources, not limited to within multi-district SELPAs, and (2) there is significant variability in the allocation plans, the local service plans, and the services provided by SELPAs across California. For any LEA that is not large enough to be its own SELPA, the authority and responsibility for the equitable distribution of resources is currently assigned to SELPA governing boards.

Alternately, to meet the priority of equitable distribution of resources to LEAs, the state could increase its oversight of SELPAs' distribution of resources, but that strategy would not meet the stated priority of aligning special education and general education governance and accountability structures because it would require creation of another separate structure to oversee SELPA use of funds. Nor would it communicate the priority of increasing the provision of special education in general education settings.

Although the research team was not able to gather sufficient consistent data (from the SELPA allocation and local services plans) on the costs of administering these types of agreements to inform a recommended amount for the adjustment, the state could consider using an adjustment for small LEAs that is similar to the one used by the LCFF.

Finally, using the proposed data collection in strategy 2c, the state could evaluate the appropriateness of the allocation of AB 602 PS/RS funds using average daily attendance and whether additional adjustments are needed based on other LEA characteristics (e.g., the proportion of students with an IEP in low-incidence disability

categories or the proportion of students with an IEP who are also English learners or in the foster care system).

### **Timeline and resources for implementation:**

Begin transition in SY 2023–24, with transition to full implementation by SY 2025–26; significant one-time funds would be needed.

In preparation for the transition, the state, through the Statewide System of Support, could develop resources to assist LEAs and ESAs (i.e., COEs and SELPAs) with this transition. Supports would be needed to assist each LEA to examine the need for continued and new agreements with other LEAs and ESAs for providing FAPE to each student with an IEP in their least restrictive environment.

In addition, COEs and SELPAs would need support determining new funding structures for regional programs and establishing agreements with LEAs that both provide stability for the programs (e.g., by requiring participation for a number of years) and continue to benefit LEAs by providing needed services. Many LEAs could need ongoing consultation from the state throughout the transition to ensure their continued compliance with IDEA and their provision of FAPE.

All participation in an ESA for purposes of providing special education services would be voluntary three years from the date of enactment of the revised California *EC* if the state implemented these two transition strategies:

- Allow the governing board of each single-LEA SELPA to dissolve the LEA's SELPA, if desired. This could be done immediately following enactment of the revised California *EC* (2022–23). But if the single-LEA SELPA chooses, it could develop its own plan to transition within three years (by SY 2025–26).
- Require each multi-LEA SELPA governing board to establish a three-year plan for each member LEA to transition from mandatory LEA participation to voluntary participation in an ESA or other agreements as needed to meet the needs of its students.

LEAs would need initial resources to develop agreements with other LEAs or ESAs (e.g., COEs, voluntary LEA consortia) to provide services, and some LEAs, especially small LEAs, could need ongoing supports to enter into voluntary agreements with other LEAs and ESAs. The state could support the initial transition by using the current ADA formula to allocate AB 602 PS/RS funds to current SELPAs to be retained by the SELPA to facilitate the transition until the governing board of the SELPA (for multi-LEA SELPAs) or the LEA (for single-LEA SELPAs) has notified the CDE that the transition is complete. Funds could be used to contract facilitators to assist with decision-making about revised arrangements for services.

Because the coordination of services is an allowable cost for both federal IDEA and state AB 602 funds, a separate funding stream would not be needed after the transition period. The AB 602 PS/RS funds could be added to the AB 602 base or repurposed for another activity, such as increased extraordinary high-cost-pool funding (see strategy 1d) or additional supports for small LEAs to coordinate services.

**California *Education Code* and other policy that might need to be revised:**

- Section 56195.1, Local Plans
- Policies listed under recommendation 1b

**2b. Require each LEA to include in its annual budget submission the amounts of federal and state funds it plans to use: (1) to purchase direct services and supports from ESAs, other LEAs, and other providers; (2) to establish joint programs with other LEAs or ESAs; and (3) to coordinate those services.**

One requirement for establishing eligibility as an LEA under IDEA (34 CFR §300.203) is the submission of a budget demonstrating that the LEA has budgeted at least the same amount of state and local funds, or local-only funds, for special education that it had budgeted in the previous year (the LEA MOE eligibility standard). If the state adopted the recommendation to have each LEA annually submit an application to the CDE to establish eligibility, the state could use that process to collect additional information about LEAs' use of funds to enter into agreements to provide or coordinate services for students with an IEP.

These data could then be used by the state to evaluate whether LEAs, including specific subsets of LEAs, such as small and rural LEAs, are continuing to access services from other LEAs. These data could also be used to inform the CDE's monitoring of the use of special education funds and to identify areas warranting further examination of the provision of FAPE to eligible students. For example, if the state saw a significant decrease in the amount of funds budgeted for participation in a regional program or for coordination of services with another LEA, it might consider monitoring the IEPs of students for whom placement or location of services changed to ensure such changes were appropriate.

This strategy is not intended to limit the state's authority to review any agreements an LEA uses to provide FAPE to its students with an IEP as part of its ongoing monitoring processes. Any agreements that an LEA uses to provide FAPE are subject to review by the state.

**Timeline and resources for implementation:**

Aligned with strategy 1b, begin transition in SY 2023–24, transition to full implementation by SY 2025–26. One-time and ongoing funds would be needed.

The state would need one-time resources to develop and ongoing funds to maintain a transparent reporting system for budget data as part of its LEA

application for funds (strategy 1b). However, the requirement to monitor LEA budgets annually to determine whether each LEA meets the LEA MOE eligibility requirement is not new, so the state may already have resources dedicated to this practice. The state might also be able to use tools from the consolidated application for federal programs, which also requires budget submissions.

Additional ongoing resources could be needed to continue to ensure fiscal health in LEAs. The application for funds, including budget submissions, could be an area where COEs support LEAs as part of their LEA fiscal oversight (see strategy 4c).

**California *Education Code* that might need to be revised:**

- Section 56195.1, Local Plans

**Stakeholder Input on Potential Benefits and Drawbacks of Recommendation 2**

Similar to recommendation 1, stakeholder opinions related to the potential of this recommendation and its strategies to support improved outcomes for students tended to differ by a stakeholder's role. Some stakeholders, mostly parents and LEAs, expressed the belief that this proposed change would open a pathway for innovation and specifically would serve students with an IEP in new ways within LEAs. Some families indicated in focus groups that they were only provided options for placement in regional programs versus local programs and that placement decisions may have been influenced by their LEA having a number of spots to fill in the regional program that it was already paying for.

Some LEAs, including very small LEAs, strongly supported the recommendation and strategies, whereas other LEAs, also including very small LEAs, strongly opposed them. Some small LEAs reported that SELPA coordination duplicates general education planning because the same participants make decisions and that this could streamline decision-making and reduce the convening of separate special education meetings with the same participants as other governing meetings. Although not mandated by law, many small LEAs already coordinate among themselves and with larger LEAs to jointly fund positions to provide services to other student groups. Single-LEA SELPA staff expressed support for the recommendation, noting that it reflects their current practice as single-LEA SELPAs. Other LEAs and a few SELPAs reported SELPA-related inequity, noting that some SELPAs do not coordinate services across their districts and, due to the lack of accountability, do not provide the same level of supports that are provided by other SELPAs.

Some SELPAs expressed that LEAs would fall significantly out of compliance if SELPAs did not enforce compliance and control special education funding, stating that LEAs would not choose on their own to access supports. Some LEAs opposed to this recommendation expressed the concern that large LEAs leaving SELPAs would negatively affect the smaller LEAs, especially in SELPAs where voting rights are not currently weighted based on LEA size. Other SELPAs and LEAs expressed concerns

that the cost of special education would go up because fewer LEAs would be sharing costs and that the ability of regional programs to hire specialized staff could be limited. SELPAs and a few LEAs reported that some LEAs currently refuse to share programs or to jointly fund staff, and they expressed the concern that this problem would be exacerbated without mandatory SELPA membership.

Several stakeholders, including parents, expressed concerns that implementing this recommendation might limit access to regional programs and/or that county-operated special education programs might not have sufficient funding to continue operating in this model. Many parents expressed concerns about their child's program ending, and some parents stated that they had already been informed their child's program would close if these recommendations were adopted. The evidence reviewed by the research team from other states demonstrates that regional programs thrive even when such programs are not mandated and are not dependent on mandatory participation. Although these recommendations could, at the discretion of an LEA, result in changes to the location where a student receives services, the decisions made by an IEP team about the appropriate placement for a student with an IEP should not, in the current or future model, be influenced by any pressure to maintain regional programs.

Overwhelmingly, both those who supported and those who opposed this recommendation expressed the need for any type of transition to be made over time and for the transition to be supported with training for the participants. Implementation of this recommendation and its strategies may require a skillset that special education leaders, especially in small LEAs, do not necessarily have. The proposed transition plan includes one year for the development of resources prior to implementing the recommendations and strategies in order to address the need for training.

## **Recommendations for the Intermediary Agency Role and Responsibilities in Special Education Governance and Accountability**

**Recommendation 3. Align improvement planning requirements and supports provided through the Statewide System of Support across general and special education. Align other intermediary supports for LEAs through COEs, allowing COEs to use county-operated ESAs or to pool funds across COEs to support LEAs as needed.**

This recommendation would help the state **increase transparency** and would **support alignment** of the Statewide System of Support. Streamlining the improvement planning systems for general and special education and making the intermediary agency role consistent for general and special education could also make those systems more accessible to families and other stakeholders and **increase their engagement in local decision-making**. If this recommendation were adopted, some COEs may need or want to establish county-operated ESAs to provide additional supports to LEAs within the COE's jurisdiction. For example, a large COE may decide to divide its LEAs geographically or based on the areas of need identified through improvement planning.

If the COE chose to use ESAs for any purpose assigned by the state, the COE would be responsible for providing funding to the ESA, would remain accountable to the state for the supports to LEAs, and could choose to stop or change its use of ESAs at any time. The state would not provide funding directly to ESAs, would not establish rules for their operation, and would not require them to be governed by a governing board, but might examine them as part of any oversight provided for COEs.

The strategies for implementing this recommendation include creating opportunities to better integrate governance and accountability supports, making technical assistance inclusive and responsive, agreeing on common priorities for improvement, and eliminating any potential redundancies and duplication of effort. There is a strong body of research about the need for inclusive practices coordinated by general and special education teachers to improve outcomes for students with an IEP (see section 3.2), a group that is already included as a student group in California's general education accountability structures (e.g., Dashboard, LCAP). Therefore, this recommendation and its strategies prioritize including special education improvement planning and technical assistance in general education structures whenever possible, rather than conducting those activities through a separate system.

## **Implementation Strategies, Timelines, and Resources**

### **3a. Continue to provide Statewide System of Support resources and to support inclusive practices for students with an IEP, for both general education and special education audiences.**

California's Statewide System of Support is intended, among other things, to:

- Reduce redundancy across state and federal programs;
- Integrate guidance and resources across state and federal programs; and
- Support LEAs to meet identified student needs through the LCAP process (CDE 2021d).

Consistent with that approach, and with the need for continued supports to increase the provision of special education in general education settings to improve outcomes for students with an IEP, the state could model inclusive practice by encouraging all expert and content leads to support teams that include general education and special education administrators and professionals. The state could also list all content leads together in its Statewide System of Support directory rather than listing special education leads separately, communicating that supports related to inclusive practices benefit all students. The state could also highlight examples of how supports are provided to encourage systemic improvement.

For example, the SELPA System Improvement Leads are focused on systemic change that could easily be applied more broadly than special education, yet are labeled as a special education support and listed under Special Education Resource Leads on the CDE Statewide System of Support website

(<https://www.cde.ca.gov/sp/sw/t1/csss.asp#leadagencies>). Removing the label of



special education from those leads and listing them by topic of expertise might improve the inaccurate but understandable perception by some that there is a separate Statewide System of Support for special education. Similarly, technical assistance on disproportionality should be focused on supports outside of special education to reduce disproportionality and could be better leveraged to build the capacity of general educators, but the supports are listed under State Performance Plan Technical Assistance Project on the website, which may not communicate the potential usefulness of their supports to general education administrators.

**Timeline and resources for implementation:**

Immediate (2022–23); ongoing resources should continue to be provided to ensure special education supports are available to both general and special education leaders and professionals.

**California *Education Code* that might need to be revised:**

- Section 52073.2, Local Control and Accountability Plans and the Statewide System of Support, special education resource leads
- Section 52059.5 et seq., Local Control and Accountability Plans and the Statewide System of Support

**3b. Collect data on how resources and supports are accessed by LEAs and distributed by technical assistance providers. Provide guidance to technical assistance providers on making supports available to the LEAs based on need and to LEAs on how to access resources and supports.**

Having better data about which LEAs access and receive supports through the Statewide System of Support and the results of those supports could help the state to better understand LEA improvement or the lack thereof and to make data-based decisions, together with various stakeholders, about the supports it funds in the future. Further, if the state better understood the characteristics of both the technical assistance provided and the LEAs accessing that support, it would be able to provide meaningful guidance to both LEAs and technical assistance providers on how to access and provide supports most effectively. Data that were not available for this study but that would allow for data-based decisions include, for example, size and geographic location of the LEA, the makeup of the LEA or COE team that received supports, and student process and outcomes data.

Using data from the Dashboard and other indicators of need, the state could encourage technical assistance providers to support specific LEAs or could recommend that LEAs with particular needs access specific supports. Any additional parameters around accessing or providing special education supports should be consistent with those for general education technical assistance and supports. Both should be informed by the recommendations that result from the upcoming differentiated assistance evaluation called for in the 2021 Budget Act.

The state could also review the data reported by COEs on differentiated assistance services and consider modifying the collection on the types of support accessed by LEAs to allow for additional examination of the data and inform future allocations.

**Timeline and resources for implementation:**

Upon completion of and in coordination with any recommendations from the results of the forthcoming technical assistance evaluation; examine whether changes are needed to the Statewide System of Support to meet the needs of LEAs and COEs.

**California *Education Code* that might need to be revised:**

- Section 42238.07, Apportionments and Revenue Control, expenditure of appropriated funds to increase or improve services
- Section 52064.5, Local Control and Accountability Plans and Statewide System of Support, evaluation rubrics for identifying improvement
- Sections 52071, Local Control and Accountability Plans and Statewide System of Support, requests for technical assistance

**3c. Encourage COEs, charter school authorizers, and the state to include special education expertise and support in LCAP improvement planning supports and differentiated assistance for LEAs, charter schools, and COEs. Build the expertise of local leaders to plan for and direct inclusive preschool and transitional kindergarten programs.**

As the expectation is placed on LEAs to address specific subgroups in their LCAPs when those subgroups have not experienced progress, COEs and other differentiated assistance providers will need additional expertise to build the capacity of general education administrators, teachers, providers, and families to provide and receive special education services in general education settings.

The proportion of LEAs found eligible for differentiated assistance based on their inability to improve outcomes for students with an IEP speaks to the need to ensure that improvement planning addresses the unique needs of this student group. The agencies funded to assist LEAs through differentiated assistance and improvement planning could leverage the special education expertise currently available through SELPAs as part of the teams working with LEAs. Although this kind of joint support and capacity building is currently happening in some areas of the state, there is not a consistent expectation that special education supports be included.

There may be a natural incentivization to include special education expertise in improvement planning and differentiated assistance in coming years. Although LEAs, in consultation with COEs, initially have had the liberty to prioritize areas for assistance, they will be directed to establish goals for the specific student groups and performance indicators that have not demonstrated progress. In preparation for what likely would

include significant efforts around students with an IEP, COEs would need additional capacity to support LEAs to address the needs of students with an IEP.

Another opportunity for coordinated planning and capacity aimed at improving student outcomes and increasing the provision of special education services in general education settings is the development of inclusive preschool and transitional kindergarten programs. The historic investment in and prioritization of increasing access to these programs presents an opportunity to address the lower-than-expected rates of inclusive service provision for students with an IEP aged 3–5, and thus increasing the likelihood of those students participating in general education settings as they continue through school (see results in sections 3.1 and 3.2). Guidance on implementing these programs, consistent with the *Master Plan for Early Learning and Care: California for All Kids* (Alcalá et al. 2020), should encourage creating inclusive programs and training all staff and providers on inclusive practices.

**Special consideration for charter school LEAs:** Currently, charter school authorizers do not receive additional resources to assist charter school LEAs with improvement planning or differentiated assistance. This study did not examine the provision of differentiated assistance to charter schools in general education in enough detail to make a recommendation about whether a similar role for special education would provide sufficient support to charter school LEAs. If it would not, the state could consider assigning an entity or entities, such as an ESA, to provide this support and coordination for charter school LEAs. For such statewide work, these special education supports established to serve charter schools would need funding directly from the state. Alternately, the state could clearly establish responsibility of COEs to support charter school LEAs with special education. Any additional funding for COEs or another entity should include corollary accountability requirements and data reporting expectations.

#### **Timeline and resources for implementation:**

Immediate (2022–23) and ongoing; an increase may be needed to ongoing resources for LCAP improvement planning and differentiated assistance.

One-time resources might be needed to revise guidance and instructions related to the LCAP and differentiated assistance processes to establish this expectation and to describe ways that special education expertise could be included in LCAP improvement planning and differentiated assistance.

The state could consider providing additional funds for differentiated assistance or providing additional guidance about the expectations on how existing funding for differentiated assistance is used.

#### **California *Education Code* that might need to be revised:**

- Section 52059.5 et seq., Local Control and Accountability Plans and the Statewide System of Support

- Section 52073.2, Local Control and Accountability Plans and the Statewide System of Support, special education resource leads

**3d. Aligned with accountability and support for general education, provide funding and establish expectations for COEs to serve as an intermediary agency to assist the state in supporting all LEAs with local implementation of IDEA as needed. Initially, assign responsibility to COEs for: (1) comprehensive coordinated early intervening services planning when an LEA is identified with significant disproportionality, (2) alternate dispute resolution and parent training, and (3) limited fiscal oversight. Establish clear expectations for the work to be completed, collect data to evaluate implementation, and allow COEs to use county-operated ESAs to support LEAs as needed.**

The state has relied on SELPAs to conduct certain activities on its behalf, but neither protected funding nor corollary systems have been in place to ensure accountability for SELPAs conducting such activities. In addition, some supports, such as alternate dispute resolution, have been provided by a third party for LEAs in multi-LEA SELPAs and by the LEA itself in single-LEA SELPAs.

To meet the ongoing needs of the state, the scope of any work to be administered by COEs, or county-operated ESAs where needed, should be explicit and tied to a specific, protected funding source. The state should collect data for evaluating the work and any expected outcomes. Beyond the initial three areas of work described in this strategy, examples of additional work could include assisting LEAs to prepare for or respond to CDE monitoring activities, collecting and reviewing data from LEAs on behalf of the CDE, and helping LEAs revise policies and procedures in response to changes to federal or state law.

COEs should be allowed to use county-operated ESAs or to pool resources across COEs to complete the work as needed and to ensure that all LEAs have access to similar supports, including small LEAs and those that are currently single-LEA SELPAs.

**CCEIS planning:** Use differentiated assistance as a model for COEs to provide supports to LEAs to plan for and implement CCEIS when an LEA is identified as having significant disproportionality in special education. The planning could be done in coordination with or as part of the LEA's LCAP and other improvement strategies supported by the COE.

This strategy could reduce duplication among plans that are intended to assist students who need additional support and could promote coordination of improvement efforts. The state would provide funding to COEs to support each LEA identified with significant disproportionality in conducting root-cause analyses to determine the underlying factors related to the significant disproportionality and in developing a CCEIS plan coordinated with the LEA's other improvement plans. As with differentiated assistance, the COE could report to the state on the completion of the plan, and the COE could help the state monitor the LEA's progress in implementing the plan. If an LEA were not able to demonstrate progress in reducing the significant disproportionality over a period of time,

such as three years, the state could then provide the LEA with more intensive monitoring and support activities.

**Alternate dispute resolution and parent training:** Provide funding to each COE for alternate dispute resolution services and special education training for parents. Encourage each COE to use a portion of the funding to coordinate with family-run organizations in its area (e.g., Family Empowerment Centers, Parent Training and Information Centers), where available, to streamline supports for families and increase the number of families participating in training and alternate dispute resolution.

Funding a consistent agency to provide alternate dispute resolution and other supports for parents and families could improve transparency around current supports that are sometimes provided by the LEA and sometimes by the SELPA, COE, or other agency, at the discretion of LEAs and multi-LEA SELPA governing boards. This strategy could provide parents with a consistent array of supports and increase their awareness of available supports. Parents around the state, including those whose children attend single-LEA SELPAs, would also gain more consistent access to alternate dispute resolution. Pooling these funds at the COE level and encouraging coordination with family-run parent support organizations could also reduce potential duplication across projects and in the creation of resources, expand families' and guardians' support networks, and ensure consistent messaging to families.

There has been very little data collected on and accountability for state-funded parent training and alternate dispute resolution, which creates a challenge for the state in evaluating the effectiveness of such investments. The state has established expectations for collecting data on formal dispute resolution and could establish metrics for reporting on the training and alternate dispute resolution supports provided to families and on the characteristics of the families accessing and not accessing dispute resolution.

The state could leverage its investments in both the recently expanded Family Empowerment Center network and the Community Engagement Initiative in the Statewide System of Support to assist COEs in providing these supports to families. It could do this by encouraging, and collecting data on, the coordination of supports with family-run organizations where they are available and by using the Community Engagement Initiative as a resource for the strategies it has found most successful for engaging communities and families.

**Limited fiscal oversight:** Currently, COEs are responsible for fiscal oversight of the LEAs in the county, including reviewing and approving LEA budgets. As the state develops fiscal oversight procedures for LEAs as subrecipients of IDEA funds (see strategies 1a, 1b, and 1c), it could consider how the current COE reviews of LEA budgets can be used to ensure fiscal oversight for special education.

**Special consideration for charter school LEAs:** As with strategy 3c, the state could consider assigning an entity or entities, such as an ESA through the Statewide System of Support, to provide this support and coordination for charter school LEAs or more clearly establish the responsibility of COEs to support charter school LEAs. Specific to

family training and dispute resolution, the state should establish an expectation that parents of students with an IEP are informed of where they can access those supports.

**Timeline and resources for implementation:**

Immediate (2022–23) and ongoing based on state needs; ongoing resources would be needed for any new responsibilities assigned to COEs.

One-time resources would be needed for either the CDE or one of its technical assistance contractors to build the capacity of COEs to engage with LEAs in examining significant disproportionality and to assist LEAs in planning for CCEIS. Ongoing, the state should determine an appropriate amount of funds to provide to COEs to support LEAs that are identified as having significant disproportionality. That amount could be assigned based on the LEA and its demographics and could be adjusted based on the size of the LEA and how long the LEA has been identified as having significant disproportionality. The state should consider whether an adjustment is needed for LEAs that are both identified for CCEIS and eligible for differentiated assistance.

To provide COEs with the funding needed to offer alternate dispute resolution services, the state could redirect the significant funding it has already invested in these services to the COEs. The state should consider how it could also leverage its investment in the Family Empowerment Centers, for example, by requiring each center to distribute resources and make training available through the COE(s) where it serves families.

For fiscal oversight, additional funding would not be needed unless the state assigns additional responsibilities to COEs.

**California *Education Code* and policy that might need to be revised:**

- Section 11503, Programs to Encourage Parent Involvement
- Section 52060, Local Control and Accountability Plans and the Statewide System of Support, priorities
- Section 56205, State Requirements, local plan
- Section 56408, Family Empowerment Centers on Disability, condition of receipt of funds
- Section 56836.23, Program Specialists and Administration of Regionalized Operations and Services, functions
- Sections 56601 and 56601.5 Evaluation, Audits, and Information
- Significant Disproportionality Comprehensive Coordinated Early Intervening Services Plan (CCEIS), California Department of Education, Special Education Division

## Stakeholder Input on the Potential Benefits and Drawbacks of Recommendation 3

Nearly all stakeholders responded positively to this recommendation and its strategies to continue to move toward one unified system of support, and some LEAs and COEs reported that the strategies to align the provision of supports for LEAs across general and special education programs are already underway in some areas of the state. Others reported that such strategies were not in place in their own locale and that the ability to implement such strategies would appear to depend on local perceptions about the need for integration and, even more so, on the relationships between LEAs, COEs, and SELPAs. Stakeholders provided feedback that, taken together, indicates that the nature of the relationships among LEAs, COEs, and SELPAs varies significantly across the state, even within small geographic areas. For example, one SELPA director reported that few, if any, SELPA directors attended COE meetings, whether internal or with LEAs, about differentiated assistance and that many were unaware of the rich training being provided on multi-tiered systems of support and universal design for learning through general education professional development set up by COEs. However, some SELPA directors and many LEAs reported that SELPAs are an integral part of the differentiated assistance process, and that SELPAs currently integrate their work with COEs, as envisioned in these strategies. Multiple SELPA directors reported serving on the cabinet of their COE superintendent.

Many stakeholders identified potential benefits, were this recommendation to be consistently implemented, including helping to shift the mindset of special education leaders in COEs and LEAs by further communicating the expectation for increased inclusive practice. Some stakeholders, including parents, SELPAs, and LEAs, envision a future in which all LEAs would train general education and special education teachers together on multi-tiered systems of support and universal design for learning and students with an IEP would have increased opportunities to be included in general education settings.

A small minority of stakeholders expressed concern that the general education and special education systems are so different that they could not or should not be more integrated. However, the large majority of stakeholders expressed support for any moves toward a more integrated system. Parents reported in focus groups that they want to be more engaged in the general education system so they can better understand how to advocate for their child's increased inclusion in general education settings.

Some of the potential barriers to successful implementation of this recommendation that were identified by SELPA, LEA, and COE staff and leaders are:

- Significant gaps in both operations and instruction between general education and special education;
- Insufficient capacity in the CDE to support a more integrated system with limited staff;

- Lack of personnel at all levels of the education, especially in COEs, who understand both the general education system and the special education system;
- Inability and lack of interest among general education teachers and administrators to collaborate with special educators; and
- COE refusal to assist LEAs with special education.

Throughout the research team’s public outreach efforts for this study and as with the other recommendations, stakeholders reiterated the need for training and transition planning to support all parties in these types of changes. Some SELPAs, COEs, and LEAs recommended a modified transition that would maintain COEs and SELPAs as separate entities, but that would require additional communication and collaboration between the two intermediary agencies. Many stakeholders representing COEs and SELPAs noted that collaboration between the two types of intermediary agencies is currently dependent on relationships and that clear expectations or requirements for collaboration have not been established. Many COEs and SELPAs reported that support in developing better collaboration would be welcomed.

## Recommendations for the State’s Role and Responsibilities in Special Education Governance and Accountability

### Recommendation 4. Increase transparency and alignment of the state’s general and special education accountability, monitoring, and technical assistance structures. Amplify the voices of special education stakeholders, including families, in all governance and accountability structures.

This recommendation and accompanying strategies would help the state **ensure the equitable distribution of funding and supports**, including to small LEAs, **increase transparency**, and **support alignment**. They address the challenges identified through this study related to the lack of inclusive practice and alignment at all levels — state, intermediary, and local. The state could better model inclusive practice by increasing collaborative governance and accountability work across programs at the state level, which would demonstrate its commitment to inclusive practices.

In addition, if the state increased the transparency and alignment of its governance and accountability structures, families could better understand expectations and would be more capable of engaging in local decision-making and promoting inclusive practice at the local level.

### Implementation Strategies, Timelines, and Resources

#### 4a. Increase transparency of general and special education monitoring and technical assistance activities for LEAs, families, and other stakeholders by



### **improving the sections of the CDE website dedicated to general and special education accountability and describing how they are related.**

The CDE Special Education Division website could benefit from a concise summary of how the state ensures LEA compliance with IDEA and how it works with LEAs to improve student outcomes. Some information about the state's monitoring and technical assistance activities is available on the website. However, there are some components of monitoring and technical assistance activities, such as the special education plan, that are not described on the CDE website and for which greater transparency would be helpful to all stakeholders. The website currently does not describe how special education and general education accountability overlap; this could be strengthened by describing how LEAs are accountable under multiple systems for students with an IEP.

However, the state should consider the potential benefits of investing resources in updating its website in the near future, before any system changes are implemented. If the state were to create new structures for accountability, it should consider how it could develop timely, succinct descriptions of those structures to increase transparency. Updating the website now to better describe structures and resources that could become obsolete could reduce, rather than improve, transparency.

#### **Timeline and resources for implementation:**

Upon making changes to governance and accountability structures; one-time and ongoing resources would be needed for potential revisions and ongoing updates.

As the state allocates resources toward implementing the recommendations from this study, it could consider developing concise, user-friendly descriptions as a part of implementation and rollout of those changes.

### **4b. Reduce duplication of LEA efforts and encourage inclusive planning by aligning special education improvement planning with the LCAP process. Use the separate special education plan (SEP) to inform creation of a Special Education Addendum to the LCAP.**

Strategy 1c recommends replacing the requirement for a SELPA local plan with a simplified LEA application for funds consisting of only the required series of assurances and a budget submission. As discussed in section 3.2, SELPA local plans have not served as improvement plans. Currently, in addition to SELPA local plans, LEAs address improvement planning through the SEP. The state is required to verify correction of noncompliance in accordance with IDEA and OSEP guidance, and it reviews SEP improvement plans for completeness and to inform CDE technical assistance. It has not consistently evaluated the quality of SEPs or whether the plans are coordinated with other plans, including the LCAP.

The state could transition from the SEP — which currently serves as the continuous improvement planning document LEAs use to describe how they would improve their performance on each of the federal performance indicators required by the IDEA — to encouraging LEAs to address special education data and improvement efforts in tandem with LCAP improvement planning through a Special Education Addendum to

the LCAP. This addendum could be designed as a detachable supplement to the LCAP in order to meet CDE monitoring requirements, and it could mirror the structure of the LCAP by centering LEAs' planning on a few key goals to focus their improvement efforts on actions that are complementary to the LEAs' overall LCAP goals, actions, and services. This approach could greatly reduce the administrative burden the current SEP presents to LEAs.

Given the overlapping nature of the LCAP and the SEP, the state could increase the likelihood that LEAs would more deeply explore the root causes for lack of improvement for students with an IEP by including the review of supplemental special education data during the LCAP prioritizing and planning processes. LEAs who have not been able to improve outcomes for students with an IEP would be required to address their outcomes, as a student group or part of other student groups, in goals and to review additional data to inform those goals. LEAs could review data, including trend data, on the placement of both school-aged and preschool students in the least restrictive environment; on disproportionality; on discrepancies in suspension and expulsion rates for students with an IEP, including by race and ethnicity; and on post-school outcomes for students who had an IEP when they exited school. LEAs should also review parent survey data. Graduation, dropout, and assessment data are already included in the Dashboard data used by LEAs.

Revised guidance provided through differentiated assistance could include best practices for LEAs to approach their improvement planning under the LCFF and IDEA in complementary and related plans.

The addendum could be used to report on: correction of noncompliance; other federally required data, such as the number of students who receive CCEIS and the number who are later identified for special education in LEAs with significant disproportionality; and other special education information required by federal or state law or court decisions. A Special Education Addendum could also be used to collect any additional data needed for the state to evaluate the implementation of inclusive practices.

#### **Timeline and resources for implementation:**

Consider aligning the transition to the other transitions in recommendations 2 and 3, to be completed by SY 2025–26; substantial one-time and ongoing resources would be needed.

Substantial one-time resources would be required to develop a Special Education Addendum. The state might be able to repurpose resources used for the SEP toward building the capacity of LEAs to make planning efforts more inclusive. However, reviewing plans for quality rather than completeness would require additional time and resources.

Ongoing resources might be needed to support LEAs in completing the addendum; that support could potentially be provided through COEs on behalf of the state (see strategy 3d).

#### **California *Education Code* that might need to be revised:**

- Section 52060, Local Control and Accountability Plans and the Statewide System of Support, report
- Section 52062, 52064, Local Control and Accountability Plans and the Statewide System of Support, consultation before adoption

**4c. Streamline and increase access to publicly reported SPP/APR data by publishing the data for each LEA on DataQuest and by linking to each LEA’s report from its page on the California School Dashboard.**

Improving access to California’s public reporting of special education data by LEA would increase transparency. Linking special education data to the Dashboard communicates to LEAs and the public the importance of those data and that the state is using the data for decision-making and program evaluation. However, as explored in section 3.3, public reporting of data on its own is not connected to improved practice and although it would provide parents and other stakeholders with needed data to support their engagement in local decision-making, it may not represent the data that could be used to change local practice.

Currently, the state publishes LEAs’ APR data in files that members of the public often do not know about, and those data are not linked to other accountability data. The CDE has been working to develop more comprehensive data reports on DataQuest to support the public’s access to data, and publishing LEAs’ APR data historically would provide the public with a clearer understanding of LEA performance. Given the lack of alignment of the SPP/APR indicators to the Dashboard indicators, the state could create special education reports on DataQuest for each LEA and link to those reports from each LEA’s Dashboard page to provide community members with simple access to additional data on the experiences of and outcomes for students with an IEP. To increase transparency, the DataQuest report could include a note explaining that some data have similar labels (e.g., graduation rate, proficiency on statewide assessments), but are different due to the different measures established by OSEP and by California.

In addition, the state could further consider or ask its Statewide System of Support leads to provide information on the types of data and practices for data sharing and use that, if used by LEAs in improvement planning, would be likely to change local practice and could be more useful for improvement planning than the statewide, summative indicators currently reported through the SPP/APR data.

**Timeline and resources for implementation:**

Immediate (2022–23); minimal one-time and ongoing resources might be needed.

The state currently uses resources to develop separate PDF reports for each LEA and to post them to the CDE website to meet SPP/APR public reporting requirements. It could repurpose those resources to implement this strategy. The state has invested significant funds in the Supporting Inclusive Practices project that could be used to gather additional information on how the use and publication of data affect inclusive practices.

**4d. Revise California *Education Code* to require that each LCAP parent advisory committee include a proportion of parents of students with an IEP that is equal to or greater than the proportion of students with an IEP enrolled in the LEA.**

Because the LCAP parent advisory committee is making decisions about all students, including those with an IEP, it is important to explicitly ensure that membership includes parents of students with an IEP. In addition to engaging parents of students with an IEP in local decision-making, having them on each LCAP parent advisory committee would also increase their knowledge about the general education accountability structures, which would lead to increased transparency. Parents of students with an IEP might identify areas for alignment of improvement planning that had not previously been identified.

If the state adopts the previous recommendations to shift special education planning from SELPAs to LEAs and not require each LEA to belong to a SELPA, this recommendation will be especially important to ensure continued engagement of parents of students with an IEP. CACs are not required by IDEA, and although they have provided some parents with access to decision-making about special education services that are coordinated by SELPAs, they have not routinely provide parents with opportunities to participate in local decision-making, especially about general education.

The state should also consider where else it can encourage the inclusion of parents of students with an IEP in local decision-making, such as on School Site Councils. It could request that its Community Engagement Initiative partners develop resources geared specifically toward informing parents of students with an IEP on how to become more engaged and the existing opportunities for engagement. This support might be provided through the parent training under recommendation 3d, in coordination with family-run parent support organizations.

**Timeline and resources for implementation:**

Begin transition in SY 2023–24; transition to full implementation by SY 2025–26; no additional resources would be required.

The transition away from the use of CACs could match the transitions in recommendations 1 and 2.

**California *Education Code* that might need to be revised:**

- Section 52063, Local Control and Accountability Plan and the Statewide System of Support, parent advisory committee
- Sections 56190–56194, Community Advisory Committee
- Section 56195.9, Local Requirements, plan updates

*Note: Stakeholder feedback is combined for recommendations 4 and 5 and included after recommendation 5.*

## **Recommendation 5. Increase state communication and guidance to LEAs, communities, and families about the state’s special education priorities and available resources for increasing the provision of special education services in general education settings and improving academic and functional outcomes for students with an IEP.**

This recommendation would help the state **increase transparency** and **promote local stakeholder engagement**. The state has shifted its special education governance and accountability structures to be more focused on improving outcomes for students with an IEP, and it should continue to orient its structures toward improving outcomes for students with an IEP. Additional, proactive communication and guidance could create better transparency for families and other stakeholders, building their capacity to participate in local decision-making. It is important for all stakeholders to understand the state’s priorities.

### **Implementation Strategies, Timelines, and Resources**

#### **5a. Establish at least one mechanism (e.g., quarterly email communications, a regular newsletter, an annual meeting, regular webinars) to communicate with LEA special education leaders directly or through the COEs to which they belong.**

This strategy is intended to ensure that communication from the CDE about special education is not limited to associations with a paid membership, such as the state SELPA association. Regular, direct communication with LEA special education leaders could increase transparency, and coordination of communication with other state partners could lead to increased alignment among programs supported by different CDE divisions.

Regular communication would not require the state to develop original materials. One strategy for content development could be sharing one resource each month from a Statewide System of Support lead or other technical assistance contractor, including resources from the content leads that are not focused on special education. To minimize the burden on both the state and LEAs, the state should adopt the same (or similar) process that LEAs use to update the California School Directory to update information on special education leadership for each LEA. Adding that contact information to the directory could also increase public transparency about who in each LEA has decision-making authority.

In addition, the state could develop guidance on best practices and provide additional practice briefs to the field, continuing the strong communication established to assist LEAs in responding to the COVID-19 pandemic. When sharing resources, the state could invite students with an IEP and their parents to participate by sharing their own experience in special education, through video clips or other short vignettes.

### **Timeline and resources for implementation:**

Immediate (2022–23); minimal resources might be needed to establish and maintain communication mechanisms as well as contact information for LEA special education leaders. The actual resources needed would depend on the mechanisms the state opts to engage. For example, the cost of an annual conference would be more significant than the cost of a quarterly newsletter.

### **5b. Communicate the state’s special education priorities and promote its work to improve outcomes for students with an IEP through state websites and other public mechanisms (e.g., at public meetings, through webinars, when presenting to stakeholder groups). Amplify parent and student voices and experiences in outreach and communications.**

To increase transparency, the state could develop a communication and outreach plan that addresses how the state will consistently communicate its special education priorities. The outreach to promote the state’s priorities could include distributing LEA success stories and resources created by the state’s technical assistance projects. The state should consider how to engage students with an IEP, their parents and families, and special educators and service providers in its outreach and promotion strategies whenever possible. When sharing resources, the state could invite students with an IEP and their parents to participate by sharing their own experience in special education, through video clips or short vignettes.

The state should communicate its priorities and best practices for students with an IEP to special education and general education leaders, teachers, and other service providers and coordinating communications about state priorities across programs.

### **Timeline and resources for implementation:**

Immediate (2022–23) and ongoing; minimal one-time and ongoing resources might be needed.

Resources might be needed to develop accessible materials for communicating state priorities to various audiences.

## **Stakeholder Input on the Potential Benefits and Drawbacks of Recommendations 4 and 5**

Nearly all stakeholders agreed with these recommendations and their related strategies.

All stakeholders expressed overwhelming support for eliminating potentially duplicative improvement plans and planning processes in favor of an LCAP that better integrates special education data and priorities. Some of the benefits of streamlining accountability processes identified by stakeholders include:

- Increased joint ownership and commitment to meet the needs of all students;
- A greater sense of community and belonging for all families;

- Potential inclusion of child find in the LCAP, resulting in improved systems for timely identification of students who need an IEP;
- Motivation for LEAs to define “core instruction” or “first best instruction”; and
- Acknowledgment that the current systems are not closing achievement gaps for students with an IEP.

All stakeholders, especially parents, were in favor of requiring representation of parents of students with an IEP on each LCAP parent advisory committee. Parents expressed a strong desire to be included in the broader school community, even if their child attended a program outside of the school. Parents reported that inclusion in the school community increased their hope that there could be the appropriate accommodations and modifications to enable their child to also participate. One parent recommended that proportional participation of students with disabilities also be required on each District English Learner Advisory Committee (DELAC). Some parents expressed concerns about discontinuing CACs because they are seen as such a valuable source of parent training and the CAC is how those parents have been receiving information about special education.

Parents and education professionals alike expressed a significant interest in receiving additional communication from the state, in better understanding the state’s priorities for special education, and in increasing transparency related to monitoring and special education data.

---

## Section 6. Conclusion

The purpose of the California Special Education Governance and Accountability study was, as directed by Senate Bill 74, Budget Act of 2020, to examine the state’s current governance and accountability structures for students with an IEP and to provide recommendations for improvement with the end goal of improving outcomes for students with an IEP. The question of how to leverage the state accountability system toward improved outcomes is not new; this report echoes previous recommendations, including by the 2015 Statewide Special Education Task Force, that have called for the state to move to one overall education system designed to serve all students, *including* those with an IEP.

Established by the research as the strongest predictor of improved outcomes, the study closely examined the how the state’s governance and accountability structures were geared to increase the delivery of special education services and supports in the least restrictive environment, which for most, but not all, students with an IEP is the general education setting. This study built on the body of research about special education with an analysis of significant amounts of statewide data across five years, a careful review of policy and law to identify opportunities for clarification, and stakeholder engagement

to better understand the current governance and accountability systems and the potential benefits and drawbacks of the recommended changes.

Using those methods, the study explored the separate but overlapping special education and general education governance and accountability structures, how those structures align with the state's priorities, and the potential effect of those separate structures on students with an IEP, especially those who not only have an IEP, but who also receive or need supports due to learning English or experiencing socioeconomic disadvantage. As directed by the state, the study identified challenges and opportunities for improvement related to: equitable resource distribution, including to small LEAs; transparent decision-making; authentic stakeholder engagement and input in local decision-making; and alignment of state and federal accountability, compliance, and support systems. Although this study identified several challenges that require policy changes, the success of many of the strategies will depend on strengthened relationships and common priorities across general and special education at all levels, continuing and enhancing the work started through the LCFF and its surrounding accountability structures to better serve all students. The high-performing LEAs profiled in this report credited their success to strategies including adopting inclusive mindsets, investing in staff, using timely student-level data to provide individualized support, and forging strong connections with their families and communities. Those LEAs, consistent with the research, also recognized the dependence of increased provision of services in general education settings on sufficient and qualified personnel, in which the state has invested significant resources.

Because improved student outcomes and increased provision of services in general education occurs in LEAs of different sizes with different governance types, and due to the disparity in outcomes by race, this study's recommendations are focused on breaking down and removing any unnecessary barriers to improvement in the state's governance and accountability structures and building the capacity of local systems to increase inclusive practices, including through inclusive preschool programs. The state, intermediary agencies, and LEAs all have opportunities to improve the equity, alignment, and transparency of their governance and accountability structures.

Adopting the recommendations will require thoughtful transitions and significant resources. Strategies include changes for the state, intermediary, and local level, with the state taking on additional responsibility for the equitable and transparent distribution of funding and supports; intermediary agencies aligning supports to build LEA capacity through one unified support structure, rather than two separate structures; and LEAs, with their elected boards, taking responsibility for overseeing special education funding and improving coordination of improvement planning to adequately serve all students, including those with an IEP. The recommended strategies also aim to provide parents and families with more consistent supports and to better engage them in local decision-making that is not limited to special education.

This study also recommends strategies for collecting additional data and improving access to current data to enable the state, as well as LEAs and other stakeholders, to engage in continuous improvement of special education governance and accountability. Additional data about the effectiveness of current supports will help inform the state's



continued investments in the Statewide System of Supports and inform the development of state resources. More easily accessible special education data will enable better coordinated improvement planning and increased engagement of families and other stakeholders in local decision-making.

California faces many challenges related to students with an IEP, including persistent gaps in academic achievement and some of the highest rates in the country of students that are not participating in general education settings. In response, the state has invested significant resources in special education. This study presents multiple opportunities for the state to leverage those resources toward improving equity, transparency, and alignment, and increasing engagement in local decision-making.

---

# Appendix A: Detailed Methods

As described in the report, the study included the following methods:

- Review and analysis of applicable and related federal and state laws, regulations, policies, procedures, and guidance to explore their relative influence on student outcomes and, specifically for California law and policies, to identify areas of duplication, misalignment with federal law, and inconsistency with the state’s priorities.
- Comprehensive analyses of statewide data to identify and explore trends and opportunities, leading to more in-depth analysis of a subset of LEAs, to understand factors that might influence student outcomes and to identify areas for further examination.
- Interviews with key stakeholders to better understand local context, develop profiles of high-performing LEAs, and understand the implications of current structures and policy as well as the potential benefits and drawbacks of changes to current structures and policies.
- Review of other state, regional, district, and school practices, research literature, and available data, to understand other structures and policies that might influence student outcomes and identify potential areas for improvement in California.

## Policy Review

The research team conducted an in-depth review and analysis of primary source material, including federal and California laws, regulations, policies, procedures, and guidance related to general and special education governance and accountability. Specifically, these included:

- California *Education Code*, Titles 1 and 2
- California *Code of Regulations* (CAL. CODE REGS., tit. 5, Chapter 3)
- California Department of Education (CDE) policies and guidance (Special Education Division, Fiscal & Administrative Services Division, School Fiscal Services Division, Local Agency Systems Support Office)
  - Board rules related to special education
  - Manuals issued by the CDE
- California’s Every Student Succeeds Act (ESSA) plan

- Individual with Disabilities Act (IDEA) statute (20 U.S.C. §1400 et seq.)
- IDEA regulations (34 CFR Part 300)
- Other federal statutes and regulations
  - Elementary and Secondary Education Act as reauthorized by ESSA
  - ESSA regulations
  - Americans with Disabilities Act
  - Charter School Expansion Act
  - Education Department General Administrative Regulations (EDGAR)
  - Uniform Grant Guidance issued by the Office of Management and Budget
  - Non-regulatory U.S. Department of Education guidance
  - “Dear Colleague” letters related to governance, resource allocation, and other topics

The research team examined this primary source material to determine the required roles and responsibilities at each organizational level (local, intermediary, and state) for ensuring students’ access to a free and appropriate public education (FAPE) in the least restrictive environment (LRE), as required by IDEA. The research team produced a description of the current governance and accountability structures at the state, intermediary, and local levels as the basis for further study and analysis to be able to understand and make findings about areas of state policy that have been unclear and/or are potential barriers to improved outcomes for students with an IEP.

The team completed additional reviews of federal and state special education statutes and policies to explore potential discrepancies between state and federal law, specifically determining if and how California law and special education systems are aligned and/or consistent with the federal accountability systems prescribed in IDEA. The team identified areas for potential change by looking for where state law goes beyond federal law and for areas of duplication between California’s general and special education accountability systems. The team also completed an analysis of state and federal laws related to the legal roles and responsibilities of charter schools.

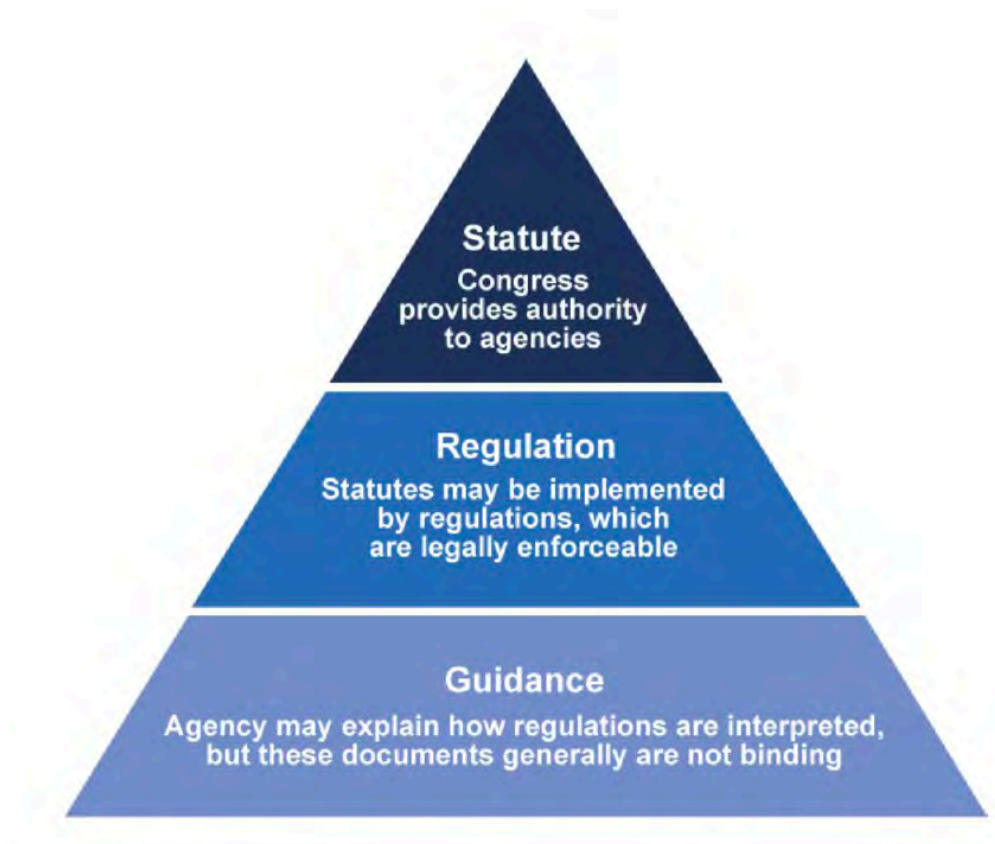
In addition to reviewing the primary policy materials — that is, statutes and regulations — the team reviewed secondary sources of guidance to assess how structures and priorities are established and implemented in California at the state, intermediary, and local levels. The secondary source materials included non-regulatory guidance from the U.S. Department of Education’s Office of Special Education Programs, CDE policy guidance and procedures, and guidance and procedures developed by and for other state, regional, and local agencies. Although non-regulatory guidance is nonbinding, reviewing it provides perspectives on how policies created in federal and state statutes are interpreted and implemented within lower-level education systems. Formal and

informal guidance often provide interpretation of policies that may be influenced more by local priorities than by the original intent of the policymakers, leading to practice that may not align to policy.

Exhibit A-1 illustrates how laws (statute or code), policies (regulations and rules), guidance, and local decision-making might be informed by one another. This study examined the influence of each level of governance on inclusive practices and student outcomes.

---

### **Exhibit A-1. How levels of governing authority inform one another.**



[An accessible, plain text version of exhibit A-1 is provided in appendix D.](#)

## **Statewide Data Analyses**

The research team sought to identify trends and improvement opportunities through analyses of statewide special education data, including data related to the delivery of special education services and supports to students with an IEP in a general education setting and data on these students' outcomes. As described in greater detail below, to identify LEAs with best practices and those with areas of concern, the research team investigated statewide data to assess patterns and opportunities across the state, then identified a subset of LEAs, representing the various LEA governance structures in California, to study in greater depth.

## Investigation of Statewide Data

Data sources included the California Longitudinal Pupil Achievement Data System (CALPADS), the California Student Management Information System (CASEMIS), the California Assessment of Student Performance and Progress (CAASPP), public data from California regarding staff tenure, and public data from the National Center for Education Statistics (NCES), the U.S. Census Bureau, and the U.S. Department of Education. These data represented school year (SY) 2016–17 through SY 2018–19 (for student-level data, provided by the CDE) and SY 2016–17 through SY 2019–20 (for publicly available data).<sup>23</sup> In investigating the statewide data, the team sought evidence of patterns of improved outcomes and explored whether various governance and accountability indicators were related to those patterns. The performance indicators examined by the research team are presented in exhibit A-2.

### Exhibit A-2. Statewide data sources used for study analyses.

Indicators	Data Sources
<b>Performance Measures</b>	Student-level factors from CALPADS and CASEMIS; proficiency data from CAASPP
<b>Least Restrictive Environment</b>	Placement data from CASEMIS; comparison data from other states and from the U.S. Department of Education and NCES
<b>Disproportionality</b>	Special education eligibility, discipline, and placement data from CALPADS and CASEMIS
<b>Staff Tenure</b>	Public personnel data files from the CDE and CALPADS
<b>Special Education Networks</b>	LEA of residence and LEA of service for each service for each student from CASEMIS and CALPADS; Geographic Information Systems data from the U.S. Census Bureau

The research team examined the first four indicators (performance measures, LRE, disproportionality, and staff tenure) through descriptive statistics, trends, correlations, and regression models. These methods provide information on how specific variables of interest related to governance and accountability (e.g., LEA characteristics, practices, and policies) may affect student performance, staff turnover, and disproportionality. For potential areas of best practice and areas of concern, the research team used multiple years of statewide data to conduct trend analyses and examine relationships between data and indicators of governance and accountability, including looking at data across

<sup>23</sup> CASEMIS also had student-level data for SY 2014–15 and SY 2015–16.

and within LEAs and SELPAs by type, size, location, and composition based on wealth, race, and distance from the nearest metropolis.

The team also explored the ways in which California LEAs connect and receive services from one another, through formal and informal networks, to ensure that they can all provide the full continuum of special education services and supports as needed. Formal connections are those established by law, specifically, the requirements that certain LEAs participate in a multi-LEA SELPA or a COE. Informal connections are those that are not imposed but are voluntarily established among LEAs themselves, generally to provide more efficient and effective services to students. Both types are common in California. This investigation yielded insight into whether certain conditions or structures — such as the presence of regional agencies — were associated with the formation of service connections across LEAs.

Using CASEMIS services-related data, the team completed various network analyses (for example, measuring how many other LEAs each LEA is connected to) in order to:

- Quantify the degree to which LEAs are connected across the state;
- Identify the LEAs that are core to a network (i.e., LEAs that connect to many other LEAs);
- Find LEAs on the periphery of each network (i.e., LEAs that do not have many connections) and identify conditions that help support their connections; and
- Identify the types of LEA providing the most connections, especially to LEAs on the periphery.

By illustrating how LEAs currently leverage networks of other LEAs to provide services to students with an IEP, these network analyses provide additional insights into related recommendations, such as those related to the relationship between LEAs and intermediary agencies. Additional details about the technical nature of these analyses are provided in appendix B.

## Identification of LEAs for Further Study

To further explore governance and accountability structures and practices that may have contributed to high performance in some LEAs and to illustrate the potential implications of the study's recommendations for LEAs with different governance structures, the team used the statewide data to identify 31 LEAs that were representative of California on multiple indicators, including geographically and by LEA and SELPA type, to be studied in more depth. Selection was completed in two steps. First, the team stratified California LEAs by type (charter, school district, and other<sup>24</sup>), size, and governance structure, including an LEA's relation to intermediary agencies

---

<sup>24</sup> "Other" LEAs referred to county-run LEAs (e.g., county-run juvenile court and community schools) and state-run special schools (e.g., California's Schools for the Deaf). The research team generally excluded these from the analysis given that their contexts and populations are not representative of most California LEAs.

(i.e., whether it belonged to a single- or multi-LEA SELPA and whether its COE served as its SELPA's administrative unit). Then, LEAs within each stratum were selected based on evidence of high performance (using various performance indicators, many of which were specific to students with an IEP). Some lower-performing LEAs were also analyzed for comparison purposes.

To ensure that all regions and environments of California were represented, the research team used three strata for all analyses:

- California County Superintendents Educational Services Association (CCSESA) Regions<sup>25</sup>
- Charter and non-charter LEAs
- Single-LEA and multi-LEA SELPAs

This means that each analysis to find high- and low-performing districts was conducted within each stratum, ensuring representation of all parts of California and different types of LEAs.

**Performance Measures.** The team used measures representing three general aspects of district performance, with each measure either already directly used by the state accountability system or related to one that is used by the accountability system and that is widely accepted as a valid measure of performance:

- 1) Academic performance and growth;
- 2) Disproportionality rates (with low disproportionately as the desired outcome); and
- 3) Age of identification of students with an IEP (with early identification as the desired outcome).

This analysis enabled the research team to identify districts that are doing relatively well or poorly on clear, concrete measures of performance. Appendix B discusses the technical analysis in greater detail. Because several characteristics influence student performance and disproportionality, the team used an approach that helped identify districts that were performing well (or poorly) relative to what would be statistically expected given their LEA environment. This means that, given the LEA environment (i.e., the proportion of students who are English learners and/or economically disadvantaged, the type of district, and the size of the school), the team identified

---

<sup>25</sup> The research team combined Los Angeles with the neighboring Region 8 because most of the Los Angeles region consisted of the Los Angeles Unified School District, so combining it with a neighboring region created a more representative stratum. Region 8 includes Kern, San Luis Obispo, Santa Barbara, and Ventura counties.

districts that had high performance or low disproportionality beyond what is expected for their situation.<sup>26</sup>

## **Interviews with and Surveys of Key Stakeholders**

The research team developed survey, focus group, and interview protocols to gather information on the implementation and influence of existing governance and accountability mechanisms in LEAs that had been identified as high- and low-performing. Qualitative data collected from selected high-performing LEAs and their regional agencies (SELPAs and COEs) were used to produce the LEA profiles included in the report.

The research team first administered the survey to a stratified sample of 31 LEAs and the SELPAs and COEs connected to those LEAs. The sample reflected the various geographic circumstances, governance infrastructures, and levels of performance across the state. Survey respondents included 1,576 education professionals and 1,244 parents, totaling nearly 3,000 responses from 31 LEAs. As illustrated in exhibit A-3, the research team, in partnership with the CDE, used survey results and available data to select a subset of 5 of the 31 surveyed LEAs to participate in interviews and focus groups.

---

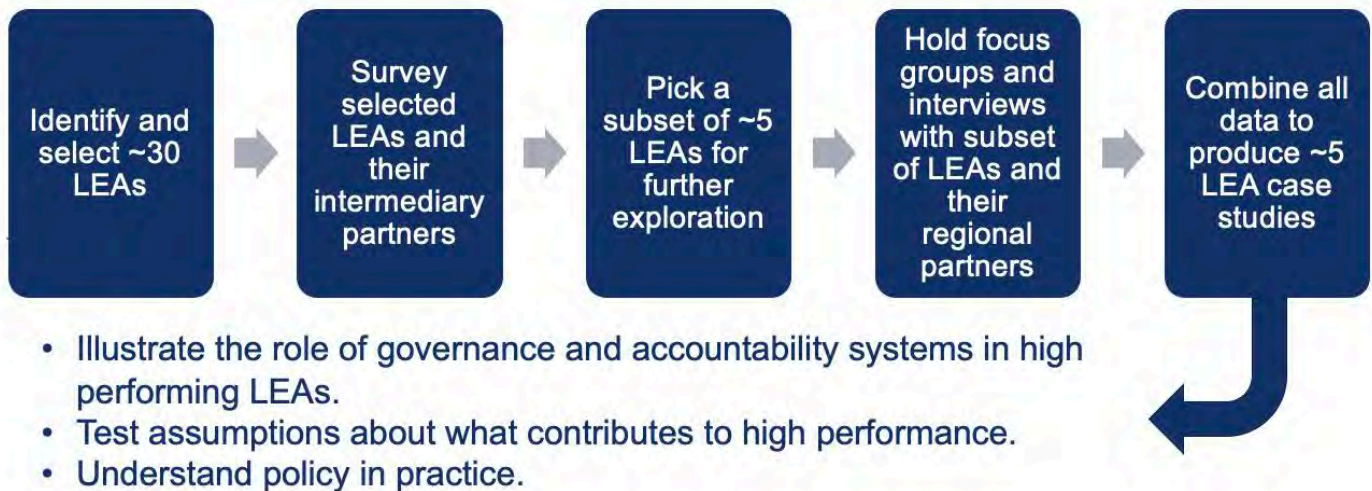
<sup>26</sup> Technically, the team used linear regression, with the various measures of district performance as the dependent variable predicted by the listed school environment variables. From these regressions, the districts with large positive residuals were identified as performing well compared with expected and those with large negative residuals as performing poorly compared with expected. This approach was used for each measure that had enough data and variability available for it to be beneficial.



---

### Exhibit A-3. Survey and LEA Profile process and purpose.

---



[An accessible, plain text version of exhibit A-3 is provided in appendix D.](#)

LEA representatives included district and school administrators, teachers and other school staff, and parents. In total, 65 stakeholders, representing 4 of the 5 LEAs, participated in focus groups, and 8 stakeholders from COEs and SELPAs, representing all 5 LEAs, participated in interviews. The survey, interviews, and focus groups conducted with local and regional stakeholders helped the research team explore horizontal alignment and the implication of best practices and potential recommendations for changes to the current system. To ensure the recommendations also reflected vertical alignment and agreement, the research team administered a similar survey to state-level stakeholders.

In addition, to better understand the implications of the identified challenges and potential benefits and drawbacks of the proposed recommendations, the research team held a series of engagements with stakeholders over three months. The research team conducted 42 virtual engagements with stakeholders representing a wide variety of perspectives and organizations across California's education system, including education agencies at each level of the system, professional associations and constituencies, and regional parent focus groups across the state.

## Literature Review

The research team reviewed existing research literature on effective practices for advancing access to the LRE and improving outcomes for students with an IEP, as well as the other key priorities identified for this study: equitable distribution of funding and supports, including to small LEAs; transparency in decision-making and distribution of funds; family and community involvement in local decision-making; and alignment of governance and accountability systems.

A set of keywords and search terms were used to gather literature from 2002 to the start of the study on improving outcomes for students with an IEP; on serving students with an IEP in the LRE; on maintaining a workforce of effective educators; on state and district structures for general and special education accountability; and on the use of intermediary agencies for special education. The research team first assessed literature specific to California, then expanded to include other states and federal systems, using the following databases: Google Scholar, ERIC, SAGE, Boston Consultancy Group, and Research Gate. A relevance screening of the title, abstract, and year of publication was conducted, and secondary screening prioritized papers and studies that contributed to the research team's understanding of the topic, fit within the study's framework, and raised new areas for exploration or confirmed emerging patterns.

In addition to reviewing California law, data, and practices, the research team reviewed publicly available information from 10 other states to examine how those states leveraged governance and accountability to improve student outcomes for special education and general education students. The states are Illinois, Kansas, Massachusetts, Michigan, New York, Ohio, Pennsylvania, Texas, Virginia, and Washington, all selected based on one or more factors, including size (large states), student outcomes (higher-than-average outcomes), and established regional support systems. The sample includes states with infrastructure and size similar to California and some states with student data that reflects much higher levels of both inclusion in general education and academic outcomes.

The team examined national data on student outcomes; scanned state websites and publicly available documentation of governance and accountability systems; and reviewed other states' laws, regulations, policies, procedures, and guidance. The review focused on the priorities identified in the study's framework. Given the prominent role of educational service agencies (ESAs) — that is, SELPAs — in California's special education system, the research team also reviewed publicly available information on how other U.S. states use ESAs for special education and other purposes.

# Appendix B: Technical Appendix

This appendix outlines the data sources and methodology employed throughout this report, including the data sources and methodology used to select districts for surveys and in-depth LEA profiles. This appendix also includes additional detail on the data analyses that produced the data findings.

## Data Sources

Data sources used throughout the report to support and provide insights into the recommendations are shown in the following table.

**Exhibit B-1. Study data sources and years.**

Source	Years
<b>Statewide Data</b>	<b>Years</b>
CASEMIS	2014–15 through 2018–19
CALPADS	2016–17 through 2018–19
CAASPP	2016–17 through 2018–19
Disproportionality Data	2018–19
<b>Public Data</b>	<b>Years</b>
Staff Credential and Tenure Data	2012–13 through 2019–20
Geographic Information Systems Data	2020
U.S. Department of Education IDEA Data	2019–20
U.S. Census Bureau Data	2020–21
<b>Data Collected as Part of Study</b>	<b>Years</b>
Survey Responses	2021
Focus Group Transcripts	2021

The statewide data sources are administrative data provided by the California Department of Education (CDE). These data are collected as part of state and federal requirements, and they include information on every student in California —

demographics, assessment performance, and services received. These were the core data used for both the local education agency (LEA) selection process and the data analyses. The public data supplemented the statewide data by providing location, size, and general demographics of the region. Finally, as part of this study, a survey was sent to education professionals and parents of students in the 31 selected LEAs (described next). Data from survey responses and focus group transcripts from the LEAs in the LEA profiles were used for this study.

## Measures

Several measures of student and school performance, inclusion, and equity were used. Many were drawn from the statewide data, as these were central to the data activities of the study, but several came from the other data sources, listed previously. The various measures are listed below.

**Student Performance and Growth.** Student assessment data for mathematics and English language arts were used to assess student performance. Where applicable, the score for the alternative assessment was used. Growth was measured via the Normalized Curve Equivalent (NCE) score. The NCE is constructed by assessing how a student is performing relative to how they were expected to perform based on their performance in the previous year. It directly answers the question “How did the student perform relative to students that performed the same as them the previous year?” This approach is particularly helpful to compare assessment scores across years, grade levels, and test subjects. This measure relies on normalized (or, equivalently, standardized) test scores, following Reback (2008), and yields gain score measures of student performance that are not biased by typical patterns of reversion to the mean. The equation below shows how the NCE is calculated:

$$NCE_{igt} = \frac{S_{igt} - E(S_{igt} | S_{ig-1,t-1})}{\sqrt{E(S_{igt}^2 | S_{ig-1,t-1}) - E(S_{igt} | S_{ig-1,t-1})^2}} \times 21.06 + 50$$

where the student is denoted with  $i$ , grade is  $g$ , and time is  $t$ .  $S_{igt}$  is the student’s current score. In all, it can be read as the difference between the observed score and their expected score based on their score from the previous year divided by the variability in expected scores. The last piece ( $21.06 + 50$ ) monotonically transforms it from a conditional z-score to the NCE metric, commonly interpreted as if it were a percentile rank. An NCE score of 50 indicates that (on average) the students performed exactly as expected given their prior test performance, and an NCE score of 90 indicates that (on average) they performed as well as or better than 90 percent of their peers. Previous work with student populations in the United States has used this same approach (Willis et al. 2019). Notably, this approach relies on the assumption of normally distributed scores within cohorts. Given the vast size of California, it is not surprising that this assumption is generally met. Cohorts smaller than 20 were removed, as these can be too heavily influenced by outliers and strange distributions. Lastly, impossible

trajectories across the three years were considered administrative error and were removed from the calculation of NCE scores per school.

**Disproportionality.** Disproportionality is the observed overrepresentation of racial or ethnic groups in special education and in disciplinary action. State and federal requirements include the need to calculate this each year. Herein, disproportionality was measured using the risk ratios (i.e., probability for specified racial group divided by the probability for all students), as provided by the state. The team used the measures for the most commonly available disproportionality measures — for African American/Black and Hispanic/Latinx students.

**Least Restrictive Environment.** The Individuals with Disabilities Education Act (IDEA) requires that students receive a free and appropriate public education (FAPE) in the least restrictive environment (LRE). This is generally defined as the amount of time spent in the regular classroom, ranging from 0 to 100 percent of the student's time. California, like other states, is required to measure this for each student with an IEP.

**Staff Tenure.** Data regarding the credentials and experience of each educational professional in California are provided publicly by the CDE. These data include important information on how long each teacher and administrator has worked in their current LEA, what their current full-time equivalent (FTE) assignments are, and what their credentials are.

- **LEA Networks.** Network data are those that show connections between entities, in this case, LEAs. California collects the LEA of residence and the LEA of service for every service received by every student with an IEP. These data show when and where students are receiving services in their own LEA and when their LEA is coordinating with another LEA to provide services to that student. Seeing these connections enabled the research team to understand the network of LEAs across the state, including LEAs that are core to the network and those on the periphery of the network. This is discussed in more depth in the Data Analysis section.

## LEA Selection

### Framework

The aim of this aspect of the study was to provide a purposeful sample of LEAs across California. As such, the selected districts are designed to provide a subset of LEAs that, together, represent the state and a range of student outcomes. Surveys were given to these LEAs to obtain deeper insights that would help the research team understand the nuances of the governance and accountability structures within those LEAs as well as how they then connect to statewide structures. This means this aspect was vital for the next steps in the study.

## Stratifications

To ensure that all regions and environments of California were represented, the research team used three strata for all analyses:

- 1) CCSESA Regions (with Los Angeles combined with the neighboring Region 8)<sup>27</sup>;
- 2) Charter and non-charter LEAs; and
- 3) Membership in a single- or multi-LEA SELPA.

This means that each of the analyses to find high- and low-performing LEAs was conducted within each stratum, thereby ensuring representation of all parts of California. This provided a large number of LEAs<sup>28</sup> that were selected for every measure of performance. As such, the initially selected LEAs were further filtered to obtain the 31 LEAs that were explored in greater detail.

## Performance Measures

The team used measures representing three general areas of LEA performance: high and stable performance and growth for student outcomes; low disproportionality; and early identification of students with disabilities. The specific measures were identified by the fact that they were either already used by the state accountability system or they were related to currently used measures and are widely accepted as valid measures of performance.

Exhibit B-2 highlights the measures in each area. In two of the three areas, there are measures denoted as “compared with expected.” Because several other characteristics influence these outcomes, the team used an approach that helped identify LEAs that were performing well (or poorly) relative to what was statistically expected given their school environment. This means, given the school environment (specifically, the proportion of students that were English learners and/or economically disadvantaged and the type and size of LEA), the team identified LEAs that had high performance or low disproportionality beyond what was expected for their situation. This was done using linear regression, with the various measures of LEA performance as the dependent variable predicted by the listed school environment variables. From these regressions, the LEAs with large positive residuals were identified as performing well compared with expected performance and those with large negative residuals were identified as performing poorly compared with expected performance. This approach

---

<sup>27</sup> Region 8 includes Kern, San Luis Obispo, Santa Barbara, and Ventura counties.

<sup>28</sup> There are 11 CCSESA regions (10 here because of the combination of Los Angeles with Region 8), two strata for charter or non-charter status, and two strata for single- or multi-LEA SELPA membership. As such, there is a possibility of  $10 \times 2 \times 2 = 40$  LEAs that could be selected for each measure. If one includes the high and low performers, there is potential of 80 LEAs selected for each measure. As such, the subsequent filtering of LEAs is important.

was used for each measure for which there were enough data and variability available for this approach to be beneficial.

**Exhibit B-2. Performance measures, school years used, and data sources.**

<b>Measure</b>	<b>School Years Used</b>	<b>Data Sources</b>
<b>High and Stable Performance and Growth</b>	<b>School Years Used</b>	<b>Data Sources</b>
Proficiency Level	2016–17 through 2018–19	CASEMIS, CAASPP, CALPADS
Proficiency Level Compared with Expected	2016–17 through 2018–19	CASEMIS, CAASPP, CALPADS
Gap in Growth on Statewide Assessments	2016–17 through 2018–19	CASEMIS, CAASPP, CALPADS
Gap in Growth Compared with Expected	2016–17 through 2018–19	CASEMIS, CAASPP, CALPADS
Stability in Growth within School Year	2016–17 through 2018–19	CASEMIS, CAASPP, CALPADS
<b>Low Disproportionality</b>	<b>School Years Used</b>	<b>Data Sources</b>
Overall Disproportionality	2017–18 through 2018–19	Disproportionality Data from the CDE
Disproportionality Compared with Expected	2017–18 through 2018–19	Disproportionality Data from the CDE
Disproportionality in Discipline	2017–18 through 2018–19	Disproportionality Data from the CDE
<b>Early Identification</b>	<b>School Years Used</b>	<b>Data Sources</b>
Average Age for Students Identified in Speech Language Impairment	2014–15 through 2018–19	CASEMIS
Average Age for Students Identified in Specific Learning Disability	2014–15 through 2018–19	CASEMIS
Average Age for Students Identified in Specific Learning Disability and Classified as English Learners	2014–15 through 2018–19	CASEMIS

Together, these measures helped identify LEAs that are doing well or poorly on actionable, interpretable measures of performance. The following sections highlight each area in more detail.

## **Stable Performance and Growth**

Three measures, with their corresponding “compared with expected,” were used here. The first is the average percent of students with an IEP that are at or above the state-defined proficiency levels in both English language arts and mathematics. For each proficiency measure, the team specifically sought schools whose growth was either high or low from SY 2016–17 through SY 2018–19.

The student growth measures relied on the NCE scores for the students within the schools. NCE scores are a measure of student growth. The measure is constructed by assessing how a student is performing relative to how they were expected to perform based on their performance in the previous year. It directly answers the question “How did the student perform relative to students that performed the same as them the previous year?” This approach is particularly helpful to compare assessment scores across years, grade levels, and test subjects. This measure relies on normalized (or, equivalently, standardized) test scores and yields gain score measures of student performance that are not biased by typical patterns of reversion to the mean. The gap in growth measure, then, assesses the gap between the average NCE scores for students with an IEP and the average NCE scores for students without an IEP.

The stability measures within the school year were based on the interquartile range of the NCE scores (75<sup>th</sup> percentile minus the 25<sup>th</sup> percentile) in the school for students with an IEP in the given year. This measures how consistently the school could achieve high performance for all students with an IEP.

## **Low Disproportionality**

Disproportionality, herein, is the observed overrepresentation of racial or ethnic groups in special education or the overrepresentation of students with an IEP in disciplinary action. The specific measures that were used were provided by the state. The team used the most commonly available disproportionality measures to look at disproportionality for African American/Black and Hispanic/Latinx students. This area also included “compared with expected” versions of both.

## **Early Identification**

The indicators for early identification in this study are the average age of identification for the categories of Specific Learning Disability and Speech/Language Impairment. In addition to these disability categories, students with Specific Learning Disability who are also English learners is a group that is potentially important to identify early. For each of these groups, it is beneficial to provide services early enough for students to achieve performance and progress similar to their peers instead of waiting until the gap becomes prohibitively large. Thus, LEAs that show a pattern of relatively early



identification for these disability categories are likely to have relatively positive outcomes for these students.

## Consistency

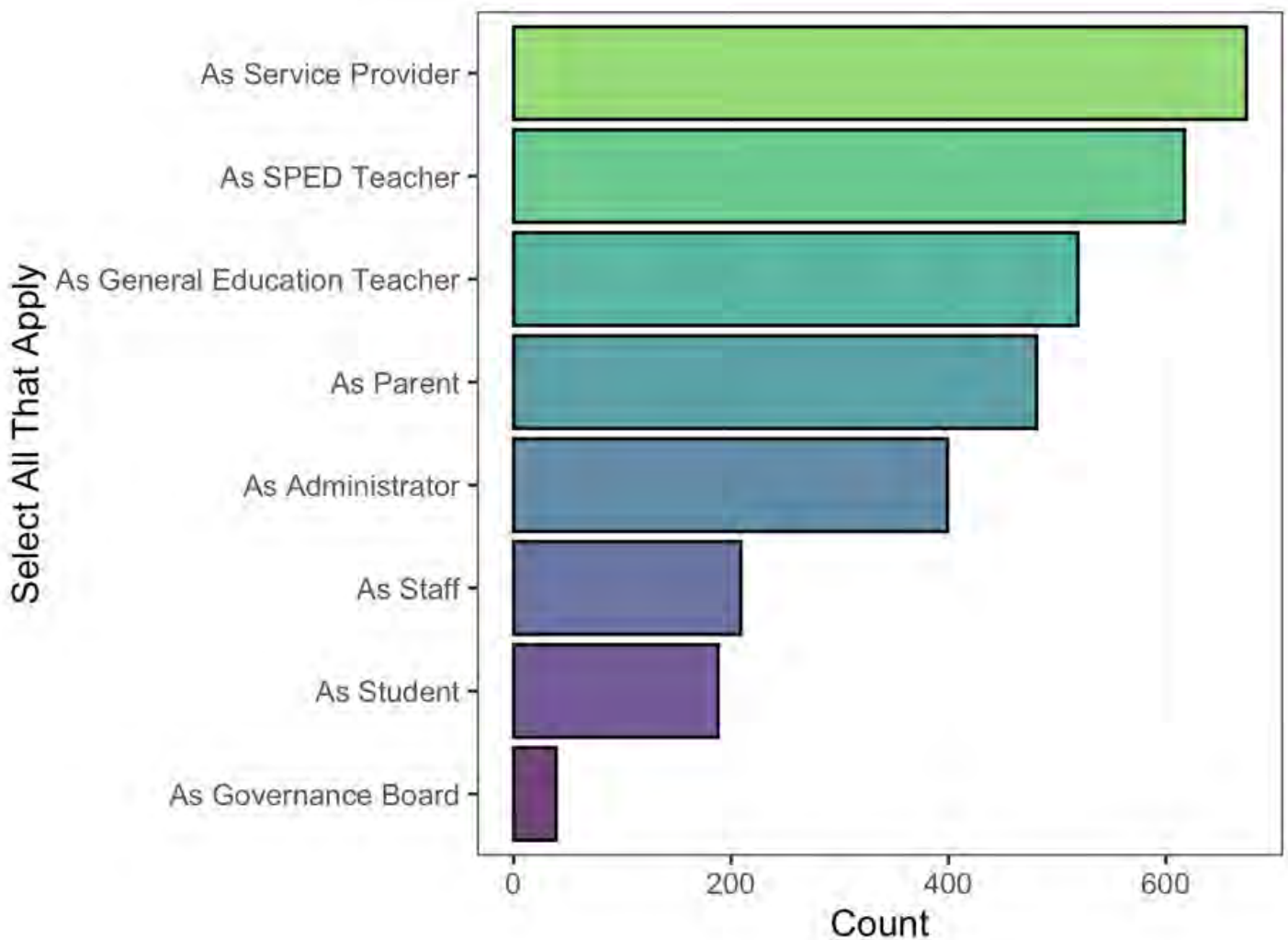
In each area of performance, the research team identified LEAs that were consistently in the top (or bottom) relative to other LEAs. This was to avoid being misled by anomalous years during which an LEA performed particularly well or poorly due to chance occurrences rather than its standard practice. This approach helped ensure that the team found LEAs that were more likely to reflect something important about governance and accountability and how those structures are tied to consistent performance.

## Survey Response

A survey designed by the research team with feedback from key stakeholders was sent to 31 LEAs that were selected to represent California LEAs in terms of demographics, size, geographic location, and governance structure (e.g., LEA type, SELPA type). Of these, both higher-performing and lower-performing LEAs were included in the sample to understand a range of perceptions and experiences. The survey was sent to administrators, instructional staff, and parents/families in each LEA. It included questions on the following topics:

- Background information;
- Perceptions regarding governance and accountability structures;
- Familiarity with accountability structures;
- Experiences using student data for decision-making and communication about priorities; and
- Open-ended questions to allow survey participants to voice opinions.

**Exhibit B-3. Responses of education professionals about their experiences with special education.**



[An accessible, plain text version of exhibit B-3 is provided in appendix D.](#) Source. Data from responses to survey administered by research team.

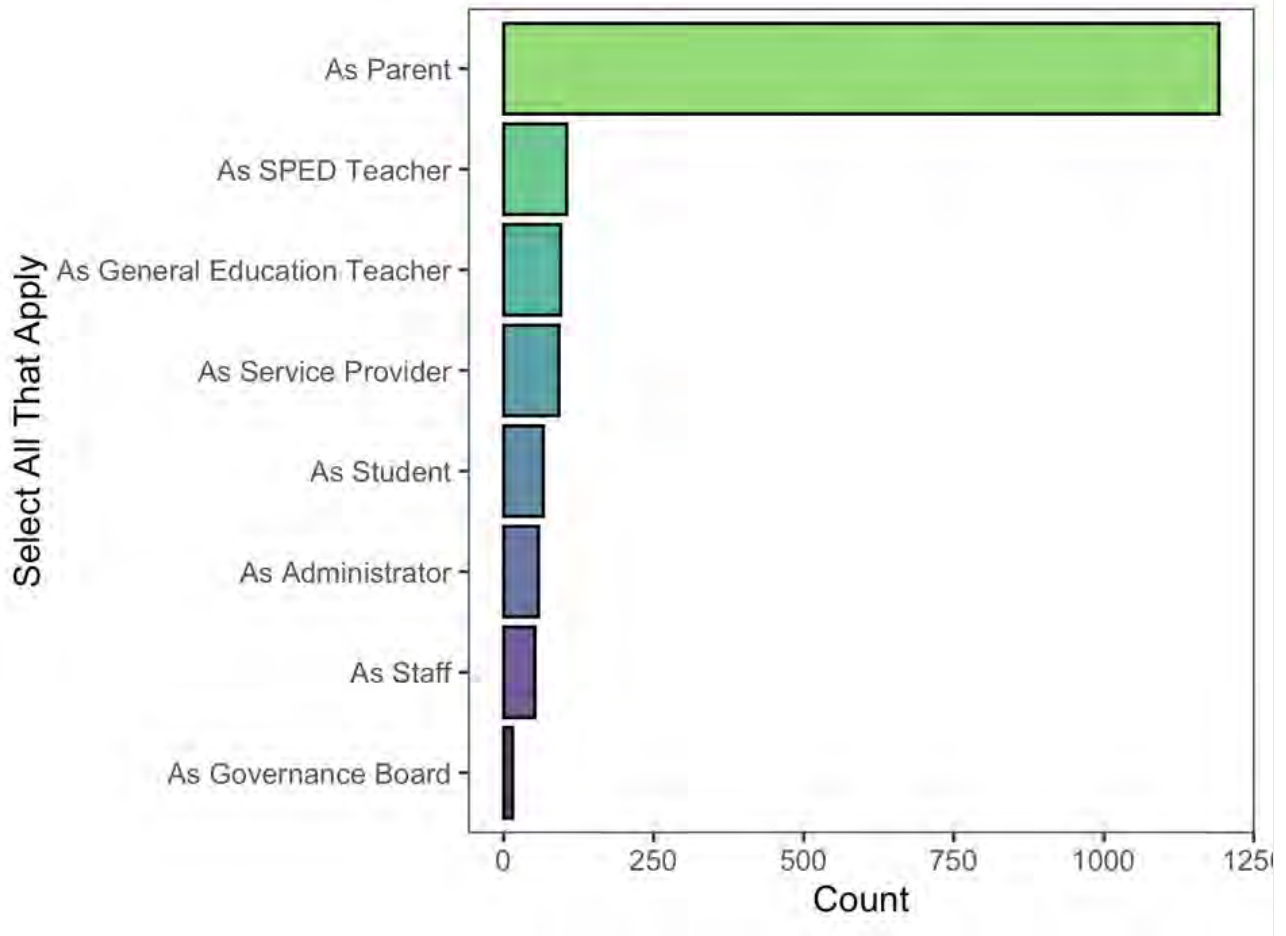
A total of 1,576 educational professionals responded to the survey. Of these, 87 percent had a bachelor’s degree or higher, 45 percent were teachers, and 68 percent were white (17 percent were Hispanic/Latinx). The majority spoke English at home, but professionals that spoke Spanish, Chinese, German, American Sign Language, and Russian, among other languages, were represented. About a quarter (24 percent) had not attended an IEP meeting; 48 percent had attended 11 or more. As a group, administrators were more likely than other respondents to have attended an IEP meeting, with 89 percent stating they had attended at least one; among teachers and service providers, 70 percent reported having attended at least one. These professionals have interacted with California’s special education system in several

roles, as presented in exhibit B-3. Not surprisingly, several of these professionals were also parents of students with an IEP and/or were students with an IEP themselves.

A total of 1,244 parents responded to the survey. Most respondents had at least some college experience (88 percent), identified as white (51 percent), were 35–54 years old (78 percent), and spoke English in the home (80 percent). Spanish versions of the survey were also available (10 percent of respondents used that version). More than 20 percent speak either Spanish or a mix of Spanish and English in the home. On average, respondents' children were 11 years old, with most children being between ages 8 and 14. Most respondents had interacted with special education in California only as a parent, but some had also been teachers (both special education and general education), service providers, students, or administrators. Eighty percent of parent respondents had attended one to three IEP meetings, but nearly 10 percent had not attended any.

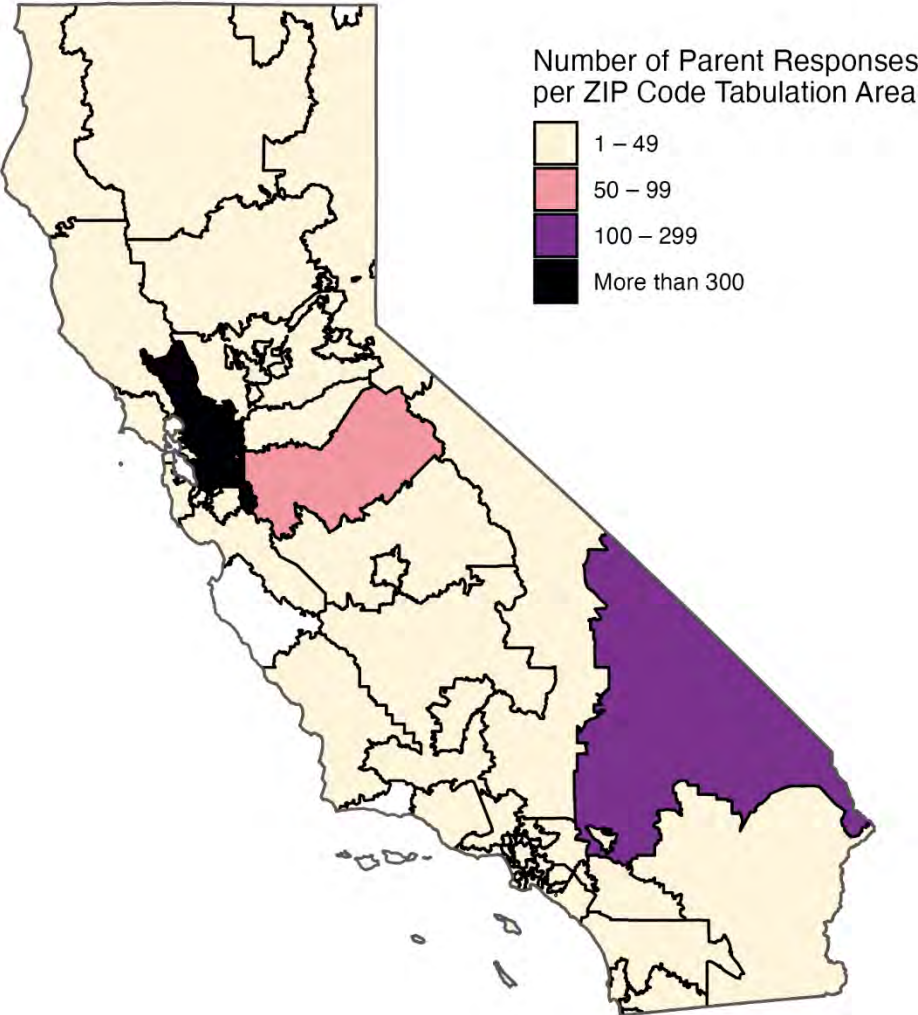
Parents in the sample represented nearly all parts of California geographically, as shown in the map, with a higher proportion of responses coming from the San Francisco Bay Area than other areas.

**Exhibit B-4. Parents' responses about the formal roles they have had when interacting with the special education system.**



[An accessible, plain text version of exhibit B-4 is provided in appendix D.](#) Source. Data from responses to survey administered by research team.

**Exhibit B-5. Location of parents that responded to survey.**



Source. Data from responses to survey administered by research team.

**Data Analyses**

To provide insights into the potential benefits and drawbacks of the recommendations, the research team conducted several analyses of the statewide data, combined with the public and survey data. These analyses focused on three areas:

- Relationships between LEA staff tenure and LEA performance;
- Patterns in use of the LRE; and

- Network analyses regarding service connections between LEAs.

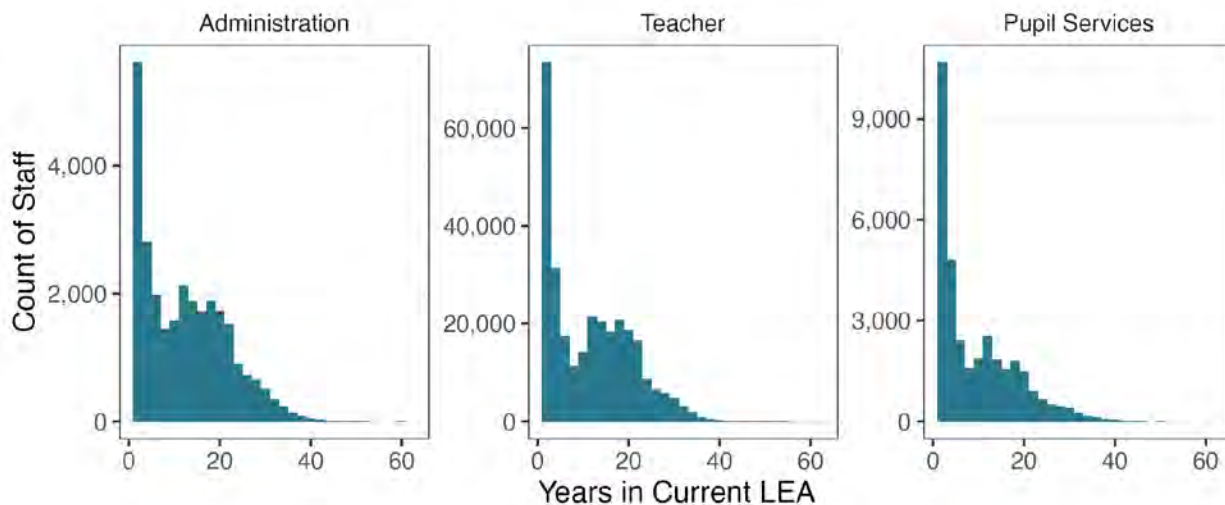
## Staff Tenure

Linear regression models were used to understand the relationship between staff tenure within their LEA — by role (such as teacher, administrator, pupil services) and by student performance. Because of major confounding variables within LEA characteristics (e.g., poverty), the research controlled for such characteristics in all regression models. These analyses are presented below.

Exhibit B-6 shows the years of service within the LEA for staff by role and overall years of service of staff in California. Exhibit B-6 shows a series of three bar graphs, organized by staff role, with administration on the left, teacher in the middle, and pupil services on the right. Each bar graph shows the number of staff in that role who have served in their LEA for a given number of years, ranging from zero to 60 years. The three graphs show similar patterns, with the greatest number of staff having served only a few years in their LEA and few staff having served more than 20 years in their LEA.

For all roles, the study included only those with an full-time equivalency of greater than 80 percent. As shown in exhibit B-6, many LEA staff members were relatively new to their current LEA, but there are also many with 10-plus years of service within their LEA.

### Exhibit B-6. The years in the current LEA for staff by role.



[An accessible, plain text version of exhibit B-6 is provided in appendix D.](#) Source. Public staff files provided by the CDE for 2018–19.

Results from the regression models are shown in the following three tables. Exhibit B-7 lists the results for administrators, exhibit B-8 presents the results for teachers, and exhibit B-9 presents the results for pupil services staff. Each table’s header lists the outcome variables used for the regression model. Each table presents the relationship

between the length of tenure for staff in that specific table (administrators, teachers, or pupil services) and the outcome variables.

Results indicate that for administrators, the number of years in their LEA significantly predicted both proficiency and growth for all students, after accounting for all control variables. For teachers, their tenure in the LEA predicted proficiency for all students, graduation rate for all students, and graduation rate for students with an IEP. Lastly, the tenure of pupil services staff in the LEA predicted proficiency and growth for all students and proficiency and growth for students with an IEP. Notably, the effect sizes are relatively small compared with other factors (e.g., economically disadvantaged), but the influence from the tenure in the LEA was consistent.

### Exhibit B-7. Regression model results for administrators.

	Proficiency	Proficiency (Students with an IEP)	Growth	Growth (Students with an IEP)	Graduation Rate	Graduation Rate (Students with an IEP)
<b>Years in LEA</b>	<b>0.01***</b>	<b>0</b>	<b>0.08***</b>	<b>0.01</b>	<b>0.02</b>	<b>0.07</b>
<b>Control Variables</b>	0	0	0	0	0	0
Economically Disadvantaged	-0.50***	-0.35***	-11.23***	-11.36***	-3.5	-3.93
English Learner	0.01	0.02	2.53*	3.25	5.52	3.16
Student with IEP	-0.33***	-0.11*	-18.98***	-14.76***	-13.95*	-21.60***
Distance to Metropolitan Area	0	0.00*	0	0	0	0
Fair Market Rent	0	0	0	0	0	0
Herfindahl-Hirschman Index	-0.37	-0.38*	-10.18	15.99	13.23	18.66
Percent with Bachelor's Degree	0.00***	0.00*	0.04**	0.02	0.07	-0.06
<b>LEA Type</b>	0	0	0	0	0	0
Charter	<i>Reference</i>	<i>Reference</i>	<i>Reference</i>	<i>Reference</i>	<i>Reference</i>	<i>Reference</i>
COE	-0.24*	-0.11	-3.76	3.27	-62.98***	-50.24***

	Proficiency	Proficiency (Students with an IEP)	Growth	Growth (Students with an IEP)	Graduation Rate	Graduation Rate (Students with an IEP)
Elementary	0.06***	0.03***	1.59***	0.6	9.21***	7.91***
High	-0.02	-0.03*	-2.51***	-2.52**	13.46***	12.25***
Unified	0.03**	0.01	0.11	-0.26	13.04***	11.38***
<b>Constant</b>	0.63***	0.33***	55.40***	50.49***	80.65***	69.30***
<b>R2</b>	0.73	0.53	0.55	0.26	0.22	0.18
<b>Num. obs.</b>	862	862	862	862	862	858

\*\*\*  $p < 0.001$ ; \*\*  $p < 0.01$ ; \*  $p < 0.05$

Source. Public staff files provided by the CDE for SY 2018–19.

### Exhibit B-8. Regression model results for teachers.

	Proficiency	Proficiency (Students with an IEP)	Growth	Growth (Students with an IEP)	Graduation Rate	Graduation Rate (Students with an IEP)
<b>Years in LEA</b>	0.01***	0	0.05	0.03	0.57***	0.41***
<b>Control Variables</b>	0	0	0	0	0	0
Economically Disadvantaged	-0.45***	-0.32***	-9.18***	-8.77***	-2.87	-3.02
English Learner	-0.05	-0.01	0.08	-0.29	5.18	2.65
Student with IEP	-0.40***	-0.16***	-20.26***	-16.24***	-15.49**	-20.63***
Distance to Metropolitan Area	0	0	0	0	0	0
Fair Market Rent	0	0	0	0	0	0
Herfindahl-Hirschman Index	-0.49*	-0.32	-14.17	17.41	4.74	2.04



	Proficiency	Proficiency (Students with an IEP)	Growth	Growth (Students with an IEP)	Graduation Rate	Graduation Rate (Students with an IEP)
Percent with Bachelor's Degree	0.01**	0.01**	0.04*	0.04	0.06	-0.06
<b>LEA Type</b>	0	0	0	0	0	0
Charter	<i>Reference</i>	<i>Reference</i>	<i>Reference</i>	<i>Reference</i>	<i>Reference</i>	<i>Reference</i>
COE	-0.24*	-0.1	-3.42	4.39	-63.12***	-50.45***
Elementary	0.04***	0.03***	1.56***	0.58	8.62***	7.69***
High	-0.03	-0.03*	-2.68***	-2.85**	12.13***	11.43***
Unified	0.02*	0.01	0.13	-0.33	11.00***	10.00***
<b>Constant</b>	0.60***	0.32***	54.84***	49.31***	76.67***	66.44***
<b>R2</b>	0.69	0.47	0.5	0.21	0.23	0.18
<b>Num. obs.</b>	929	929	929	929	929	925

\*\*\*  $p < 0.001$ ; \*\*  $p < 0.01$ ; \*  $p < 0.05$

Source. Public staff files provided by the CDE for SY 2018–19.

### Exhibit B-9. Regression model results for pupil services staff.

	Proficiency	Proficiency (Students with an IEP)	Growth	Growth (Students with an IEP)	Graduation Rate	Graduation Rate (Students with an IEP)
<b>Years in LEA</b>	<b>0.01***</b>	<b>0.01*</b>	<b>0.10***</b>	<b>0.08*</b>	<b>0.18</b>	<b>0.18</b>
<b>Control Variables</b>	0	0	0	0	0	0
Economically Disadvantaged	-0.50***	-0.33***	-10.33***	-8.95***	-4.52	-5.88*
English Learner	0	0.01	1.13	-0.81	7.2	4.81

	Proficiency	Proficiency (Students with an IEP)	Growth	Growth (Students with an IEP)	Graduation Rate	Graduation Rate (Students with an IEP)
Student with IEP	-0.29***	-0.13***	-19.62***	-14.93***	-18.47**	-23.53***
Distance to Metropolitan Area	0	0.01*	0	0	0	0
Fair Market Rent	0	0	0	0	0	0
Herfindahl- Hirschman Index	-0.57**	-0.25	-12.23	19.95	28.12	32.59
Percent with Bachelor's Degree	0.01**	0	0.04*	0.02	0.07	-0.06
<b>LEA Type</b>	0	0	0	0	0	0
Charter	<i>Reference</i>	<i>Reference</i>	<i>Reference</i>	<i>Reference</i>	<i>Reference</i>	<i>Reference</i>
COE	-0.27**	-0.11	-3.87	4.13	-63.22***	-50.98***
Elementary	0.07***	0.03***	1.65***	0.33	9.20***	8.14***
High	-0.02	-0.03**	-2.88***	-3.05***	13.86***	12.42***
Unified	0.03***	0.01	0.02	-0.52	13.47***	12.07***
<b>Constant</b>	0.64***	0.32***	55.43***	49.37***	79.87***	69.13***
<b>R2</b>	0.74	0.61	0.58	0.34	0.24	0.21
<b>Num. obs.</b>	714	714	714	714	714	711

\*\*\*  $p < 0.001$ ; \*\*  $p < 0.01$ ; \*  $p < 0.05$

Source. Public staff files provided by the CDE for SY 2018–19.

## Least Restrictive Environment

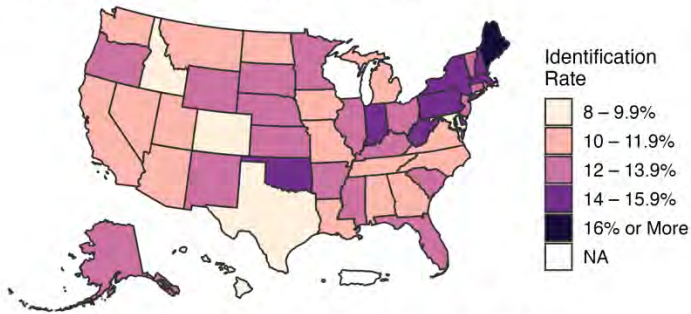
For this study, the assessment of student time spent in the LRE included two main analyses: comparisons across U.S. states and territories and patterns within California. The cross-state analysis used data collected by the U.S. Department of Education for every state. Identification rates and the measures of the percentage of time spent in the LRE were compared with descriptive statistics. Within California, the analysis looked at relationships between student performance and LRE time, using detailed information collected in CASEMIS as well as performance data from CAASPP. The study also

assessed whether earlier identification was related to LRE time. These analyses are presented below.

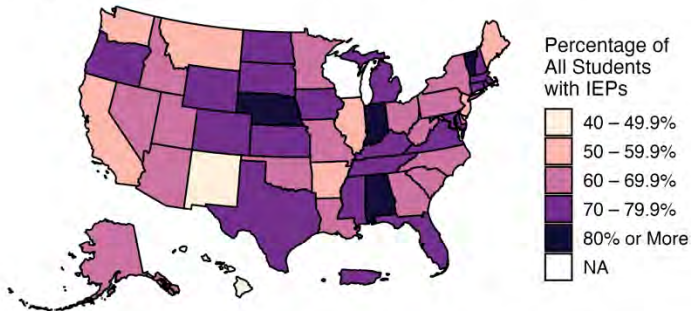
Across states, California was close to average for the rate of special education identification, but near the bottom on the proportion of time students with an IEP spent in a general education setting (the LRE). Exhibit B-10 shows these patterns across states (as also described in the main report) for (a) percentages of enrollment consisting of students with an IEP, (b) percentages of students with an IEP who spent at least 80 percent of the day in a general education setting, (c) percentages of students with an IEP who were in a general education setting 40 to 79 percent of the day, and (d) percentages of students with an IEP who were in a general education setting for less than 40 percent of the day.

## Exhibit B-10. Comparison of enrollment and LRE data across states.

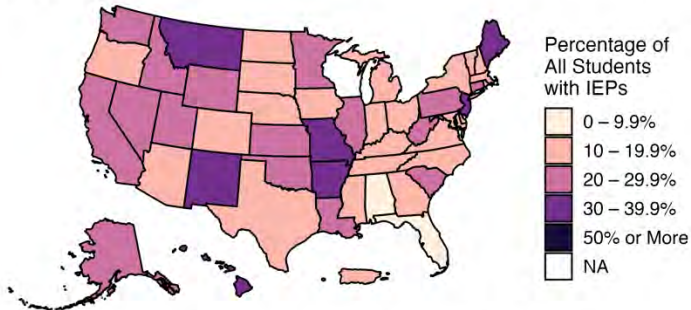
a) Percentage of Enrolled Students with IEPs



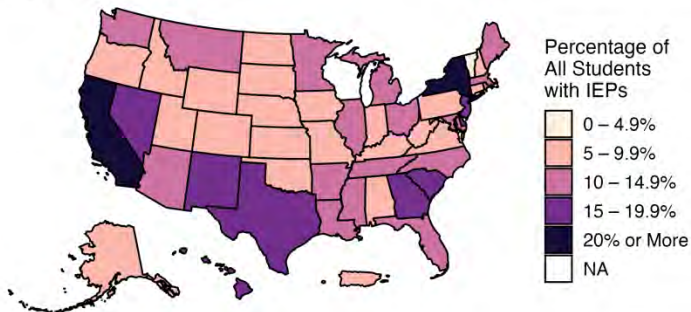
b) Percent in General Education Settings 80 Percent or More of the School Day



c) Percent in General Education Settings 40 through 79 Percent of the Day



d) Percent in General Education Settings less than 40 Percent of the School Day



[An accessible, plain text version of exhibit B-10 is provided in appendix D.](#) Source: National Child Count Data from the U.S. Department of Education for 2018–19.

The average percentage of time students with an IEP spent in a general education setting varied by disability category. Exhibit B-11 shows how California in general compared with other U.S. states and territories (panel a) and how it compared for students within the Autism category (panel b), the Emotional Disturbance category (panel c), and the Intellectual Disability category (panel d).

Exhibit B-11 depicts four bar graphs, each of which has US states and territories listed along the y-axis. Each graph has the percentage of students with an IEP who are in a general education classroom for 80 percent or more of the day along the x-axis. The one graph on the left shows this percentage as an average for students across all disability categories. Across states and territories, the percentage ranges from about 45 percent to 100 percent.

The three graphs on the right (from top to bottom) show these percentages specifically for students within the disability categories of Autism, Emotional Disturbance, and Intellectual Disability. Across states and territories, the percentage for Autism ranges from less than 1 percent to nearly 12.5 percent. For Emotional Disturbance, it ranges from about 0 percent to about 13 percent. For Intellectual Disability, it ranges from about 0 percent to nearly 17.5 percent.

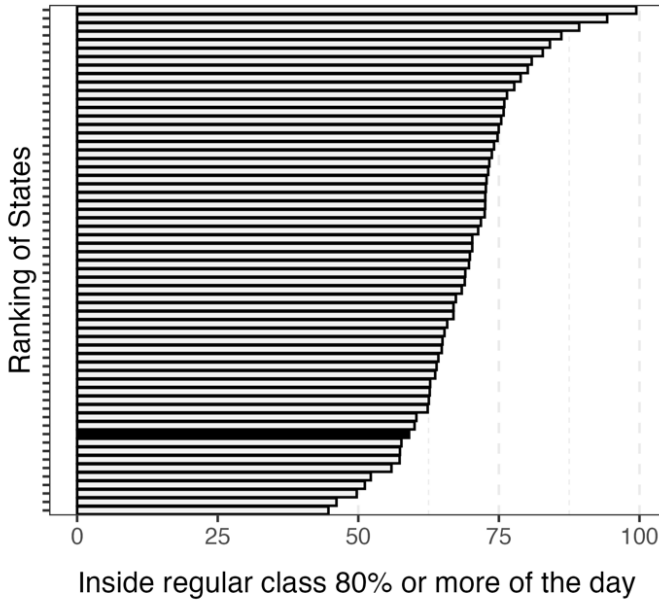
In each bar graph, California is represented by a bold black bar. In the graph for Autism, California has a higher percentage of students in a general education classroom for 80 percent or more of the day, compared to other states and territories. In each of the other three graphs, California has one of the lowest percentages compared to other states and territories.

It is worth noting that although the overall percentage of California students with an IEP who spend at least 80 percent of their school day in a general education setting is low compared with other states and territories, the state's percentage of students in the Autism category in the LRE is higher than in most states. This is not the case for those in the categories of Emotional Disturbance and Intellectual Disability.

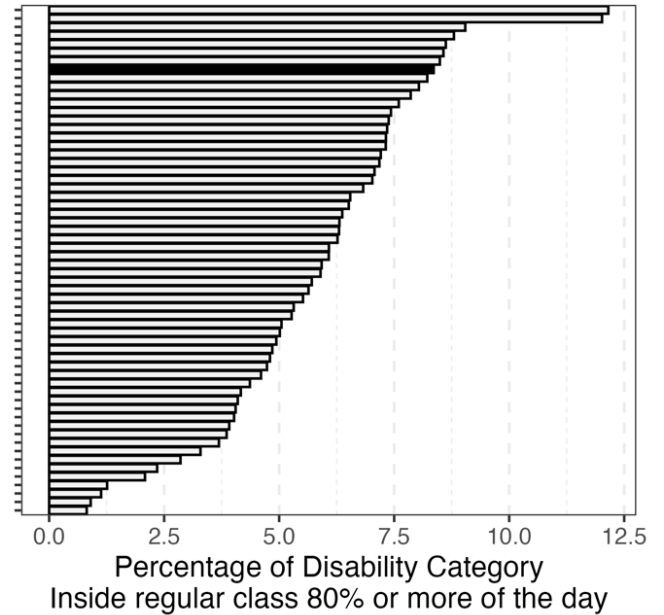
Notably, California had the highest proportion of students that are English learners in the United States (National Center for Education Statistics [NCES] 2021) and had a relatively high proportion of students who are economically disadvantaged (NCES n.d.). Both rates can be indicators for the school environment and for challenges; however, there is no evidence that suggests students with an IEP who are English learners or are economically disadvantaged should require more restrictive placements. This suggests that other factors may be driving decisions about students' placements.

**Exhibit B-11. Comparison of percent of students in general education settings at least 80 percent of the school day across states and territories in the United States.**

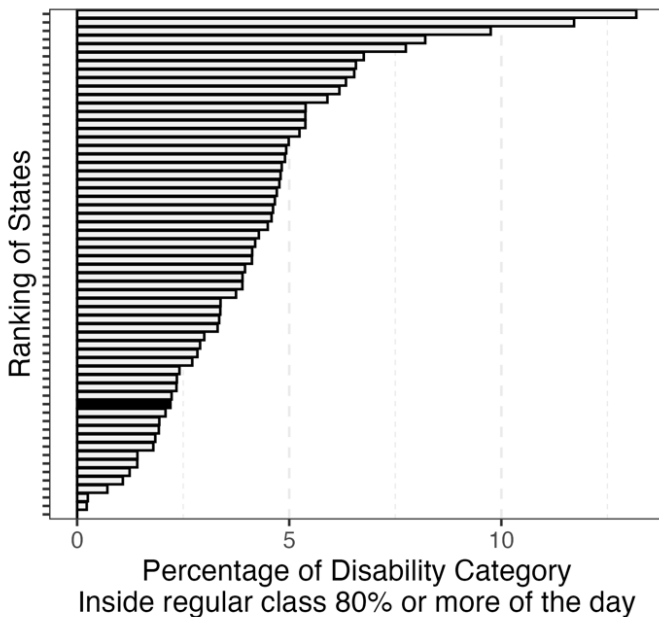
a) Average of All Disability Categories



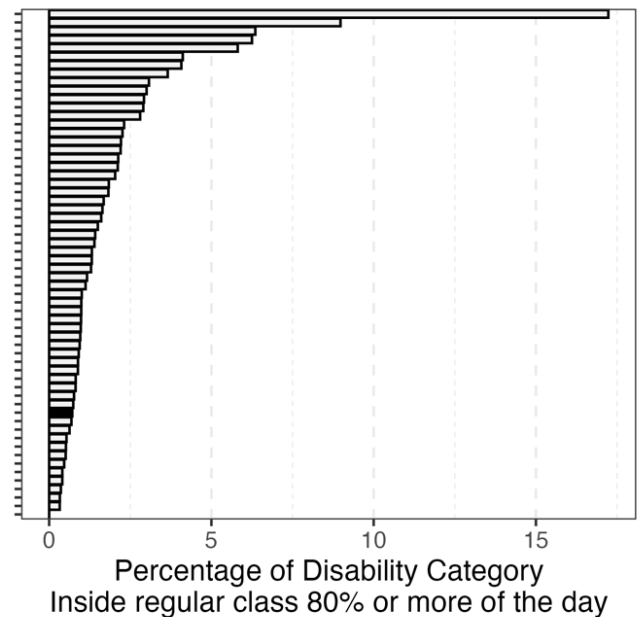
b) Autism



c) Emotional Disturbance



d) Intellectual Disability



[An accessible, plain text version of exhibit B-11 is provided in appendix D.](#) Source: National Child Count Data from the U.S. Department of Education for 2018–19.

The research team assessed whether LRE time tended to change by grade in California for students in K–12. There were changes in the average LRE time by grade, as shown in exhibit B-12 based on disability category.<sup>29</sup>

Exhibit B-12 is a series of 13 line graphs, each specific to a different disability category. In each graph, the x-axis shows the grade level, ranging from kindergarten to 12th grade, and the y-axis shows the average percentage of time that students within that disability category spend in the general education setting.

The 13 disability categories represented are: in the top row (left to right), Autism, Deaf Blindness, Deafness, and Emotional Disturbance; in the second row (left to right), Hearing Impairment, Intellectual Disability, Multiple Disability, and Orthopedic Impairment; in the third row (left to right); Other Health Impairment, Specific Learning Disability, Speech/Language Impairment, and Traumatic Brain Injury; and in the fourth row, Visual Disability.

Each line graph contains three lines connecting data points with different symbols, each representing a different year of data. Data points for 2015 are represented with circles, data points for 2016 are represented with triangles, and data points for 2017 are represented with squares.

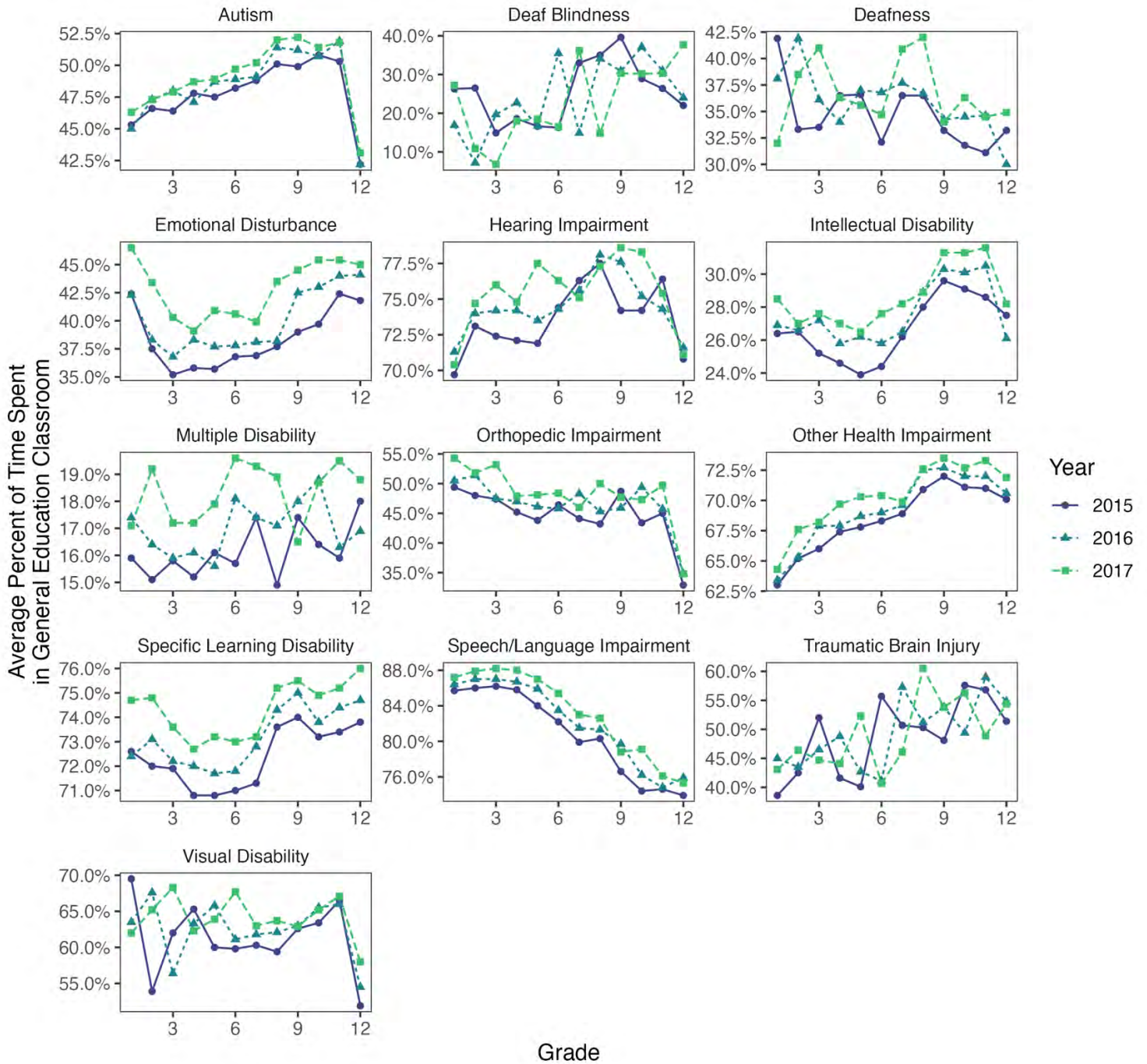
The figure shows the pattern of time spent in a general education setting for each disability category over four years. Several patterns are present:

- Each of the most common disability categories, such as Autism, Speech/Language Impairment, and Specific Learning Disability, shows an increase in the amount of time spent in a general education setting over grades.
- Some disability categories, including Autism, show an increasing amount of time spent in a general education setting over grades, until grade 12. For several categories, the percentage of time in a general education setting in grade 12 was much lower than in grade 11.
- Other disability categories, such as Speech/Language Impairment, show decreasing amounts of time spent in a general education setting over grades. This is likely because students who remain in those categories over time (rather than exiting) may have more severe disabilities than the average student in their category in earlier grades.
- Generally, the more costly, lower-incidence categories, such as Multiple Disability and Traumatic Brain Injury, have less consistent patterns over time.

---

<sup>29</sup> Medical disability is not shown due to low numbers by grade. Also note that the scales for each category differ to show the pattern for each disability category.

**Exhibit B-12. Average percentage of time spent in a general education setting, by year and disability category.**



[An accessible, plain text version of exhibit B-12 is provided in appendix D.](#) Source. Data from CASEMIS for 2014–15 through 2017–18.



It is important to note that the number of students within each category changes across grades. For example, there are many students with Speech/Language Impairment in the elementary grades, but very few in the high school grades, as the services provided to students in the Speech/Language Impairment category often enable them to exit special education.

The research team also assessed whether LRE time differed by SELPA type (that is, by single-LEA versus multi-LEA) for students in K–12.<sup>30</sup> There were very few meaningful differences (that is, differences of 5 percentage points or more), with multi-LEA SELPAs having higher LRE time for the Deaf-Blindness, Visual Disability, and Traumatic Brain Injury categories and single-LEA SELPAs having higher LRE time for the Deafness category. LRE rates were otherwise similar across SELPA types. Thus, there were no clear, overall patterns by SELPA type.

**Exhibit B-13. Comparison of LRE by SELPA type.**

Disability Category	Single-LEA	Multi-LEA
Autism	48.3	49.5
Deaf-Blindness	18.8	27.0
Deafness	42.3	33.5
Emotional Disturbance	46.5	47.1
Hearing Impairment	76.0	75.3
Intellectual Disability	28.8	29.0
Multiple Disability	20.8	17.4
Orthopedic Disability	44.9	48.2
Other Health Impairment	71.7	70.8
Specific Learning Disability	75.7	73.9
Speech/Language Impairment	87.8	85.1
Traumatic Brain Injury	45.5	53.4
Visual Disability	60.8	66.0

Source. Data from CASEMIS for 2017–18.

<sup>30</sup> Again, medical disability category is not shown due to low numbers.

The research team assessed whether LRE differs on average between the types of LEAs in California. Charter LEAs, on average, have the highest LRE time, followed by elementary school districts, then unified school districts, then high school districts.

**Exhibit B-14. Comparison of LRE by LEA type.**

LEA Type	Average LRE
Charter	52.7
Elementary	50.4
High	46.7
Unified	48.8

Source. Data from CASEMIS for 2017–18.

**Age of Identification and LRE**

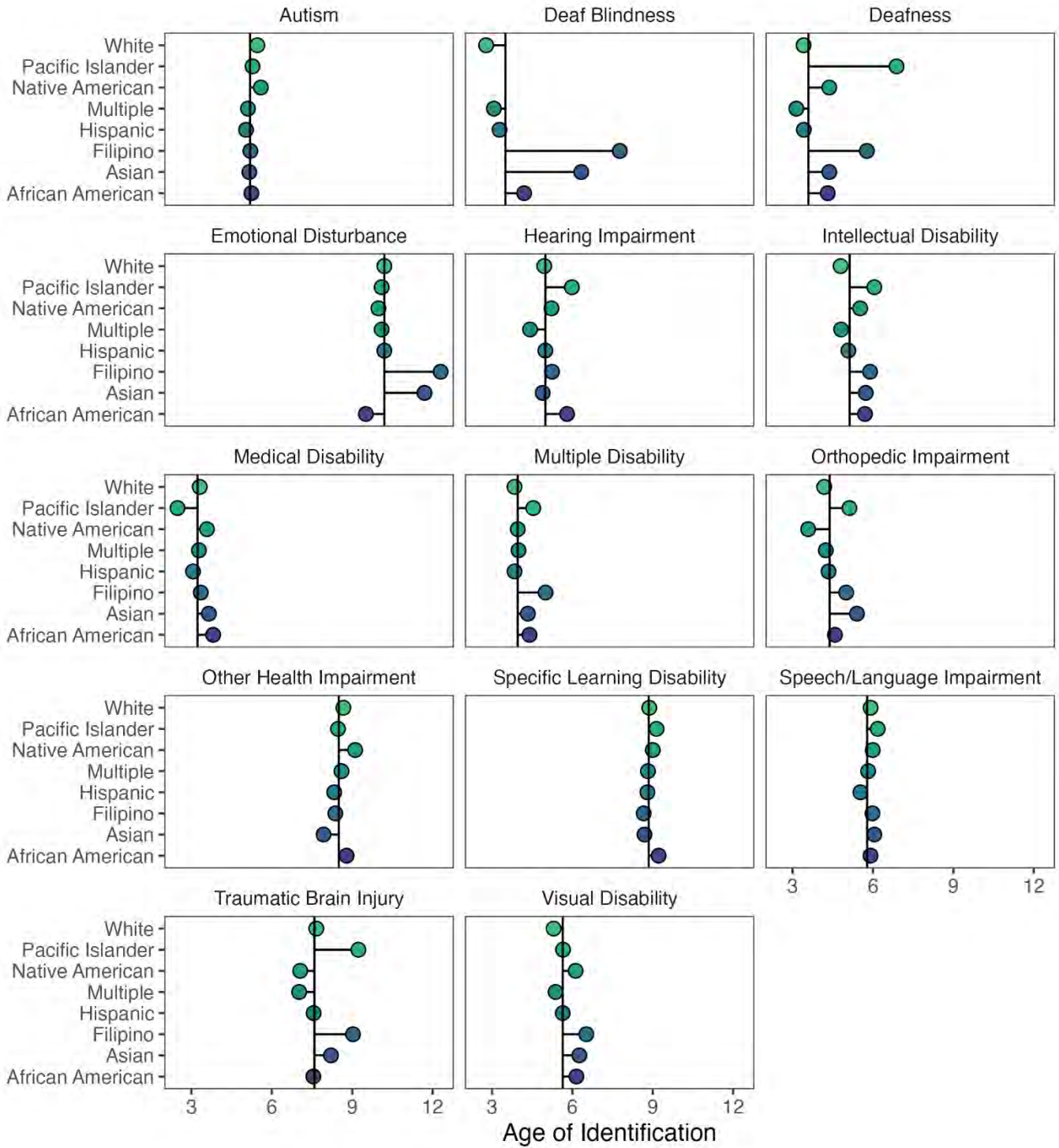
The ages of identification across all students with an IEP are shown in exhibit B-15, for each disability category and by race/ethnicity. Exhibit B-15 shows 14 difference plots, each with data for students with an IEP associated with a different disability category. Along the y-axis, each graph lists the following racial/ethnic groups (from top to bottom): White, Pacific-Islander, Native American, Multiple, Hispanic, Filipino, Asian, and African American.

The x-axis lists age of initial identification, ranging from 2.5 to 12.5 years. Each graph has a vertical line showing the average age of identification across all racial/ethnic groups. The individual data points show the difference between the age of identification for students within each racial/ethnic group compared to the average across all groups.

The youngest average age of identification was for the disability categories of Deaf Blindness, Deafness, Medical Disability, Multiple Disability, and Orthopedic Impairment, each under age 5. The oldest average age of identification was for Emotional Disturbance, which was just over age 10. Most racial/ethnic groups’ ages of identification were close to the average, but students from some racial/ethnic groups were identified at notably older ages than average, particularly in the categories of Deaf-Blindness, Deafness, Emotional Disturbance, and Traumatic Brain Injury.

Students in most disability categories were identified when they were younger than 5, on average, but students in several other categories, including Emotional Disturbance, Specific Learning Disability, and Other Health Impairment, tended to be identified at a later age. A few students in Speech/Language Impairment were identified as late as age 14.

**Exhibit B-15. Comparison of the age of initial identification for an IEP by disability category and race/ethnicity.**



[An accessible, plain text version of exhibit B-15 is provided in appendix D.](#) Source. Data from CASEMIS for 2018–19.

As shown in exhibit B-16, when looking at the patterns over time, it becomes clear that students with an IEP who were identified earlier (that is, younger than the median age per disability category) tended to experience a greater increase the amount of time spent in a general education setting (LRE) each year compared with those identified at an older age.

**Exhibit B-16. Change in LRE time for students identified when younger than the median age for their disability category compared with change in LRE time for those who were identified when older than the median age for their disability category.**

Identification	Annual percentage change in time spent in LRE (2016–15)	Annual percentage change in time spent in LRE (2017–16)
<b>At earlier age</b>	1.8%	2.3%
<b>At later age</b>	0.3%	0.5%

Source. Data from CASEMIS for 2018–19.

The research team analyzed this pattern by disability category and found that this trend was more evident in some disabilities categories than in others, but the pattern held for all. Those identified earlier tended to spend an increased amount of time in a general education setting over the grades compared with those identified later. This makes it clear that earlier identification is beneficial and can lead to students spending more time in a general education setting.

**Network Analyses**

There are a multitude of connections across California’s LEAs; for the purpose of this study, “connections” are defined as LEAs that coordinate with other LEAs to provide or receive services for some of their students with an IEP.<sup>31</sup> California’s LEAs are connected formally (via SELPAs and COEs) and informally (i.e., by LEAs that are not in the same SELPA or COE but that work together to provide lower-cost services for students with an IEP). Using the data from CASEMIS (i.e., LEA of residence and LEA of service), the research team was able to quantify the degree to which each LEA connected with others to provide or receive special education services. Several network analysis methods were used and are described throughout this section. All LEAs with available data on services for students with an IEP were included in the analyses. The network was tested with and without nonpublic school/agency entities, and the network showed essentially no change between when they were and weren’t included, meaning that all measures of the network were effectively identical. These analyses are presented below.

First, the statewide network, consisting of both formal and informal connections, is visualized in exhibit B-17. The network charts every connection to provide or receive services made in the five-

<sup>31</sup> In addition, for the purpose of this analysis, LEAs include COEs.

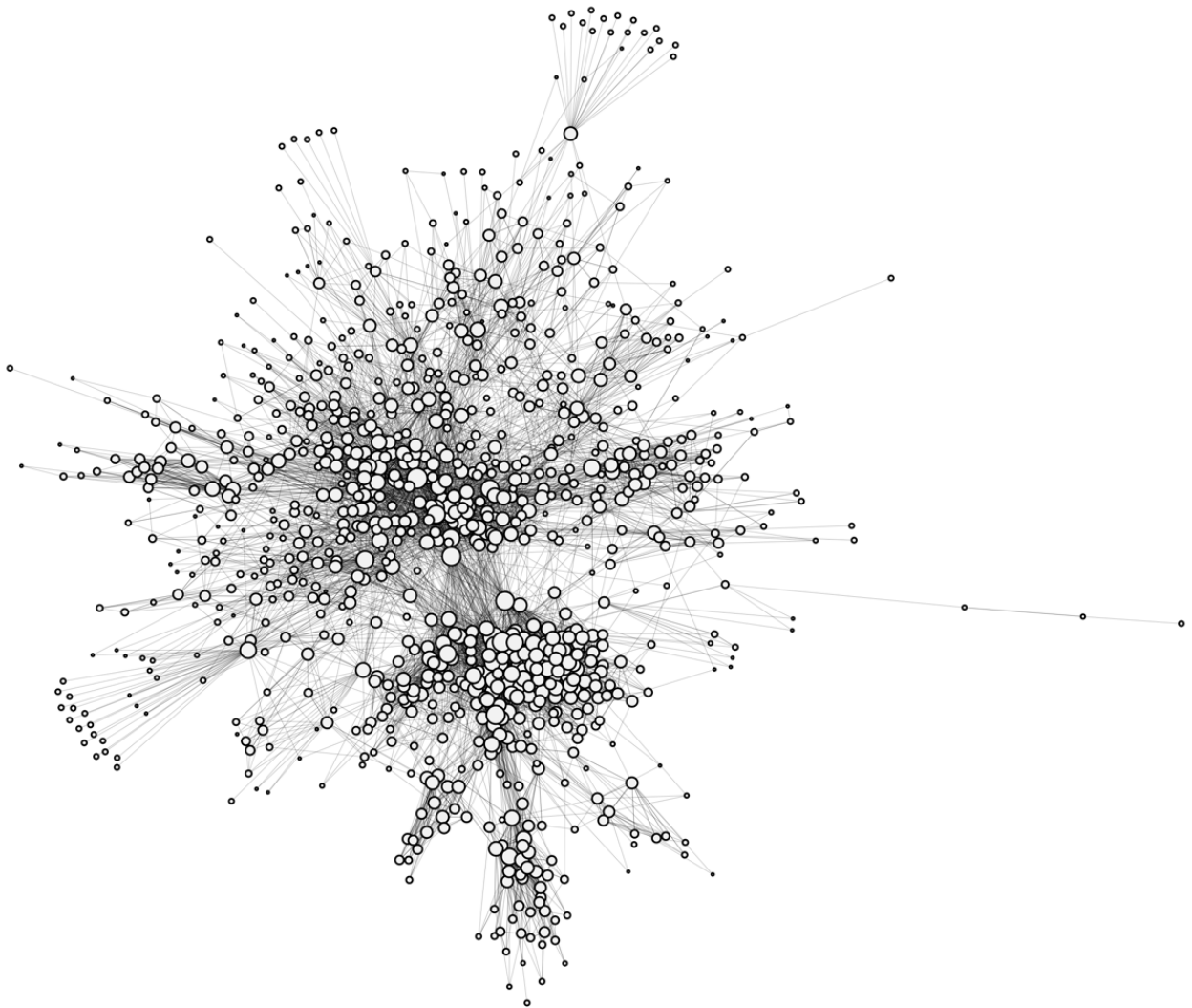
year period covered by the social network analyses; every LEA is represented in the diagram and every connection between two entities is represented.

Each circle represents an LEA, and the relative size of the circle corresponds to that LEA's total number of connections with other entities; the more entities with which the LEA has connections, the larger the circle. Each line represents the connections that occurred between two entities (whether in-, out-, or both) at some point in the five years of data represented in this diagram.

---

**Exhibit B-17. Network of connections between LEAs for providing services for students with an IEP.**

○ LEA (size corresponds to number of connections)  
— Connection between LEAs



---

Source. Data from CASEMIS for 2014/15 to 2018–19.

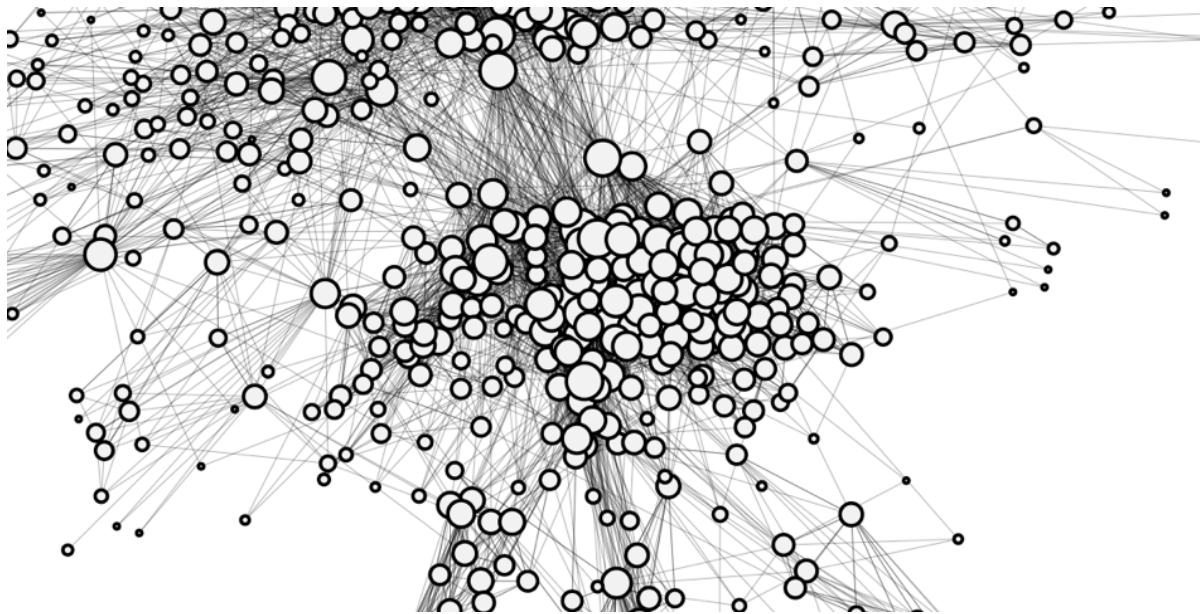
The network diagram in exhibit B-17 shows that some California LEAs, including some that are central to the network, appear to provide connections to LEAs that would otherwise not be connected to any other LEA. On the other end of the spectrum are those LEAs that are fairly disconnected from other LEAs.

Within the analysis of the number and distribution of connections across the network are several analyses that can provide insight into the network as a whole. First is reciprocity: the probability that if LEA *A* reaches out to LEA *B*, then *B* is also reaching out to *A*. Analysis shows that the probability of that happening in the network shown here is 33 percent. Next is transitivity: the probability that adjacent nodes of a network are connected, such that if *A* is connected to *B*, and *B* is connected to *C*, *A* is also connected to *C*. Analysis shows that the probability of that happening is 24 percent. Finally, of all the possible connections that could be made from each LEA to every other LEA, analysis shows that only about 1 percent had been made.

There are a few central — that is, highly connected and dense — communities shown in this figure (those LEAs in the center of the network). These are groupings of LEAs that work together to a large degree, and they are often in close geographic proximity to one another. For example, one central community shown in exhibit B-18, which is an enlargement of one part of exhibit B-17, the network) includes Los Angeles Unified School District and Long Beach Unified School District, along with smaller LEAs such as Etiwanda Elementary. It is important to note, however, that there are entities that connect their own community of LEAs to other communities of LEAs. These include the Los Angeles COE, ABC Unified School District, the California School for the Deaf, and the Orange COE.

---

**Exhibit B-18. Closer view of the interconnected cluster of LEA communities that coordinate with one another to provide services for students with an IEP.**



Source. Data from CASEMIS for 2014–15 through 2018–19.

There are a number of measures to quantify and distinguish between the LEAs that are considered central and those that are on the periphery. The first is the *degree* of connection, that is, a count of the connections. In exhibit B-19, In-Connections are the number of connections from other LEAs to the named LEA; Out-Connections are the number of connections from the named LEA to others;

and Total Connections shows the total number of connections, both in and out. Exhibit B-19 shows the top 25 LEAs for each measure.

**Exhibit B-19. The 25 LEAs with the greatest number of in-connections, out-connections, and total connections.**

Rank	LEA Name	In-Connections	LEA Name	Out-Connections	LEA Name	Total Connections
1	CA School for the Deaf Fremont	184	Los Angeles Unified	72	Los Angeles COE	187
2	Los Angeles COE	177	ABC Unified	48	CA School for the Deaf Fremont	184
3	Orange COE	132	San Jose Unified	41	Orange COE	137
4	CA School for the Deaf Riverside	117	Chino Valley Unified	36	CA School for the Deaf Riverside	118
5	CA School for the Blind Fremont	113	San Diego Unified	34	CA School for the Blind Fremont	113
6	Sacramento COE	91	Moreno Valley Unified	34	ABC Unified	107
7	Contra Costa COE	90	Corona Norco Unified	34	Sacramento COE	96
8	Alameda COE	86	Ontario Montclair	34	Contra Costa COE	95
9	San Diego COE	80	San Bernardino City Unified	33	Alameda COE	88
10	Fresno COE	76	San Juan Unified	32	Fresno COE	83
11	San Mateo COE	68	San Francisco Unified	32	San Diego COE	83
12	ABC Unified	59	Santa Clara Unified	32	San Jose Unified	77
13	Tulare COE	59	Sacramento City Unified	31	San Mateo COE	73
14	Sonoma COE	58	Pasadena Unified	31	San Bernardino COE	73



Rank	LEA Name	In-Connections	LEA Name	Out-Connections	LEA Name	Total Connections
15	San Bernardino COE	58	Pomona Unified	31	Los Angeles Unified	72
16	Merced COE	57	Bakersfield City Elementary	31	Santa Ana Unified	69
17	Santa Clara COE	56	Oakland Unified	30	Santa Clara COE	67
18	Riverside COE	53	Riverside Unified	30	Pasadena Unified	67
19	Kern County COE	48	Fresno Unified	29	Sonoma COE	67
20	Santa Cruz COE	46	Long Beach Unified	29	Pomona Unified	65
21	Santa Ana Unified	46	Rialto Unified	29	Merced COE	63
22	Humboldt COE	44	Compton Unified	28	Kern COE	62
23	Stanislaus COE	43	Bonita Unified	28	Tulare COE	61
24	Oro Grande	42	Fontana Unified	27	Ontario Montclair	59
25	Walnut Valley Unified	38	Stockton Unified	26	Victor Valley Union High	57

Source. Data from CASEMIS for SY 2014–15 through SY 2018–19.

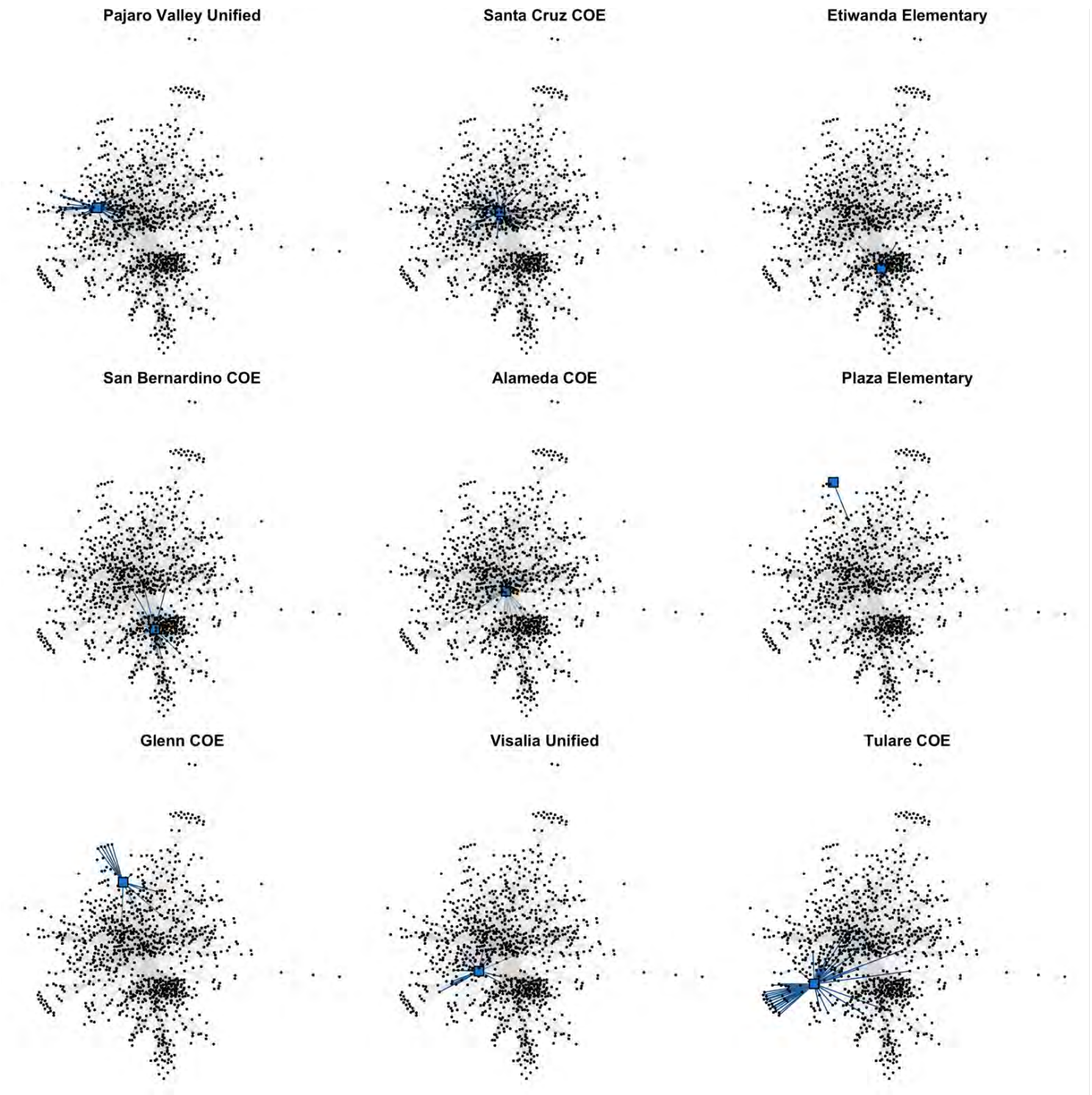
Some of these central LEAs are only a few “degrees of separation” away from every LEA in the network (similar to the concept of how random individuals might have “six degrees of separation” from one another — but these central LEAs have fewer than six degrees of separation). For example, the Los Angeles COE has no more than five degrees of separation to connect to every LEA in the network; Orange has no more than four. Siskiyou COE has six. It is because of these central entities (often COEs) that most LEAs do not have many degrees of separation from any other LEA in the state. However, there are also LEAs that are more on the periphery of the network. These are often connected to the network through only a single COE or LEA. These LEAs should be seen as possibly needing additional supports to stay connected in the network.

The connections for four of the five LEAs chosen for LEA profiles and their COEs are shown in exhibit B-20. Exhibit B-20 shows nine diagrams of special education service connections between California LEAs, with each LEA represented as a small dot. Light grey lines connecting the dots represent the connections between LEAs. In the exhibit, the specified LEA is highlighted as a large square with all thicker lines showing its connections.

Each of the diagrams is identical except that each pinpoints a particular LEA, identified in the title of below the diagram. The identified LEA is represented by a blue square in the diagram, and blue lines extending from that square represent the service connections between that LEA and other

LEAs. Most of the identified LEAs have central locations in the network, but one, Plaza Elementary, is located on the far periphery. Two others, Glenn COE and Tulare COE, are located near the periphery but have service connections to several other LEAs that are further on the periphery, and which have no connections other than to the COE.

**Exhibit B-20. The context for some of the LEAs profiled in the study in California’s special education network.**



[An accessible, plain text version of exhibit B-20 is provided in appendix D. Source. Data from CASEMIS for SY 2014–15 through SY 2018–19.](#)

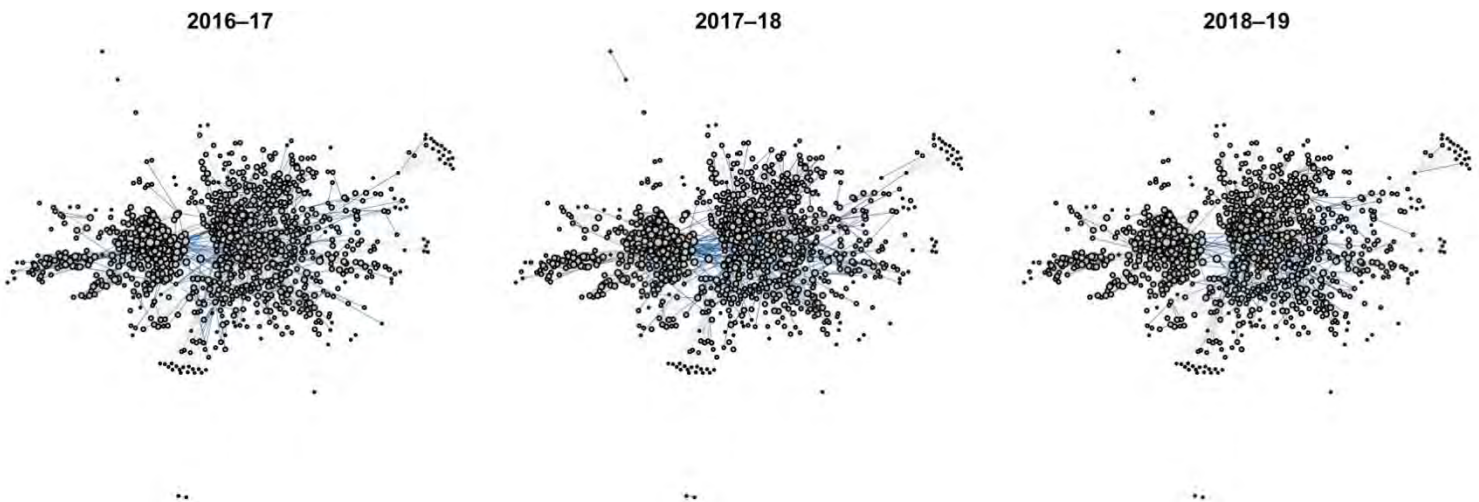
## Change in Network Over Time (by Year)

Seeing how a network changes over time — in this case, from year to year — is important for understanding how adaptable the network is, how quickly a connection is made or lost, and whether the central LEAs remain central each year. A multiyear analysis shows that California’s network of LEAs remained very similar across the study years. Exhibit B-21 shows that the clusters of connections within the network were similar from year to year. The exhibit consists of three similar network maps that look similar to the full network map in Exhibit B-17. The first network is for SY 2016-17, the second for SY 2017-18, and the third for SY 2018-19. The years have very minor differences, mostly with the dots around the edges of the network.

In this exhibit, the darker lines are the new connections while the lighter lines are connections that were already established. The connections that had the most meaningful change from year to year were among the small LEAs on the periphery of the network. This is to be expected because in small LEAs, just a few students move or graduate and existing connections may therefore no longer be needed for the coming year. For the central LEAs, their connections are similar (and still central) each year.

---

### Exhibit B-21. Network of connections between LEAs for providing services for students with an IEP, by year.



Source. Data from CASEMIS for SY 2016–17 to SY 2018–19.

The combined results of the network analyses provide some important takeaways regarding how LEAs were working together:

- 1) Being in a large area allows easier connection to other districts.
- 2) Several LEAs were on the outside of the network, with few connections to other LEAs. Such LEAs, which were mostly small, rural LEAs, can easily lose connections to other LEAs across years. However, in general, these LEAs were connected to the network through a COE that then was able to keep them attached to the network.

- 3) The network is dense, despite the vast geographic distance between entities. This suggests that, assuming COEs are maintained, any changes to the system would not likely affect connections between LEAs to a meaningful degree. This is because COEs tend to be the strongest connectors; if COEs remain in the system, most of the connections should remain throughout the network. One example that highlights the COEs' influence is that Plaza, a small, rural elementary school district, is connected directly only to its COE, Glenn COE. However, because Glenn COE, in turn, is connected to 11 additional LEAs, Plaza has secondary connections to 11 units (plus its direct connection to Glenn COE). The exponential growth in connections through COEs seen in this rural example is even greater in urban areas.
- 4) For an intervention or policy change to work, those LEAs that are most central in the network could serve as key sites for initial implementation, as these LEAs are then likely to spread these changes to many other LEAs. These central LEAs would include Los Angeles COE, ABC Unified, and so on.

Questions remain about how these connections are made, including who has brokered the relationship (for example, the SELPA, the COE, or the LEA on its own?), how new connections are made, and whether the LEA realizes benefit from the extended connections of their own direct connections.

## High-Performing LEA Profiles and Qualitative Data Analyses

Qualitative data gleaned from the survey, focus groups, and interviews with representatives and stakeholders from selected high-performing LEAs and their regional agencies (SELPA and COEs) were used to produce the five LEA profiles included in the report (see section 4).

LEA representatives included district and school administrators, teachers and other school staff, and parents. In total, 65 stakeholders representing four out of the five LEAs themselves participated in focus groups, and eight stakeholders from COEs and SELPAs representing all five LEAs participated in interviews. (One LEA, Plaza, had no district-level stakeholders available to participate.) The survey, interviews, and focus groups conducted with local and regional stakeholders helped the research team explore the necessary conditions for implementing best practices for serving students with an IEP and how potential recommendations for changes to the current system might promote such practices.

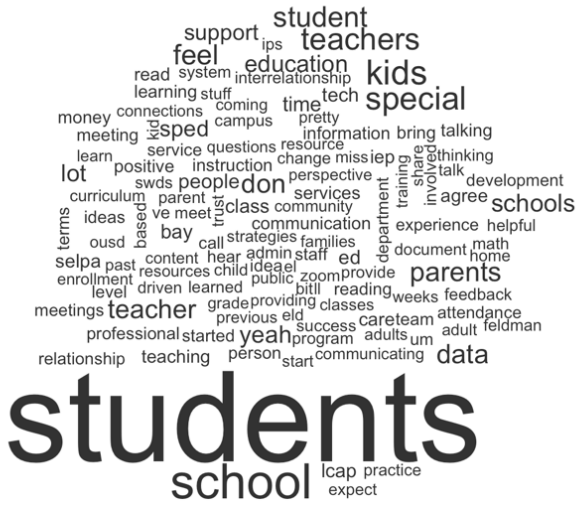
The research team reviewed the qualitative data and identified common themes and strategies highlighted by participants. Transcript analysis software confirmed these findings from the qualitative data. As displayed in exhibit B-22, the transcript analyses found the most common words used throughout the focus group conversations for the four LEAs that were able to participate.<sup>32</sup> In each conversation, focus group participants consistently focused on students. When the enabling conditions came up, it was often because they are important for supporting students. After “students,” common words from the conversation analyses included “district,” “education,” “school,” “teachers,” “support,” and “data.” The frequent use of these terms helped illustrate where the administrators, teachers, and families were centering their focus.

---

<sup>32</sup> Plaza is not shown because no district stakeholders were able to participate in focus groups.

**Exhibit B-22. Most common words from conversations with administrators, teachers, and families from high-performing LEAs featured in LEA Profiles.**

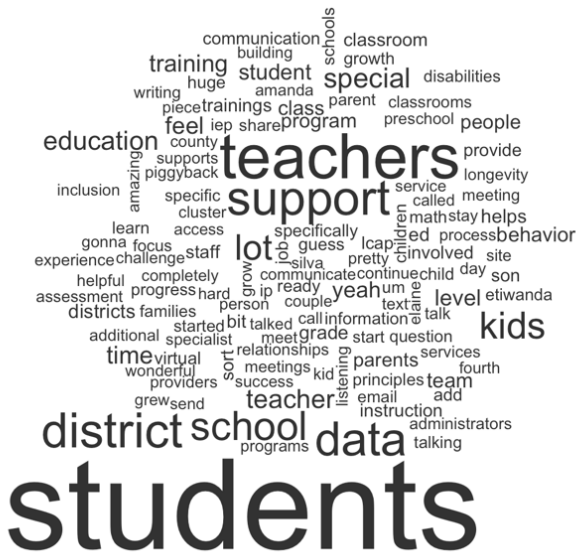
**Bay Area Technology**



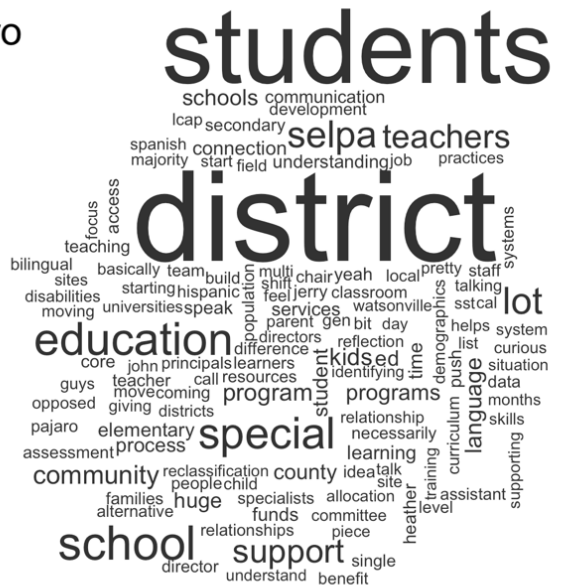
**Visalia**



**Etiwanda**



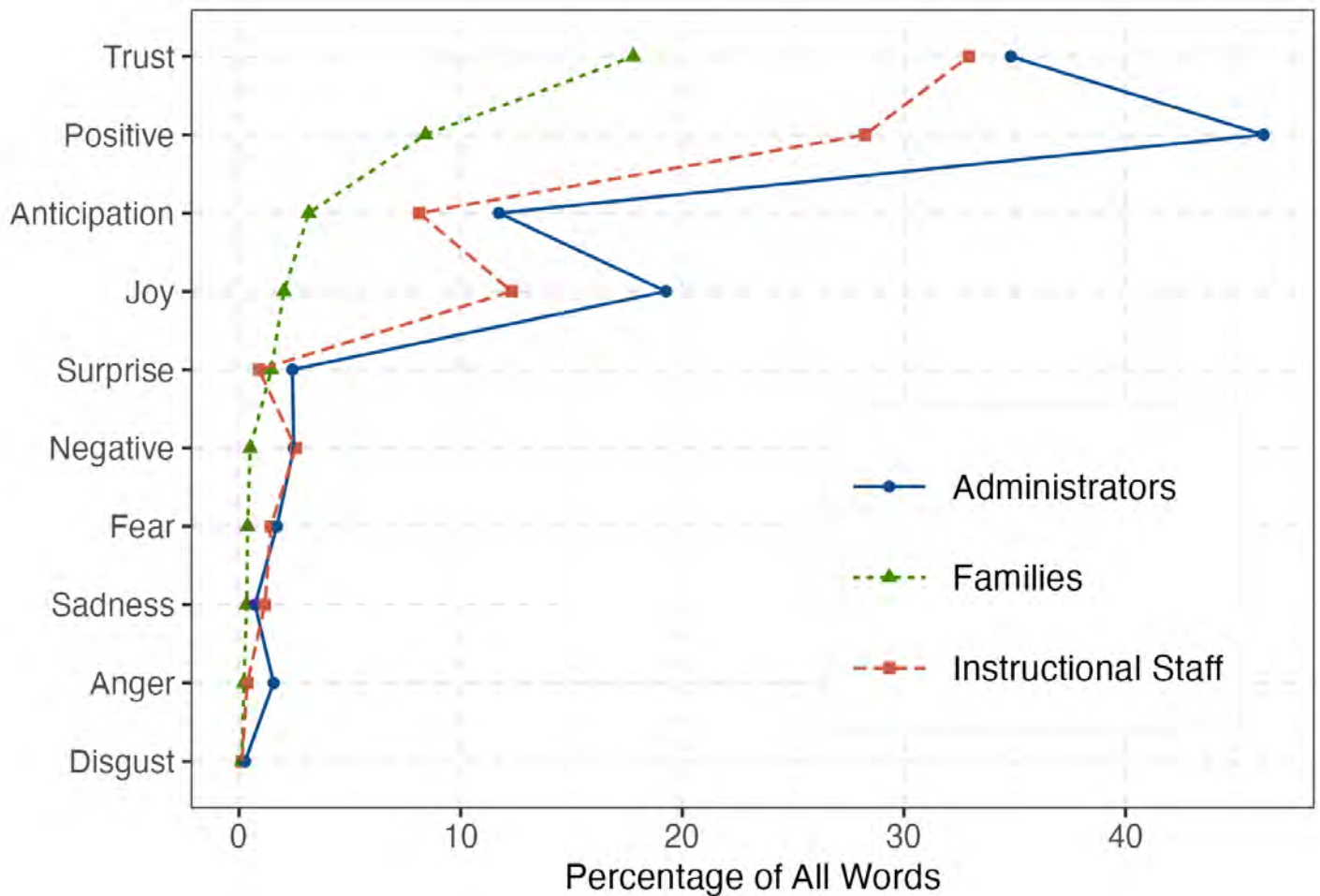
**Pajaro**



[An accessible, plain text version of exhibit B-22 is provided in appendix D.](#) Source. Data from responses to the survey administered by the research team.

Further, LEA administrators, teachers, and families all expressed trust, anticipation, joy, and other positive sentiments about their LEA’s practice and policies throughout the focus groups. Administrators were particularly positive, but across administrators, teachers, and families, discussions regarding practices and policies were generally optimistic. This is not to say that participants never discussed fears, disappointments, or other negative views; challenges were discussed throughout, but participants consistently expressed trust that their LEA could meet these challenges.

**Exhibit B-23. Most common sentiments expressed throughout the conversations with administrators, teachers, and families from high-performing LEAs.**



[An accessible, plain text version of exhibit B-23 is provided in appendix D.](#) Source. Data from responses to the survey administered by the research team.

# Appendix C: State Scan of Educational Service Agencies

Exhibit C-1. States and their educational service agencies (ESAs).

State	ESA Label	ESA Type	Special Education Responsibilities	Mandatory Participation
<b>Alabama</b>	NA	AL law does not establish any system of ESAs.	NA	NA
<b>Alaska</b>	Special Education Service Agencies (AS 14.30.600 <sup>33</sup> )	State-created network of service units	Yes	No
<b>Arizona</b>	Education Service Agencies (AZ 15 301 <sup>34</sup> )  Regional Education Centers	State-created networks of service units  Cooperative	No  No	Yes  No
<b>Arkansas</b>	Education Service Cooperative (AR 6-13-1002 <sup>35</sup> )	State-created networks of service units	Yes	No

<sup>33</sup> <http://www.legis.state.ak.us/basis/folioproxy.asp?url=http://www.jnu01.legis.state.ak.us/cgi-bin/folioisa.dll/stattx10/query=14!2E30!2E630/doc/%7b@6620%7d?prev>

<sup>34</sup> <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/00301.htm>

<sup>35</sup> <https://law.justia.com/codes/arkansas/2017/title-6/subtitle-2/chapter-13/subchapter-10/section-6-13-1002/>



State	ESA Label	ESA Type	Special Education Responsibilities	Mandatory Participation
<b>California</b>	County Educational Agencies (CA EDC 1000 <sup>36</sup> )  Special Education Local Plan Areas (CA EDU 56195.1 <sup>37</sup> )	State-created networks of service units  Cooperative	Yes  Yes	Yes  Yes
<b>Colorado</b>	Board of Cooperative Education Services (CO 22-5-103 <sup>38</sup> )	Cooperative	Yes	No
<b>Connecticut</b>	Regional Educational Service Centers (CT 10-66a <sup>39</sup> )	Cooperative	Yes	No
<b>Delaware</b>	NA	DE law does not establish any system of ESAs.	NA	NA
<b>Florida</b>	Regional Consortium Service Organizations (FL 1001.451 <sup>40</sup> )	Cooperative	Yes	No

<sup>36</sup>[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=EDC&division=1.&title=1.&part=2.&chapter=1.&article=1](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=1.&title=1.&part=2.&chapter=1.&article=1)

<sup>37</sup>[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=30.&chapter=2.5.&article=1](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=4.&title=2.&part=30.&chapter=2.5.&article=1)

<sup>38</sup><https://law.justia.com/codes/colorado/2016/title-22/general-and-administrative/article-5/section-22-5-103/>

<sup>39</sup>[https://www.cga.ct.gov/current/pub/chap\\_164.htm](https://www.cga.ct.gov/current/pub/chap_164.htm)

<sup>40</sup>[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=1000-1099/1001/Sections/1001.451.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1001/Sections/1001.451.html)

State	ESA Label	ESA Type	Special Education Responsibilities	Mandatory Participation
<b>Georgia</b>	Regional Educational Service Agency (GA Rule 160-5-1-.13 <sup>41</sup> )	State-created network service units	Yes	Yes
<b>Hawaii</b>	NA	HI law does not establish any system of ESAs.	NA	NA
<b>Idaho</b>	NA	ID law does not establish any system of ESAs.	NA	NA
<b>Illinois</b>	Regional Offices of Education (IL 105 3-0.01 <sup>42</sup> )  Special Education Cooperatives (IL 105 10-22.31 <sup>43</sup> )	Regional educational agency  Cooperative	No Yes	Yes No
<b>Indiana</b>	Educational Service Center (IN 20-20-1-2 <sup>44</sup> )	Regional educational agency	Yes	No
<b>Iowa</b>	Area Education Agencies (IA 273.2 <sup>45</sup> )	State-created networks of service units	Yes	Yes

<sup>41</sup> <https://rules.sos.state.ga.us/GAC/160-5-1-.13?urlRedirected=yes&data=admin&lookingfor=160-5-1-.13>

<sup>42</sup> <https://ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt%2E+3&ActID=1005&ChapterID=17&SeqStart=37700000&SeqEnd=44600000>

<sup>43</sup> <https://ilga.gov/legislation/ilcs/fulltext.asp?DocName=010500050K10-22.31>

<sup>44</sup> <https://law.justia.com/codes/indiana/2015/title-20/article-20/chapter-1>

<sup>45</sup> <https://www.legis.iowa.gov/publications/search/document?fq=name:273&fq=dtid:84&current=true>

State	ESA Label	ESA Type	Special Education Responsibilities	Mandatory Participation
<b>Kansas</b>	Interlocal Cooperation Agreement (KS 72-8230 <sup>46</sup> )	Cooperative	Yes	No
<b>Kentucky</b>	Interlocal Agency (Educational Cooperative) (KY 65.230 <sup>47</sup> )	Cooperative	Yes	No
<b>Louisiana</b>	NA	LA law does not establish any system of ESAs. <sup>48</sup>	NA	NA
<b>Maine</b>	Education Service Centers (ME 3801 <sup>49</sup> )	Cooperative	Yes	No
<b>Maryland</b>	Cooperative Administration of Programs (MD Educ Code 4-123 <sup>50</sup> )	Cooperative	Yes	No
<b>Massachusetts</b>	Education Collaboratives (MA 4E <sup>51</sup> )	Cooperative	Yes	No

<sup>46</sup>[http://www.kslegislature.org/li\\_2012/b2011\\_12/statute/072\\_000\\_0000\\_chapter/072\\_082\\_0000\\_article/072\\_082\\_0030\\_section/072\\_082\\_0030\\_k/](http://www.kslegislature.org/li_2012/b2011_12/statute/072_000_0000_chapter/072_082_0000_article/072_082_0030_section/072_082_0030_k/)

<sup>47</sup><https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=50373>

<sup>48</sup> Louisiana laws identify regional institutes, area schools, and branch schools for the purpose of providing postsecondary vocational-technical facilities only (LA 1999, <https://law.justia.com/codes/louisiana/2006/143/80135.html>)

<sup>49</sup><http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0969&item=3&snum=129>

<sup>50</sup><https://law.justia.com/codes/maryland/2013/article-ged/section-4-123/>

<sup>51</sup><https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40/section4e>

State	ESA Label	ESA Type	Special Education Responsibilities	Mandatory Participation
<b>Michigan</b>	Intermediate School Districts (also commonly called Regional Education Service Agencies) (MI 380.601a <sup>52</sup> )	Regional educational agency	Yes	Yes
<b>Minnesota</b>	Service Cooperative (MN 123A.21 <sup>53</sup> )	Cooperative	Yes	No
<b>Missouri</b>	NA	MO law does not establish any system of ESAs.	NA	NA
<b>Mississippi</b>	Regional Education Service Agency (MS EDUC 37-7-345 <sup>54</sup> )	Cooperative	Yes	No
<b>Montana</b>	Special Education Cooperatives (MO EDUC 20-7-451 <sup>55</sup> )	Cooperative	Yes	No <sup>56</sup>

<sup>52</sup> <https://casetext.com/statute/michigan-compiled-laws/chapter-380-the-revised-school-code/chapter-act-451-revised-school-code/article-1-general-provisions/part-7-intermediate-school-districts/section-380601a-intermediate-school-district-powers>

<sup>53</sup> <https://www.revisor.mn.gov/statutes/cite/123A.21>

<sup>54</sup> <https://codes.findlaw.com/ms/title-37-education/ms-code-sect-37-7-345.html>

<sup>55</sup> [https://leg.mt.gov/bills/mca/title\\_0200/chapter\\_0070/part\\_0040/section\\_0510/0200-0070-0040-0510.html](https://leg.mt.gov/bills/mca/title_0200/chapter_0070/part_0040/section_0510/0200-0070-0040-0510.html)

<sup>56</sup> A school district that receives less than \$7500 in IDEA funding must apply for IDEA funds jointly with a special education cooperative (Rule 10.16.3181, <https://regulations.justia.com/states/montana/>).

State	ESA Label	ESA Type	Special Education Responsibilities	Mandatory Participation
<b>Nebraska</b>	Educational Service Units (NE EDUC 79-1204 <sup>57</sup> )	State-created networks of service units	Yes	Yes
<b>Nevada</b>	NA	NV law does not establish any system of ESAs.	NA	NA
<b>New Hampshire</b>	NA	NH law does not establish any system of ESAs.	NA	NA
<b>New Jersey</b>	Educational Services Commission (NJ EDUC 18A 6-51 <sup>58</sup> )	Cooperative	Yes	No
<b>New Mexico</b>	Regional Education Cooperative (NM EDUC 22-2B-3 <sup>59</sup> )	Cooperative	Yes	No
<b>New York</b>	Board of Cooperative Education Services (NY EDN 1950 <sup>60</sup> )	Cooperative	Yes	No
<b>North Carolina</b>	Regional Education Service Alliance	Cooperative	Yes	No

<sup>57</sup> <https://nebraskalegislature.gov/laws/statutes.php?statute=79-1204>

<sup>58</sup> <https://codes.findlaw.com/nj/title-18a-education/nj-st-sect-18a-6-51.html>

<sup>59</sup> [https://law.justia.com/codes/new-mexico/2006/nmrc/jd\\_22-2b-3-9ee9.html](https://law.justia.com/codes/new-mexico/2006/nmrc/jd_22-2b-3-9ee9.html)

<sup>60</sup> <https://www.nysenate.gov/legislation/laws/EDN/1950>

State	ESA Label	ESA Type	Special Education Responsibilities	Mandatory Participation
<b>North Dakota</b>	Regional Education Associations (ND EDUC 15.1-09.1 <sup>61</sup> )	Cooperative	Yes	No
<b>Ohio</b>	Educational Service Centers (OH EDUC 3312.01 <sup>62</sup> )	Regional educational agency	Yes	No
<b>Oklahoma</b>	NA	OK law does not establish any system of ESAs. <sup>63</sup>	NA	NA
<b>Oregon</b>	Education Service District (OR EDUC 334.003 <sup>64</sup> )	Regional educational agency	Yes	No
<b>Pennsylvania</b>	Intermediate Units (PA EDUC 901-A <sup>65</sup> )	Regional educational agency	Yes	Yes
<b>Rhode Island</b>	Educational Collaboratives (RI EDUC 16-3.1-10 <sup>66</sup> ) <sup>67</sup>	Cooperative	Yes	No
<b>South Carolina</b>	NA	SC law does not establish any system of ESAs.	NA	NA

<sup>61</sup> <https://www.legis.nd.gov/cencode/t15-1c09-1.pdf>

<sup>62</sup> <https://codes.ohio.gov/ohio-revised-code/section-3312.01>

<sup>63</sup> Oklahoma laws do allow for interlocal cooperative agreements among school districts (OK Stat 70-5-117b, <https://law.justia.com/codes/oklahoma/2014/title-70/section-70-5-117b/>).

<sup>64</sup> [https://oregon.public.law/statutes/ors\\_chapter\\_334](https://oregon.public.law/statutes/ors_chapter_334)

<sup>65</sup> <https://www.legis.state.pa.us/cfdocs/legis/LI/uconsCheck.cfm?txtType=HTM&yr=1949&sessInd=0&smthLwInd=0&act=14&chpt=9A&sctn=1&subscn=0>

<sup>66</sup> <http://webserver.rilin.state.ri.us/Statutes/TITLE16/16-3.1/16-3.1-10.HTM>

<sup>67</sup> Each of the three Rhode Island Educational Collaboratives are established entities in statute.

State	ESA Label	ESA Type	Special Education Responsibilities	Mandatory Participation
<b>South Dakota</b>	NA	SD law does not establish any system of ESAs. <sup>68</sup>	NA	NA
<b>Tennessee</b>	NA	TN law does not establish any system of ESAs.	NA	NA
<b>Texas</b>	Regional Education Service Centers (TX Educ 8.001 <sup>69</sup> )	State-created networks of service units	Yes	No
<b>Utah</b>	Regional Service Centers (UT Rule R277-706 <sup>70</sup> )	Cooperative	Yes	No
<b>Vermont</b>	NA	VT law does not establish any system of ESAs.	NA	NA
<b>Virginia</b>	NA	VA law does not establish any system of ESAs.	NA	NA
<b>Washington</b>	Education Service Districts (WA 28A.310 <sup>71</sup> )	State-created networks of service units	Yes	No

<sup>68</sup> Laws that established ESAs in South Dakota were repealed in 2016 following the Review of Educational Cooperatives and Education Service Agencies (<https://doe.sd.gov/legislature/documents/16-ESACoop.pdf>).

<sup>69</sup> <https://statutes.capitol.texas.gov/Docs/ED/htm/ED.8.htm>

<sup>70</sup> <https://casetext.com/regulation/utah-administrative-code/education/title-r277-administration/rule-r277-706-public-education-regional-service-centers>

<sup>71</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=28A.310>

State	ESA Label	ESA Type	Special Education Responsibilities	Mandatory Participation
<b>West Virginia</b>	NA	WV law does not establish any system of ESAs. <sup>72</sup>	NA	NA
<b>Wisconsin</b>	Cooperative Educational Service Agencies (WI 116.01 <sup>73</sup> )	State-created networks of service units	Yes	No
<b>Wyoming</b>	Board of Cooperative Education Services (WY Boards of Cooperative Educational Services Ac <sup>74</sup> t)	Cooperative	Yes	No

Source. Keane 2001; Moran and Sullivan 2015; Association of Educational Service Agencies n.d.; and individual state department of education websites.

<sup>72</sup> West Virginia law dissolved regional education service agencies in 2018 (WV EDUC 18-2-26, <https://code.wvlegislature.gov/18-2-26/>).

<sup>73</sup> <https://docs.legis.wisconsin.gov/statutes/statutes/116.pdf>

<sup>74</sup> <https://law.justia.com/codes/wyoming/2010/Title21/chapter20.html>



---

# Appendix D: Accessible, Plain Text Versions of Complex Exhibits

This appendix provides accessible, plain text versions of the exhibits in this report for which a long description was not feasible to include within the main body of the report. Links are provided from each applicable exhibit to this appendix and from this appendix back to each applicable exhibit.

## Executive Summary Exhibits

### **Exhibit ES-1. Proficiency rates for students with an IEP who also are multilingual (English learners) and/or economically disadvantaged relative to the overall proficiency for students without an IEP.**

Exhibit ES-1 is a vertical dot plot showing the proficiency rates for students with an IEP who also are multilingual and/or economically disadvantaged relative to the overall proficiency for students without an IEP.

The x-axis represents the race/ethnicity. The y-axis represents the proficiency, ranging from 0.0 percent to 40.0 percent. A dotted horizontal line is shown representing the overall proficiency for Students without an IEP at just above 40.0 percent.

Proficiency rates for each subgroup of students with an IEP are:

African American and economically disadvantaged = 1.7 percent; African American and multilingual = 1.9 percent; African American, multilingual, and economically disadvantaged = 2.1 percent; African American and neither multilingual nor economically disadvantaged = 5.0 percent.

Hispanic/Latinx and economically disadvantaged = 4.7 percent; Hispanic/Latinx and multilingual = 2.4 percent; Hispanic/Latinx, multilingual, and economically disadvantaged = 1.30 percent; Hispanic/Latinx and neither multilingual nor economically disadvantaged = 11.0 percent.

Other race/ethnicity and economically disadvantaged = 12.4 percent; other race/ethnicity and multilingual = 14.0 percent; other race/ethnicity, multilingual, and economically disadvantaged = between 5.5 percent; other race/ethnicity and neither multilingual nor economically disadvantaged = 30.7 percent.

White and economically disadvantaged = 7.6 percent; white and multilingual = 12.5 percent; white, multilingual, and economically disadvantaged = 2.6 percent; white and neither multilingual nor economically disadvantaged = 21.7 percent.

[Return to exhibit ES-1 within the body of the report.](#)

### **Exhibit ES-3. Percentage of students with an IEP in more restrictive settings (i.e., who spent less than 40 percent of the school day in general education settings), by disability category and race/ethnicity.**

Exhibit ES-3 is a horizontal dot plot showing the percentage of students with an IEP in more restrictive settings by disability category and race/ethnicity.

The x-axis represents the percentage of students spending less than 40 percent of the day in a general education setting. The y-axis represents the disability category. The plot also includes arrow leading from 0 percent to 100 percent along the x-axis labeled “More Students in More Restrictive Settings.”

Starting from the bottom of the plot, where the lowest percentage of students are in the more restrictive setting, the data, by disability category, are:

Speech/Language Impairment: white = 7.1 percent in general education settings for less than 40 percent of the school day, Hispanic/Latinx = 10.2 percent, African American and other = 10.2 percent.

Specific Learning Disability: white = 9.8 percent, other = 12.6 percent, Hispanic/Latinx = 12.7 percent, African American = 16.2 percent.

Hearing Impairment: white = 12.1 percent, other = 13.4 percent, Hispanic/Latinx = 20.6 percent, African American = 22.6 percent.

Other Health Impairment: white = 16.8 percent, Hispanic/Latinx = 19.0 percent, other = 20.4 percent, African American = 23.8 percent.

Visual Disability: white = 26.2 percent, African American = 29.7 percent, other = 32.7 percent, Hispanic/Latinx = 32.9 percent.

Traumatic Brain Injury: white = 38.1 percent, other = 42.3 percent, African American = 46.6 percent, Hispanic/Latinx = 47.0 percent.

Autism: white = 42.5 percent, other = 50.4 percent, Hispanic/Latinx = 50.9 percent, African American = 58.7 percent.

Emotional Disturbance: white = 47.3 percent, other = 49.5 percent, Hispanic/Latinx = 52.6 percent, African American = 61.4 percent.

Orthopedic Impairment: white = 48.5 percent, other = 51.2 percent, Hispanic/Latinx = 56.3 percent, African American = 62.1 percent.

Deafness: white = 54.1 percent, other = 60.2 percent, Hispanic/Latinx = 64.5 percent, African American = 73.4 percent.

Intellectual Disability: white = 69.9 percent, Hispanic/Latinx = 77.2 percent, other = 77.3 percent, African American = 78.2 percent.

Deaf Blindness: white = 68.5 percent, Hispanic/Latinx = 76.3 percent, other = 88.2 percent, African American = 100 percent.

Multiple Disability: white = 83.5 percent, other = 89.5 percent, African American = 91.0 percent, Hispanic/Latinx = 91.5 percent.

[Return to exhibit ES-3 within the body of the report.](#)

## Section 1 Exhibits

### **Exhibit 1. Graduation rates and statewide assessment proficiency rates (English language arts and math) for students with an IEP compared with students without an IEP.**

Exhibit 1 displays two vertical dot plots showing the graduation rates and statewide assessment proficiency rates for students with an IEP compared with students without an IEP.

The x-axes represent the year, ranging from 2016-17 to 2018-19. The y-axes represent the gap in student outcomes, ranging from 20 to 80.

The first dot plot represents the graduation rate, or percent of students graduating with a regular high school diploma and is detailed as follows:

2016-17: students with an IEP = 65.1 percent; students without an IEP = 80.6 percent; gap = 15.5 percent.

2017-18: students with an IEP = 65.1 percent; students without an IEP = 80.0 percent; gap = 14.9 percent.

2018-19: students with an IEP = 65.8 percent; students without an IEP = 80.4 percent; gap = 14.6 percent.

The second dot plot represents proficiency on both the ELA and math assessments as measured by the CAASPP and the CAA and is detailed as follows:

2016-17: students with an IEP = 14.7 percent; students without an IEP = 39.1 percent; gap = 24.4 percent.

2017-18: students with an IEP = 15.8 percent; students without an IEP = 40.1 percent; gap = 24.3 percent.

2018-19: students with an IEP = 16.1 percent; students without an IEP = 40.8 percent; gap = 24.7 percent.

[Return to exhibit 1 within the body of the report.](#)

## **Exhibit 2. Proficiency rates for students with an IEP who also are multilingual and/or economically disadvantaged relative to the overall proficiency for students without an IEP.**

Exhibit 2 is a vertical dot plot showing the proficiency rates for students with an IEP who also are multilingual and/or economically disadvantaged relative to the overall proficiency for students without an IEP.

X-axis represents the race/ethnicity. Y-axis represents the proficiency, ranging from 0.0 percent to 40.0 percent. A dotted horizontal line is shown representing the overall proficiency for Students without an IEP at just above 40.0 percent.

Proficiency rates for each subgroup of students with an IEP are:

African American and economically disadvantaged = 1.7 percent; African American and multilingual = 1.9 percent; African American, multilingual, and economically disadvantaged = 2.1 percent; African American and neither multilingual nor economically disadvantaged = 5.0 percent.

Hispanic/Latinx and economically disadvantaged = 4.7 percent; Hispanic/Latinx and multilingual = 2.4 percent; Hispanic/Latinx, multilingual, and economically disadvantaged = 1.30 percent; Hispanic/Latinx and neither multilingual nor economically disadvantaged = 11.0 percent.

Other race/ethnicity and economically disadvantaged = 12.4 percent; other race/ethnicity and multilingual = 14.0 percent; other race/ethnicity, multilingual, and economically disadvantaged = between 5.5 percent; other race/ethnicity and neither multilingual nor economically disadvantaged = 30.7 percent.

White and economically disadvantaged = 7.6 percent; white and multilingual = 12.5 percent; white, multilingual, and economically disadvantaged = 2.6 percent; white and neither multilingual nor economically disadvantaged = 21.7 percent.

[Return to exhibit 2 within the body of the report.](#)

## **Exhibit 4. Comparison across states of (a) percentage of total students enrolled who have an IEP and (b) percentage of students with an IEP who spend less than 40 percent of the day in general education settings.**

Two maps showing a comparison across states of IEP students, indicating the following:

### **Panel A, Identification Rates**

Panel a is a map showing the percentage of enrolled students with IEPs, or identification rates for SY 2018–19, and indicates the following:

Five states ranging from 8 to 9.9 percent and shown in beige: Texas = 8.7 percent, Hawaii = 9.2 percent, Idaho = 9.6 percent, Colorado = 9.7 percent, and Maryland = 9.8 percent.

Sixteen states ranging from 10 to 11.9 percent and shown in orange: Nevada = 10.3 percent, Louisiana = 10.6 percent, California = 10.8 percent, Arizona = 10.9 percent, Utah = 10.9 percent, Michigan = 11.0 percent, Georgia = 11.1 percent, Alabama = 11.2 percent, Tennessee = 11.2 percent, Iowa = 11.4 percent, North Carolina = 11.4 percent, North Dakota, = 11.5 percent, Virginia = 11.5 percent, Washington = 11.5 percent, Montana = 11.6 percent, and Missouri = 11.7 percent.

Nineteen states ranging from 12 to 13.9 percent and shown in pink: Arkansas = 12.0 percent, Illinois = 12.1 percent, South Carolina = 12.1 percent, Florida = 12.2 percent, Kansas = 12.2 percent, Oregon = 12.4 percent, District of Columbia = 12.5 percent, Alaska = 12.6 percent, Connecticut = 12.6 percent, Mississippi = 12.6 percent, Kentucky = 12.7 percent, Wyoming = 12.8 percent, Minnesota = 13.0 percent, South Dakota, = 13.0 percent Nebraska = 13.2 percent, Ohio = 13.2 percent, Rhode Island = 13.7 percent, Vermont = 13.7 percent, and New Jersey = 13.9 percent.

Nine states ranging from 14 to 15.9 percent and shown in light purple: New Mexico = 14.0 percent, Indiana = 14.2 percent, New Hampshire = 14.3 percent, Delaware. = 14.8 percent, Oklahoma = 14.9 percent, New York = 15.1 percent, Massachusetts = 15.2 percent, West Virginia = 15.2 percent, and Pennsylvania = 15.9 percent.

One state at more than 16 percent and shown in dark purple: Maine = 16.4 percent.

Data were not available for two states, shown in white: Puerto Rico and Wisconsin.

### **Panel B, Inclusion in General Education Settings Less Than 40 Percent of the School Day**

Panel b is a map showing the percent in general education settings less than 40 percent of the school day in SY 2018–19, indicating the following:

One state ranging from 0 to 4.9 percent and shown in beige: Vermont = 4.9 percent.

Twenty states ranging from 5 to 9.9 percent and shown in orange: Colorado = 5.8 percent, South Dakota = 5.8 percent, Wyoming = 5.9 percent, North Dakota = 6.2 percent, Connecticut = 6.7 percent, Nebraska = 6.7 percent, Alabama = 7.4 percent, Kansas = 7.4 percent, West Virginia, = 7.8 percent, Iowa = 8.0 percent, Oklahoma = 8.4 percent, Kentucky = 8.7 percent, Missouri = 8.9 percent, Alaska = 9.2 percent, Idaho = 9.2 percent, Indiana = 9.2 percent, New Hampshire = 9.5 percent, Puerto Rico = 9.8 percent, Virginia = 9.8 percent, Oregon = 9.9 percent, and Pennsylvania = 9.9 percent.

Eighteen states ranging from 10 to 14.9 percent and shown in pink: and Utah = 10.0 percent, Minnesota = 10.6 percent, Maine = 10.8 percent, Montana = 11.0 percent, Tennessee = 11.7 percent, Michigan = 11.8 percent, Mississippi = 12.6 percent, Ohio = 13.0 percent, Washington = 13.0 percent, Arkansas = 13.1 percent, Maryland = 13.1 percent, Rhode Island = 13.4 percent, Florida = 14.0 percent, Illinois = 14.2 percent,

Massachusetts = 14.3 percent, North Carolina = 14.3 percent, Arizona = 14.4 percent, and Louisiana = 14.8 percent.

Nine states ranging from 15 to 19.9 percent and shown in light purple: Texas = 15.1 percent, Delaware = 15.4 percent, South Carolina = 15.5 percent, Nevada = 15.9 percent, New Jersey = 16.4 percent, Georgia = 16.6 percent, District of Columbia = 17.2 percent, Hawaii = 17.5 percent, and New Mexico = 17.9 percent.

Two states at 20 percent or more and shown in dark purple: California = 20.3 percent, New York = 21.3 percent.

Data were not available for one state, shown in white: Wisconsin.

[Return to exhibit 4 within the body of the report.](#)

## Section 2 Exhibits

### **Exhibit 6. Summary of the methods used to inform the results and recommendations of the report.**

Exhibit 6 is a flowchart showing the summary for the methods used to inform the results and recommendations of the report.

The following methods are shown at the top: Policy Review, Statewide Data Analysis, Survey, Focus Groups and Interviews, and Literature Review. Five arrows leading from those methods at the top of the flowchart to “Draft Results and Recommendations.” Then, an arrow leads from “Draft Results and Recommendations” to “Broad Stakeholder Input,” from which the final arrow leads to “Final Results and Recommendations.”

[Return to exhibit 6 within the body of the report.](#)

## Section 3 Exhibits

### **Exhibit 10. Relationship between percentage of time spent in general education setting and academic growth as measured by the CAASPP and CAA.**

Exhibit 1- is a vertical dot plot showing the relationship between the percentage of time spent in general education settings and academic growth as measured by the CAASPP and CAA.

The x-axis represents the time spent in a general education setting and the y-axis represents the academic growth, ranging from 40.0 to 50.0. A dotted horizontal line represents the average academic growth across all students at an academic growth level of 50.0.

For students who spent less than 40 percent of the day in a general education setting, academic growth was 39.

For students who spent 40 to 79 percent of the day in a general education setting, academic growth was 39.5.

For students who spent 80 percent or more of the day in a general education setting, academic growth was 44.

[Return to exhibit 10 within the body of the report.](#)

### **Exhibit 11. Relationship between academic growth (y-axes) and percentage of time spent in general education (x-axes), by disability category.**

Exhibit 11 consists of 13 dot plots showing the relationship between academic growth and the percentage of time spent in general education by disability category.

The x-axes represent the percentage of the school day spent in general education settings. The y-axes represent the academic growth, ranging from 30 to 70, with the average academic growth across all students at an academic growth level of 50.0.

Autism: Less than 40 percent in general education = 43.0; 40 to 79 percent in general education= 43.0; 80 percent or more in general education= 49.5.

Deaf Blindness: Less than 40 percent in general education = 31.0; 40 to 79 percent in general education= 53.0; 80 percent or more in general education= 72.0.

Deafness: Less than 40 percent in general education = 40.0; 40 to 79 percent in general education= 40.5; 80 percent or more in general education= 49.0.

Emotional Disturbance: Less than 40 percent in general education = 35.0; 40 to 79 percent in general education= 40.0; 80 percent or more in general education= 45.0.

Hearing Impairment: Less than 40 percent in general education = 39.0; 40 to 79 percent in general education= 40.5; 80 percent or more in general education= 49.0.

Intellectual Disability: Less than 40 percent in general education = 47.0; 40 to 79 percent in general education= 45.0; 80 percent or more in general education= 39.0.

Multiple Disability: Less than 40 percent in general education = 40.0; 40 to 79 percent in general education= 42.0; 80 percent or more in general education= 47.0.

Orthopedic Impairment: Less than 40 percent in general education = 41.0; 40 to 79 percent in general education= 41.0; 80 percent or more in general education= 49.0.

Other Health Impairment: Less than 40 percent in general education = 38.0; 40 to 79 percent in general education= 39.5; 80 percent or more in general education= 42.0.

Specific Learning Disability: Less than 40 percent in general education = 37.5; 40 to 79 percent in general education= 40.0; 80 percent or more in general education= 43.0.

Speech/Language Impairment: Less than 40 percent in general education = 43.0; 40 to 79 percent in general education= 43.0; 80 percent or more in general education= 49.5.

Traumatic Brain Injury: Less than 40 percent in general education = 40.0; 40 to 79 percent in general education= 39.0; 80 percent or more in general education= 41.5.

Visual Disability: Less than 40 percent in general education = 39.8; 40 to 79 percent in general education= 40.0; 80 percent or more in general education= 49.0.

[Return to exhibit 11 within the body of the report.](#)

## **Exhibit 12. Percentage of students with an IEP in more restrictive settings (i.e., who spent less than 40 percent of the school day in general education settings), by disability category and race/ethnicity.**

Exhibit 12 is a horizontal dot plot showing the percentage of students with an IEP in more restrictive settings by disability category and race/ethnicity.

The x-axis represents the percentage of students spending less than 40 percent of the day in a general education setting. The y-axis represents the disability category. The plot also includes arrow leading from 0 percent to 100 percent along the x-axis labeled “More Students in More Restrictive Settings.”

Starting from the bottom of the plot, where the lowest percentage of students are in the more restrictive setting, the data, by disability category, are:

Speech/Language Impairment: white = 7.1 percent in general education settings for less than 40 percent of the school day, Hispanic/Latinx = 10.2 percent, African American and other = 10.2 percent.

Specific Learning Disability: white = 9.8 percent, other = 12.6 percent, Hispanic/Latinx = 12.7 percent, African American = 16.2 percent.

Hearing Impairment: white = 12.1 percent, other = 13.4 percent, Hispanic/Latinx = 20.6 percent, African American = 22.6 percent.

Other Health Impairment: white = 16.8 percent, Hispanic/Latinx = 19.0 percent, other = 20.4 percent, African American = 23.8 percent.

Visual Disability: white = 26.2 percent, African American = 29.7 percent, other = 32.7 percent, Hispanic/Latinx = 32.9 percent.

Traumatic Brain Injury: white = 38.1 percent, other = 42.3 percent, African American = 46.6 percent, Hispanic/Latinx = 47.0 percent.

Autism: white = 42.5 percent, other = 50.4 percent, Hispanic/Latinx = 50.9 percent, African American = 58.7 percent.

Emotional Disturbance: white = 47.3 percent, other = 49.5 percent, Hispanic/Latinx = 52.6 percent, African American = 61.4 percent.

Orthopedic Impairment: white = 48.5 percent, other = 51.2 percent, Hispanic/Latinx = 56.3 percent, African American = 62.1 percent.



Deafness: white = 54.1 percent, other = 60.2 percent, Hispanic/Latinx = 64.5 percent, African American = 73.4 percent.

Intellectual Disability: white = 69.9 percent, Hispanic/Latinx = 77.2 percent, other = 77.3 percent, African American = 78.2 percent.

Deaf Blindness: white = 68.5 percent, Hispanic/Latinx = 76.3 percent, other = 88.2 percent, African American = 100 percent.

Multiple Disability: white = 83.5 percent, other = 89.5 percent, African American = 91.0 percent, Hispanic/Latinx = 91.5 percent.

[Return to exhibit 12 within the body of the report.](#)

### **Exhibit 13. Proportion of special education and related services provided to students aged 3–5 in regular early childhood settings.**

Exhibit 13 is a vertical bar graph showing the proportion of special education and related services provided to students aged 3-5 in regular early childhood settings, with a total n-size of nearly 116,000 students aged 3-5..

The x-axis represents the percentage of special education services received in regular early childhood settings, ranging from 0 to 100. The y-axis represents the count of students, ranging from 0 to 30,000.

The corresponding data line is shown starting at nearly 36,000 and less than 10 percent, decreasing to a count just above 15,000 students between a percentage of 10 and a percentage of 29, decreasing to a count of just above 2000 students between a percentage of 60 and a percentage of 79, and increasing to finish at a count above 52 thousand at more than 90 percent.

[Return to exhibit 13 within the body of the report.](#)

### **Exhibit 18. Relationship between LEA size and the number of the LEA's in- and out-connections.**

Two scatter plots showing the relationship between the size of California LEAs and the number of each LEA's in-and out-connections.

#### **In Connections Plot**

The x-axis represents LEA size by enrollment, ranging from 50 to 400,000. The y-axis represents the number of In Connections, or how many times an LEA provided services for a student for whom it was not the district of residence, ranging from 0 to 150.

Enrollment between 0 and 50 = in connections ranging from 0 to levels above 0.

Enrollment between 50 and 1000 = in connections ranging from 0 to levels between 0 and 50.

Enrollment between 1000 and 25,000 = in connections ranging from 0 to levels above 150.

Enrollment between 25,000 and 400,000 = in connections ranging from 0 to levels below 50.

Also shown is a trendline starting at a number of in connections and enrollment just above 0, increasing to a number of in connections between 0 and 50 at an enrollment of 25,000, and decreasing to finish at a slightly lower level of in connections at an enrollment above 400,000.

### **Out Connections Plot**

The x-axis represents LEA enrollment, ranging from 50 to 400,000. The y-axis represents the number of Out Connections, or how many times an LEA received services for a student from another LEA, ranging from 0 to 60.

Enrollment between 0 and 50 = out connections ranging from 0 to levels between 0 and 20

Enrollment between 50 and 1000 = out connections ranging between 0 and levels just below 20

Enrollment between 1000 and 25,000 = out connections ranging between 0 and levels between 0 and 40.

Enrollment between 25,000 and 400,000 = out connections ranging between levels above 0 and levels above 60

Also shown is a trendline starting a number of out connections and enrollment of approximately 0, increasing to a number of out connections between 0 and 20 at an enrollment above 1000, and increasing to finish at a number of out connections above 60 and enrollment of approximately 400,000.

[Return to exhibit 18 within the body of the report.](#)

## **Appendix A Exhibits**

### **Exhibit A-1. How levels of governing authority inform one another.**

Exhibit A-1 is a diagram showing how levels of governing authority inform one another in terms of a pyramid indicating the following elements starting from the bottom:

- 1) Guidance: Agency may explain how regulations are interpreted, but these documents generally are not binding.
- 2) Regulation: Statues may be implemented by regulations, which are legally enforceable.
- 3) Statute: Congress provides authority to agencies.

[Return to exhibit A-1 within the body of the report.](#)

### **Exhibit A-3. Survey and LEA Profile process and purpose.**

Exhibit A-3 is a flowchart showing the survey and LEA profile process and purpose.

First, there is an arrow leading from “Identify and select ~30 LEAs” to “Survey selected LEAs and their intermediary partners.” From that box, there is another arrow leading to “Pick a subset of around 5 LEAs for further exploration,” then to “Hold focus groups and interviews with subset of LEAs and their regional partners.”

From “Hold focus groups and interviews with subset of LEAs and their regional partners” there is an arrow leading to “Combine all data to produce LEA case studies,” then the arrow points to the purpose of the surveys and LEA profiles: 1) to illustrate the role of governance and accountability systems in high performing LEAs, 2) to test assumptions about practice that contributes to high performance, and 3) to understand policy in practice.

[Return to exhibit A-3 within the body of the report.](#)

## **Appendix B Exhibits**

### **Exhibit B-3. Responses of education professionals about their experiences with special education.**

Exhibit B-3 is a horizontal bar graph showing the responses of education professionals about their experience with special education.

The x-axis represents the count of education professionals, ranging from 0 to 600. The y-axis represents the type of education professional. The counts of education professionals that have experience with special education in the following roles are:

As a service provider = 674

As a special education teacher = 617

As a general education teacher = 519

As a parent = 481

As an administrator = 399

As staff = 209

As a student = 188

As an elected governing board member = 39

[Return to exhibit B-3 within the body of the report.](#)

## **Exhibit B-4. Parents' responses about the formal roles they have had when interacting with the special education system.**

Exhibit B-4 is a horizontal bar graph showing parents' responses about the formal roles they have had when interacting with the special education system.

The x-axis represents the count, ranging from 0 to 1250. The y-axis represents the type of education professional. The counts of parents that have experience with special education in the following roles are:

As a parent = 1192

As a special education teacher = 105

As a general education teacher = 95

As a service provider = 92

As a student = 66

As an administrator = 58

As staff = 52

As an elected member of the governing board = 15

[Return to exhibit B-4 within the body of the report.](#)

## **Exhibit B-5. Location of parents that responded to survey.**

Exhibit B-5 is a map of California showing the location of parents that responded to the survey, indicating the following in terms of the number of parent responses per ZIP code tabulation area:

1 to 49 parent responses: Shown in green and located throughout the map.

50 to 99 parent responses: Shown in light blue and located in the central area of the map east of the Bay Area.

100 to 299 parent responses: Shown in blue and located in the southeastern area of the map east of Los Angeles and north of San Diego and Imperial Counties.

More than 300 parent responses: Shown in dark blue and located only east of the Bay Area.

[Return to exhibit B-5 within the body of the report.](#)

## **Exhibit B-6. The years in the current LEA for staff by role.**

Exhibit B-6 consists of three vertical bar graphs showing the years in the current LEA for staff by role.

## Administration Graph

The corresponding data line is shown starting at a count above 4000 at 0 years, decreasing to a count below 2000 between 0 and 20 years, increasing to a count above 2000 shortly after, decreasing to a count below 2000 at 20 years, decreasing to a count between 0 and 2000 after 20 years, and decreasing to finish at a count just above 0 between 40 and 60 years.

## Teacher Graph

The x-axis represents the years in current LEA, ranging from 0 to 60. The y-axis represents the count of staff, ranging from 0 to 60,000.

The corresponding data line is shown starting at a count above 60,000 at 0 years, decreasing to a count between 20,000 and 40,000 shortly after, increasing to a count above 20,000 at 20 years, decreasing to a count between 0 and 20,000 between 20 and 40 years, and decreasing to finish at a count just above 0 between 40 and 60 years.

## Pupil Services

The x-axis represents the years in current LEA, ranging from 0 to 60. The y-axis represents the count of staff, ranging from 0 to 9000.

The corresponding data line is shown starting above 9000, decreasing to a count below 3000 shortly after, increasing to a level below 3000 shortly before 20 years, decreasing to a level between 0 and 3000 at 20 years, decreasing to a level above 0 between 20 and 40 years, and decreasing to finish at a level just above 0 between 40 and 60 years.

[Return to exhibit B-6 within the body of the report.](#)

## Exhibit B-10. Comparison of enrollment and LRE data across states.

Four maps showing a comparison of enrollment and LRE data across states, indicating the following:

### Panel A, Identification Rates

Panel a is a map showing the percentage of enrolled students with IEPs, or identification rates for SY 2018–19, and indicates the following:

Five states ranging from 8 to 9.9 percent and shown in beige: Texas = 8.7 percent, Hawaii = 9.2 percent, Idaho = 9.6 percent, Colorado = 9.7 percent, and Maryland = 9.8 percent.

Sixteen states ranging from 10 to 11.9 percent and shown in orange: Nevada = 10.3 percent, Louisiana = 10.6 percent, California = 10.8 percent, Arizona = 10.9 percent, Utah = 10.9 percent, Michigan = 11.0 percent, Georgia = 11.1 percent, Alabama = 11.2 percent, Tennessee = 11.2 percent, Iowa = 11.4 percent, North Carolina = 11.4 percent, North Dakota, = 11.5 percent, Virginia = 11.5 percent, Washington = 11.5 percent, Montana = 11.6 percent, and Missouri = 11.7 percent.

Nineteen states ranging from 12 to 13.9 percent and shown in pink: Arkansas = 12.0 percent, Illinois = 12.1 percent, South Carolina = 12.1 percent, Florida = 12.2 percent, Kansas = 12.2 percent, Oregon = 12.4 percent, District of Columbia = 12.5 percent, Alaska = 12.6 percent, Connecticut = 12.6 percent, Mississippi = 12.6 percent, Kentucky = 12.7 percent, Wyoming = 12.8 percent, Minnesota = 13.0 percent, South Dakota = 13.0 percent, Nebraska = 13.2 percent, Ohio = 13.2 percent, Rhode Island = 13.7 percent, Vermont = 13.7 percent, and New Jersey = 13.9 percent.

Nine states ranging from 14 to 15.9 percent and shown in light purple: New Mexico = 14.0 percent, Indiana = 14.2 percent, New Hampshire = 14.3 percent, Delaware = 14.8 percent, Oklahoma = 14.9 percent, New York = 15.1 percent, Massachusetts = 15.2 percent, West Virginia = 15.2 percent, and Pennsylvania = 15.9 percent.

One state at more than 16 percent and shown in dark purple: Maine = 16.4 percent.

Data were not available for two states, shown in white: Puerto Rico and Wisconsin.

### **Panel B, Included in General Education Settings 80 Percent or More of the School Day**

Panel b is a map of the United States showing the percent in general education settings 80 percent or more of the school day, indicating the following in terms of the percentage of all students with IEPs:

Two states at less than 49.9 percent and shown in beige: Hawaii = 44.7 percent, and New Mexico = 49.7 percent.

Seven states ranging from 50 to 59.9 percent and shown in orange: New Jersey = 51.2 percent, Montana = 52.2 percent, Arkansas = 55.9 percent, Illinois = 57.3 percent, Washington = 57.4 percent, Maine = 57.7 percent, and California = 59.0 percent.

Eighteen states ranging from 60 to 69.9 percent and shown in pink: Missouri = 60.3 percent, Louisiana = 62.5 percent, Nevada = 62.7 percent, District of Columbia = 62.8 percent, South Carolina = 63.7 percent, Idaho = 63.9 percent, Georgia = 64.2 percent, Pennsylvania = 64.8 percent, Minnesota = 65.0 percent, West Virginia = 65.3 percent, New York = 65.8 percent, Utah = 66.9 percent, Alaska = 66.9 percent, Delaware = 68.4 percent, Arizona = 68.9 percent, North Carolina = 69.0 percent, Oklahoma = 69.7 percent, and Ohio = 69.8 percent.

Twenty states ranging from 70 to 79.9 percent and shown in light purple: Texas = 70.3 percent, Massachusetts = 70.3 percent, Virginia = 71.3 percent, Kansas = 71.8 percent, Wyoming = 72.5 percent, Mississippi = 72.6 percent, Michigan = 72.6 percent, Iowa = 72.7 percent, Tennessee = 72.8 percent, Connecticut = 73.1 percent, Puerto Rico = 73.3 percent, New Hampshire = 73.7 percent, South Dakota = 74.8 percent, Rhode Island = 75.0 percent, Kentucky = 75.4 percent, North Dakota = 75.8 percent, Oregon = 76.0 percent, Maryland = 76.4 percent, Colorado = 77.7 percent, Florida = 78.9 percent.

Four states at 80 percent or more and shown in dark purple: Indiana = 80.1 percent, Nebraska = 82.8 percent, Vermont = 84.1 percent, and Alabama = 86.1 percent.

Data were not available for one state, shown in white: Wisconsin.

### **Panel C, Included in General Education Settings 40 to 79 Percent of the School Day**

Panel c is a map of the United States showing the percent in general education settings 40 to 79 percent of the day, indicating the following in terms of the percentage of all students with IEPs:

Two states below 9.9 percent and shown in beige: Alabama = 6.5 percent, and Florida = 7.1 percent.

Twenty-five states ranging from 10 to 19.9 percent and shown in: Maryland = 10.4 percent, Nebraska = 10.5 percent, Indiana = 10.6 percent, Vermont = 11.0 percent, Rhode Island = 11.6 percent, New York = 12.9 percent, Oregon = 14.1 percent, Texas = 14.7 percent, Mississippi = 14.8 percent, Massachusetts = 15.4 percent, Tennessee = 15.5 percent, Michigan = 15.7 percent, Kentucky = 15.9 percent, Delaware = 16.2 percent, Colorado = 16.4 percent, Arizona = 16.7 percent, North Carolina = 16.7 percent, New Hampshire = 16.8 percent, Puerto Rico = 17.0 percent, Ohio = 17.1 percent, North Dakota = 17.9 percent, Virginia = 18.9 percent, Georgia = 19.2 percent, Iowa = 19.3 percent, and South Dakota = 19.5 percent,

Seventeen states ranging from 20 to 29.9 percent and shown in pink: District of Columbia = 20.0 percent, Connecticut = 20.2 percent, California = 20.7 percent, South Carolina = 20.8 percent, Kansas = 20.8 percent, Nevada = 21.4 percent, Wyoming = 21.6 percent, Oklahoma = 21.9 percent, Louisiana = 22.7 percent, Utah = 23.1 percent, Alaska = 23.9 percent, Minnesota = 24.4 percent, Pennsylvania = 25.3 percent, Idaho = 26.9 percent, West Virginia = 26.9 percent, Illinois = 28.5 percent, and Washington = 29.6 percent.

Seven states ranging from 30 to 39.9 percent and shown in light purple: Missouri = 30.8 percent, Arkansas = 31.0 percent, Maine = 31.5 percent, New Mexico = 32.3 percent, New Jersey = 32.5 percent, Montana = 36.8 percent and Hawaii = 37.8 percent.

Data were not available for one state, shown in white: Wisconsin.

### **Panel D, Included in General Education Settings Less Than 40 Percent of the School Day**

Panel d is a map showing the percent in general education settings less than 40 percent of the school day in SY 2018–19, indicating the following:

One state ranging from 0 to 4.9 percent and shown in beige: Vermont = 4.9 percent.

Twenty states ranging from 5 to 9.9 percent and shown in orange: Colorado = 5.8 percent, South Dakota = 5.8 percent, Wyoming = 5.9 percent, North Dakota = 6.2 percent, Connecticut = 6.7 percent, Nebraska = 6.7 percent, Alabama = 7.4 percent, Kansas = 7.4 percent, West Virginia = 7.8 percent, Iowa = 8.0 percent, Oklahoma = 8.4 percent, Kentucky = 8.7 percent, Missouri = 8.9 percent, Alaska = 9.2 percent, Idaho =

9.2 percent, Indiana = 9.2 percent, New Hampshire = 9.5 percent, Puerto Rico = 9.8 percent, Virginia = 9.8 percent, Oregon = 9.9 percent, and Pennsylvania = 9.9 percent.

Eighteen states ranging from 10 to 14.9 percent and shown in pink: and Utah = 10.0 percent, Minnesota = 10.6 percent, Maine = 10.8 percent, Montana = 11.0 percent, Tennessee = 11.7 percent, Michigan = 11.8 percent, Mississippi = 12.6 percent, Ohio = 13.0 percent, Washington = 13.0 percent, Arkansas = 13.1 percent, Maryland = 13.1 percent, Rhode Island = 13.4 percent, Florida = 14.0 percent, Illinois = 14.2 percent, Massachusetts = 14.3 percent, North Carolina = 14.3 percent, Arizona = 14.4 percent, and Louisiana = 14.8 percent.

Nine states ranging from 15 to 19.9 percent and shown in light purple: Texas = 15.1 percent, Delaware = 15.4 percent, South Carolina = 15.5 percent, Nevada = 15.9 percent, New Jersey = 16.4 percent, Georgia = 16.6 percent, District of Columbia = 17.2 percent, Hawaii = 17.5 percent, and New Mexico = 17.9 percent.

Two states at 20 percent or more and shown in dark purple: California = 20.3 percent, New York = 21.3 percent.

Data were not available for one state, shown in white: Wisconsin.

[Return to exhibit B-10 within the body of the report.](#)

### **Exhibit B-11. Comparison of percent of students in general education settings at least 80 percent of the school day across states and territories in the United States.**

Four horizontal bar graphs showing a comparison of the percent of students in general education settings at least 80 percent of the school day across states and territories in the United States, all together and for three disability categories.

#### **Panel A, Percent of All Students with an IEP in General Education at Least 80 Percent of the School Day**

Panel a is a horizontal bar graph showing the average percentage of students with an IEP who were in general education for at least 80 percent of the school day for all disability categories in SY 2018–2019.

The x-axis represents the percentage of students inside a regular classroom for 80 percent or more of the day, ranging from 0 percent to 100 percent. The y-axis represents the state in order of decreasing magnitude. Each state's percentage is as follows:

Alabama = 86.1 percent

Vermont = 84.1 percent

Nebraska = 82.8 percent

Indiana = 80.1 percent



Florida = 78.9 percent  
Colorado = 77.7 percent  
Maryland = 76.4 percent  
Oregon = 76.0 percent  
North Dakota = 75.8 percent  
Kentucky = 75.4 percent  
Rhode Island = 75 percent  
South Dakota = 74.8 percent  
New Hampshire = 73.7 percent  
Puerto Rico = 73.3 percent  
Connecticut = 73.1 percent  
Tennessee = 72.8 percent  
Iowa = 72.7 percent  
Michigan = 72.6 percent  
Mississippi = 72.6 percent  
Wyoming = 72.5 percent  
Kansas = 71.8 percent  
Virginia = 71.3 percent  
Massachusetts = 70.3 percent  
Texas = 70.3 percent  
Ohio = 69.8 percent  
Oklahoma = 69.7 percent  
North Carolina = 69.0 percent  
Arizona = 68.9 percent  
Delaware = 68.4 percent  
Alaska = 66.9 percent  
Utah = 66.9 percent  
New York = 65.8 percent

West Virginia = 65.3 percent  
Minnesota = 65.0 percent  
Pennsylvania = 64.8 percent  
Georgia = 64.2 percent  
Idaho = 63.9 percent  
South Carolina = 63.7 percent  
District of Columbia = 62.8 percent  
Nevada = 62.7 percent  
Louisiana = 62.5 percent  
Missouri = 60.3 percent  
California = 59.0 percent  
Maine = 57.7 percent  
Washington = 57.4 percent  
Illinois = 57.3 percent  
Arkansas = 55.9 percent  
Montana = 52.2 percent  
New Jersey = 51.2 percent  
New Mexico = 49.7 percent  
Hawaii = 44.7 percent

### **Panel B, Percent of Students in the Autism Category in General Education at Least 80 Percent of the School Day**

Panel b is a horizontal bar graph showing the same comparison for the Autism disability category.

The x-axis represents the percentage of students with autism inside a regular classroom for at least 80 percent of the day, ranging from 0.0 percent to 12.5 percent. The y-axis represents the state or territory described in the first graph in order of decreasing magnitude.

The corresponding data line is shown starting below 12.5 percent, quickly decreasing to a level between 7.5 percent and 10 percent, and steadily decreasing to finish at a level between 0.0 percent and 2.5 percent.

California is highlighted near the top of the graph at 8.4 percent.

### **Panel C, Percent of Students in the Emotional Disturbance Category in General Education at Least 80 Percent of the School Day**

Panel c is a horizontal bar graph showing the same comparison for the Emotional Disturbance category.

The x-axis represents the percentage of students experiencing emotional disturbances inside a regular classroom for at least 80 percent of the day, ranging from 0 percent to 10 percent. The y-axis represents the state or territory described in the first graph in order of decreasing magnitude.

The corresponding data line is shown starting between 10 percent and 15 percent, quickly decreasing to a level between 5 percent and 10 percent, and steadily decreasing to finish at a level just above 0 percent.

California is highlighted near the bottom of the graph at 2.2 percent.

### **Panel A, Percent of Students in the Intellectual Disability Category in General Education at Least 80 Percent of the School Day**

Panel d is a horizontal bar graph showing the same comparison for the Intellectual Disability category.

The x-axis represents the percentage of students experiencing emotional disturbances inside a regular classroom for at least 80 percent of the day, ranging from 0 percent to 15 percent. The y-axis represents the state or territory described in the first graph in order of decreasing magnitude.

The corresponding data line is shown starting between 15 percent and 20 percent, quickly decreasing to a level below 10 percent, decreasing to a level between 5 percent and 10 percent, and steadily decreasing to finish at a level above 0 percent.

California is highlighted near the bottom of the graph at 0.7 percent.

[Return to exhibit B-11 within the body of the report.](#)

## **Exhibit B-12. Average percentage of time spent in a general education setting, by year and disability category.**

Exhibit B-12 consists of 13 line graphs showing the average percentage of time spent in a general education setting, by disability category and across the grade span, for three years (SYs 2015–16, 2016–17, and 2017–18).

The x-axes represent grades, marked every three years from 3 to 12. The y-axes represent the average percent of time spent in a regular classroom.

## Autism

The Autism line graph shows average percentages, by grade, for students in the Autism category. The y-axis ranges from 42.5 percent to 52.5 percent.

Across the three years, the lowest percentage of time spent in a general education setting was an average of 45.0 percent for 1<sup>st</sup> graders in SY 2016–17 and the highest was an average of 52.2 percent for 9<sup>th</sup> graders in SY 2017–18.

The 2015 data line is shown starting at approximately 45.0 percent before grade 3, increasing to a level of approximately 50 percent between grades 6 and 9, increasing to a level above 50 percent after grade 9, and decreasing to finish at a level just below 42.5 percent in grade 12.

The 2016 data line is shown starting at approximately 45.0 percent before grade 3, increasing to a level below 52.5 percent between grades 6 and 9, decreasing to a level above 50 percent before grade 12, increasing to a level below 52.5 percent shortly after, and decreasing to finish at a level just below 42.5 percent in grade 12.

The 2017 data line is shown starting between 45.0 percent and 47.5 percent before grade 3, increasing to a level of approximately 50.0 percent between grades 6 and 9, increasing to a level below 52.5 percent by grade 9, decreasing to a level between 50.0 percent and 52.5 percent between grades 9 and 12, and decreasing to finish at a level above 42.5 percent in grade 12.

## Deaf Blindness

The Deaf Blindness line graph shows average percentages, by grade, for students in the Deaf Blindness category. The y-axis, representing the average percent in terms of time spent in a regular classroom, ranges from 10.0 percent to 40.0 percent.

Across the three years, the lowest percentage of time spent in a general education setting was an average of 6.79 percent for 3<sup>rd</sup> graders in SY 2017–18 and the highest was an average of 39.6 percent for 9<sup>th</sup> graders in SY 2015–16.

The 2015 data line is shown starting below 30.0 percent before grade 3, decreasing to a level below 20.0 percent by grade 3, increasing to a level between 30.0 percent and 40.0 percent between grades 6 and 9, increasing to a level of approximately 4.0 percent by grade 9, and decreasing to finish at a level above 20.0 percent in grade 12.

The 2016 data line is shown starting below 20.0 percent before grade 3, decreasing to a level below 10.0 percent shortly after, increasing to a level above 20.0 percent between grades 3 and 6, increasing to a level below 40.0 percent by grade 6, decreasing to a level below 20.0 percent between grades 6 and 9, increasing to a level between 30.0 percent and 40.0 percent before grade 9, increasing to a level below 40.0 percent between grades 9 and 12, and decreasing to finish at a level between 20.0 percent and 30.0 percent in grade 12.

The 2017 data line is shown starting below 30.0 percent before grade 3, decreasing to a level below 10.0 percent by grade 3, increasing to a level below 20.0 percent between

grades 2 and 6, increasing to a level below 40.0 percent between grades 6 and 9, decreasing to a level below 20.0 percent shortly after, increasing to a level of approximately 30.0 percent by grade 9, and increasing to finish at a level below 40.0 percent in grade 12.

## **Deafness**

The Deafness line graph shows average percentages, by grade, for students in the Deafness category. The y-axis, representing the average percent in terms of time spent in a regular classroom, ranges from 32.0 percent to 40.0 percent.

Across the three years, the lowest percentage of time spent in a general education setting was an average of 30.0 percent for 12<sup>th</sup> graders in SY 2015–16 and the highest was an average of 42.0 percent for 8<sup>th</sup> graders in SY 2016–17.

The 2015 data line is shown starting above 40.0 percent before grade 3, decreasing to a level above 32.0 percent by grade 3, increasing to a level just above 36.0 percent between grades 3 and 6, decreasing to a level of approximately 32.0 percent by grade 6, increasing to a level just above 36.0 between grades 6 and 9, decreasing to a level below 32.0 percent between grades 9 and 12, and increasing to finish at a level above 32.0 percent in grade 12.

The 2016 data line is shown starting between 36.0 percent and 40.0 percent before grade 3, increasing to a level above 40.0 percent shortly after, decreasing to a level between 32.0 percent and 36.0 percent between grades 3 and 6, increasing to a level just above 36.0 percent by grade 6, decreasing to a level between 32.0 percent and 36.0 percent by grade 9, and decreasing to finish at a level below 32.0 percent in grade 12.

The 2017 data line is shown starting at approximately 32.0 percent before grade 3, increasing to a level above 40.0 percent by grade 3, decreasing to a level just above 36.0 percent between grades and 6, decreasing to a level below 36.0 percent by grade 6, increasing to a level above 40.0 percent between grades 6 and 9, decreasing to a level between 32.0 percent and 36.0 percent by grade 9, increasing to a level of approximately 36.0 percent between grades 9 and 12, and decreasing to finish at a level of 32.0 percent and 36.0 percent in grade 12.

## **Emotional Disturbance**

The Emotional Disturbance line graph shows average percentages, by grade, for students in the Emotional Disturbance category. The y-axis, representing the average percent in terms of time spent in a regular classroom, ranges from 35.0 percent to 47.5 percent.

Across the three years, the lowest percentage of time spent in a general education setting was an average of 35.2 percent for 3<sup>rd</sup> graders in SY 2015–16 and the highest was an average of 45.4 percent for both 10<sup>th</sup> and 11<sup>th</sup> graders in SY 2017–18.

The 2015 data line is shown starting at approximately 42.5 percent before grade 3, decreasing to a level just above 35.0 percent by grade 3, increasing to a level below 40.0 percent between grades 9 and 12, increasing to a level of approximately 42.5 percent shortly after, and decreasing to finish at a level below 42.5 percent in grade 12.

The 2016 data line is shown starting at approximately 42.5 percent before grade 3, decreasing to a level below 37.5 percent by grade 3, increasing to a level between 37.5 percent and 40.0 percent shortly after, increasing to a level of approximately 42.5 percent by grade 9, and increasing to finish at a level between 42.5 percent and 45.0 percent in grade 12.

The 2017 data line is shown starting below 47.5 percent before grade 3, decreasing to a level below 40.0 percent between grades 3 and 6, increasing to a level above 40.0 percent shortly after, decreasing to a level of approximately 40.0 percent between grades 6 and 9, increasing to a level of just above 45.0 percent between grades 9 and 12, and decreasing to finish at a level of approximately 45.0 percent in grade 12.

## **Hearing Impairment**

The Hearing Impairment line graph shows average percentages, by grade, for students in the Hearing Impairment category. The y-axis, representing the average percent in terms of time spent in a regular classroom, ranges from 70.0 percent to 77.5 percent.

Across the three years, the lowest percentage of time spent in a general education setting was an average of 69.7 percent for 1<sup>st</sup> graders in SY 2015–16 and the highest was an average of 78.6 percent for 9<sup>th</sup> graders in SY 2017–18.

The 2015 data line is shown starting just below 70.0 percent before grade 3, increasing to a level above 72.5 percent shortly after, decreasing to a level below 72.5 percent before grade 6, increasing to a level of approximately 77.5 percent between grades 6 and 9, decreasing to a level below 75.0 percent between grades 9 and 12, increasing to a level between 75.0 percent and 77.5 percent shortly after, and decreasing to finish at a level above 70.0 percent in grade 12.

The 2016 data line is shown starting between 70.0 percent and 72.5 percent before grade 3, increasing to a level below 75.0 percent shortly after, decreasing to a level between 72.5 percent and 75.0 percent between grades 3 and 6, increasing to a level above 77.5 percent between grades 6 and 9, and decreasing to finish between 70.0 percent and 72.5 percent in grade 12.

The 2017 data line is shown starting just above 70.0 percent before grade 3, increasing to a level above 75.0 percent after grade 3, increasing to a level above 77.5 percent between grades 3 and 6, decreasing to a level above 75.0 percent between grades 6 and 9, increasing to a level above 77.5 percent by grade 9, and decreasing to finish at a level between 70.0 percent and 72.5 percent in grade 12.

## **Intellectual Disability**

The Intellectual Disability line graph shows average percentages, by grade, for students in the Intellectual Disability category. The y-axis, representing the average percent in terms of time spent in a regular classroom, ranges from 24.0 percent to 32.0 percent.

Across the three years, the lowest percentage of time spent in a general education setting was an average of 23.9 percent for 5<sup>th</sup> graders in SY 2015–16 and the highest was an average of 31.6 percent for 11<sup>th</sup> graders in SY 2017–18.

The 2015 data line is shown starting just above 26.0 percent before grade 3, decreasing to a level of approximately 24.0 percent before grade 6, increasing to a level of approximately 30.0 percent by grade 9, and decreasing to finish at a level just below 28.0 percent in grade 12.

The 2016 data line is shown starting between 26.0 percent and 28.0 percent before grade 3, decreasing to a level of approximately 26.0 percent by grade 6, increasing to a level above 30.0 percent by grade 9, and decreasing to finish at a level just above 26.0 percent in grade 12.

The 2017 data line is shown starting above 28.0 percent before grade 3, decreasing to a level above 26.0 percent by grade 6, increasing to a level below 32.0 percent by grade 9, and decreasing to finish at a level just above 28.0 percent in grade 12.

## **Multiple Disability**

The Multiple Disability line graph shows average percentages, by grade, for students in the Multiple Disability category. The y-axis, representing the average percent in terms of time spent in a regular classroom, ranges from 16.0 percent to 20.0 percent.

Across the three years, the lowest percentage of time spent in a general education setting was an average of 15.1 percent for 2<sup>nd</sup> graders in SY 2015–16 and the highest was an average of 19.6 percent for 6<sup>th</sup> graders in SY 2017–18.

The 2015 data line is shown starting at approximately 16.0 percent before grade 3, increasing to a level below 18.0 percent after grade 6, decreasing to a level below 16.0 percent before grade 9, increasing to a level below 18.0 percent by grade 9,

The 2016 data line is shown starting below 18.0 percent before grade 3, decreasing to a level below 16.0 percent before grade 6, increasing to a level just above 18.0 percent by grade 6, decreasing to a level below 18.0 percent between grades 6 and 9, increasing to a level above 18.0 percent after grade 9, decreasing to a level above 16.0 percent before grade 12, and increasing to finish at a level between 16.0 percent and 18.0 percent in grade 12.

The 2017 data line is shown starting between 16.0 percent and 18.0 percent before grade 3, increasing to a level below 20.0 percent shortly after, decreasing to a level between 16.0 percent and 18.0 percent before grade 6, increasing to a level below 20.0 percent by grade 6, decreasing to a level between 16.0 percent and 18.0 percent by grade 9, increasing to a level below 20.0 percent before grade 12, and decreasing to finish at a level between 18.0 percent and 20 percent in grade 12.

## Orthopedic Impairment

The Orthopedic Impairment line graph shows average percentages, by grade, for students in the Orthopedic Impairment category. The y-axis, representing the average percent in terms of time spent in a regular classroom, ranges from 35.0 percent to 55.0 percent.

Across the three years, the lowest percentage of time spent in a general education setting was an average of 32.9 percent for 12<sup>th</sup> graders in SY 2015–16 and the highest was an average of 54.3 percent for 1<sup>st</sup> graders in SY 2017–18.

The 2015 data line is shown starting just below 50.0 percent before grade 3, decreasing to a level below 45.0 percent before grade 6, increasing to a level just below 50.0 percent by grade 9, and decreasing to finish at a level below 35.0 percent in grade 12.

The 2016 data line is shown starting just above 50.0 percent before grade 3, decreasing to a level above 45.0 percent by grade 6, decreasing to a level just above 45.0 percent before grade 9, increasing to a level of approximately 50.0 percent after grade 9, and decreasing to finish at a level of approximately 35.0 percent in grade 12.

The 2017 data line is shown starting at approximately 55.0 percent before grade 3, decreasing to a level above 45.0 percent after grade 6, increasing to a level of approximately 50.0 percent before grade 9, decreasing to a level between 45.0 percent and 50.0 percent between grades 9 and 12, increasing to a level of approximately 50.0 percent shortly after, and decreasing to finish at a level of approximately 35.0 percent in grade 12.

## Other Health Impairment

The Other Health Impairment line graph shows average percentages, by grade, for students in the Other Health Impairment category. The y-axis, representing the average percent in terms of time spent in a regular classroom, ranges from 62.5 percent to 72.5 percent.

Across the three years, the lowest percentage of time spent in a general education setting was an average of 63.0 percent for 1<sup>st</sup> graders in SY 2015–16 and the highest was an average of 73.5 percent for 9<sup>th</sup> graders in SY 2017–18.

The 2015 data line is shown starting just above 62.5 percent before grade 3, increasing to a level below 72.5 percent by grade 9, and decreasing to finish at a level just above 70.0 percent in grade 12.

The 2016 data line is shown starting between 62.5 percent and 65.0 percent, increasing to a level of approximately 72.5 percent by grade 9, and decreasing to finish at a level just above 70.0 percent in grade 12.

The 2017 data line is shown starting below 65.0 percent before grade 3, increasing to a level of approximately 70.0 percent between grades 6 and 9, increasing to a level above 72.5 percent by grade 9, and decreasing to finish at a level below 72.5 percent in grade 12.



## Specific Learning Disability

The Specific Learning Disability line graph shows average percentages, by grade, for students in the Specific Learning Disability category. The y-axis, representing the average percent in terms of time spent in a regular classroom, ranges from 72.0 percent to 76.0 percent.

Across the three years, the lowest percentage of time spent in a general education setting was an average of 70.8 percent for 4<sup>th</sup> and 5<sup>th</sup> graders in SY 2015–16 and the highest was an average of 75.5 percent for 9<sup>th</sup> graders in SY 2017–18.

The 2015 data line is shown starting just above 72.0 percent before grade 3, decreasing to a level of approximately 72.0 percent by grade 3, decreasing to a level below 72.0 percent between grades 3 and 6, increasing to a level of approximately 74.0 percent by grade 9, decreasing to a level between 72.0 percent and 74.0 percent shortly after, and increasing to finish at approximately 74.0 percent in grade 12.

The 2016 data line is shown starting above 72.0 percent before grade 3, increasing to a level between 72.0 percent and 74.0 percent shortly after, decreasing to a level of approximately 72.0 percent by grade 6, increasing to a level between 74.0 percent and 76.0 percent by grade 9, decreasing to a level below 74.0 percent shortly after, and increasing to finish above 74.0 percent in grade 12.

The 2017 data line is shown starting above 74.0 percent before grade 3, decreasing to a level between 72.0 percent and 74.0 percent between grades 3 and 6, increasing to a level below 76.0 percent by grade 9, decreasing to a level between 74.0 percent and 76.0 percent shortly after, and increasing to finish at approximately 76.0 percent in grade 12.

## Speech/Language Impairment

The Speech/Language Impairment line graph shows average percentages, by grade, for students in the Speech/Language Impairment category. The y-axis, representing the average percent in terms of time spent in a regular classroom, ranges from 76.0 percent to 88.0 percent.

Across the three years, the lowest percentage of time spent in a general education setting was an average of 73.9 percent for 12<sup>th</sup> graders in SY 2015–16 and the highest was an average of 88.2 percent for 3<sup>rd</sup> graders in SY 2017–18.

The 2015 data line is shown starting between 84.0 percent and 88.0 percent before grade 3, decreasing to a level of approximately 80.0 percent between grades 6 and 9, and decreasing to finish at a level below 76.0 percent in grade 12.

The 2016 data line is shown starting below 88.0 percent before grade 3, decreasing to a level above 80.0 percent between grades 6 and 9, and decreasing to finish at a level above 76.0 percent in grade 12.

The 2017 data line is shown starting just below 88.0 percent before grade 3, decreasing to a level between 76.0 percent and 80.0 percent by grade 9, and decreasing to finish at approximately 76.0 percent in grade 12.

## **Traumatic Brain Injury**

The Traumatic Brain Injury line graph shows average percentages, by grade, for students in the Traumatic Brain Injury category. The y-axis, representing the average percent in terms of time spent in a regular classroom, ranges from 40.0 percent to 60.0 percent.

Across the three years, the lowest percentage of time spent in a general education setting was an average of 38.6 percent for 1<sup>st</sup> graders in SY 2015–16 and the highest was an average of 60.5 percent for 8<sup>th</sup> graders in SY 2017–18.

The 2015 data line is shown starting just below 40.0 percent before grade 3, increasing to a level between 50.0 percent and 55.0 percent by grade 3, decreasing to a level of approximately 40.0 percent before grade 6, increasing to a level just above 55.0 percent by grade 6, decreasing to a level below 50.0 percent by grade 9, increasing to a level between 55.0 percent and 60.0 percent between grades 9 and 12, and decreasing to finish at a level above 50.0 percent in grade 12.

The 2016 data line is shown starting at approximately 45.0 percent before grade 3, increasing to a level below 50.0 percent between grades 3 and 6, decreasing to a level above 40.0 percent by grade 6, increasing to a level between 55.0 percent and 60.0 percent between grades 6 and 9, decreasing to a level below 50.0 percent between grades 9 and 12, increasing to a level between 55.0 percent and 60.0 percent shortly after, and decreasing to finish at approximately 55.0 percent in grade 12.

The 2017 data line is shown starting below 45.0 percent before grade 3, increasing to a level between 50.0 percent and 55.0 percent before grade 6, decreasing to a level above 40.0 percent by grade 6, increasing to a level just above 60.0 percent before grade 9, decreasing to a level below 50.0 percent before grade 12, and increasing to finish at a level just below 55.0 percent in grade 12.

## **Visual Disability**

The Visual Disability line graph shows average percentages, by grade, for students in the Visual Disability category. The y-axis, representing the average percent in terms of time spent in a regular classroom, ranges from 55.0 percent to 70.0 percent.

Across the three years, the lowest percentage of time spent in a general education setting was an average of 51.9 percent for 12<sup>th</sup> graders in SY 2015–16 and the highest was an average of 69.5 percent for 1<sup>st</sup> graders in SY 2015–16.

The 2015 data line is shown starting just below 70.0 percent, decreasing to a level below 55.0 percent before grade 3, increasing to a level of approximately 65.0 percent between grades 3 and 6, decreasing to a level of approximately 60.0 percent before

grade 9, increasing to a level just above 65.0 percent between grades 9 and 12, and decreasing to finish at a level below 55.0 percent in grade 12.

The 2016 data line is shown starting between below 65.0 percent before grade 3, decreasing to a level above 55.0 percent by grade 3, increasing to a level just above 65.0 percent before grade 6, decreasing to a level above 60.0 percent by grade 6, increasing to a level above 65.0 percent between grades 9 and 12, and decreasing to a level of approximately 55.0 percent in grade 12.

The 2017 data line is shown starting between 60.0 percent and 65.0 percent before grade 3, increasing to a level below 70.0 percent by grade 3, decreasing to a level between 60.0 percent and 65.0 percent between grades 3 and 6, increasing to a level between 65.0 percent and 70.0 percent by grade 6, decreasing to a level between 60.0 percent and 65.0 percent by grade 9, increasing to a level above 65.0 percent between grades 9 and 12, and decreasing to finish between 55.0 percent and 60.0 percent in grade 12.

[Return to exhibit B-12 within the body of the report.](#)

## **Exhibit B-15. Comparison of the age of initial identification for an IEP by disability category and race/ethnicity.**

Exhibit B-15 consists of 14 horizontal dot plots showing a comparison of the age and initial identification for an IEP by disability category and race/ethnicity. In each of the plots, the x-axes represent the age of initial identification, ranging from 2.5 to 12.5 years of age. The y-axes represent the race/ethnicity.

### **Autism**

The dot plot for the Autism category shows a mean age of identification for the category of 5.19 years of age.

The ages of identification for the Autism category by race are: Hispanic/Latinx = 5.04 years, Multiple = 5.11 years, Asian = 5.16 years, Filipino = 5.20 years, African American = 5.24 years, Pacific Islander = 5.28 years, White = 5.46 years, and Native American = 5.59 years.

### **Deaf Blindness**

The dot plot for the Deaf Blindness category shows a mean age of identification for the category of 3.50 years of age.

The ages of identification for the Deaf Blindness category by race are: White = 2.78 years, Multiple = 3.07 years, Hispanic = 3.28 years, African American = 4.20 years, Asian = 6.33 years, and Filipino = 7.77 years.

### **Deafness**

The dot plot for the Deafness category shows a mean age of identification for the category of 3.59 years of age.

The ages of identification for the Deafness category by race are: Multiple = 3.14 years, White = 3.41 years, Hispanic = 3.42 years, African American = 4.31 years, Asian = 4.37 years, Native American = 4.37 years, Filipino = 5.77 years, and Pacific Islander = 6.88 years.

### **Emotional Disturbance**

The dot plot for the Emotional Disturbance category shows a mean age of identification for the category of 10.20 years of age.

The ages of identification for the Emotional Disturbance category by race are: African American = 9.51 years, Native American = 9.98 years, Multiple = 10.10 years, Pacific Islander = 10.10 years, Hispanic = 10.20 years, White = 10.20 years, Asian = 11.70 years, and Filipino = 12.30 years.

### **Hearing Impairment**

The dot plot for the Hearing Impairment category shows a mean age of identification for the category of 4.99 years of age.

The ages of identification for the Hearing Impairment category by race are: Multiple = 4.42 years, Asian = 4.89 years, White = 4.95 years, Hispanic = 4.99 years, Native American = 5.22 years, Filipino = 5.24 years, African American = 5.80 years, and Pacific Islander = 5.98 years.

### **Intellectual Disability**

The dot plot for the Intellectual Disability category shows a mean age of identification for the category of 5.13 years of age.

The ages of identification for the Intellectual Disability category by race are: White 4.79 years, Multiple = 4.81 years, Hispanic = 5.08 years, Native American = 5.52 years, African American = 5.70 years, Asian = 5.73 years, Filipino = 5.89 years, and Pacific Islander = 6.05 years.

### **Medical Disability**

The dot plot for the Medical Disability category shows a mean age of identification for the category of 3.23 years of age.

The ages of identification for the Medical Disability category by race are: Pacific Islander = 2.48 years, Hispanic = 3.06 years, Multiple = 3.28 years, White = 3.31 years, Filipino = 3.35 years, Native American = 3.58 years, Asian = 3.65 years, and African American = 3.81 years.

### **Multiple Disability**

The dot plot for the Multiple Disability category shows a mean age of identification for the category of 3.96 years of age.

The ages of identification for the Multiple Disability category by race are: Hispanic = 3.84 years, White = 3.84 years, Native American = 3.96 years, Multiple = 3.99 years, Asian = 4.34 years, African American = 4.40 years, Pacific Islander = 4.54 years, and Filipino = 5.00 years.

### **Orthopedic Impairment**

The dot plot for the Orthopedic Impairment category shows a mean age of identification for the category of 4.38 years of age.

The ages of identification for the Orthopedic Impairment category by race are: Native American = 3.58 years, White = 4.18 years, Multiple = 4.24 years, Hispanic = 4.34 years, African American = 4.58 years, Filipino = 5.00 years, Pacific Islander = 5.12 years, and Asian = 5.40 years.

### **Other Health Impairment**

The dot plot for the Other Health Impairment category shows a mean age of identification for the category of 8.50 years of age.

The ages of identification for the Other Health Impairment category by race are: Asian = 7.93 years, Hispanic = 8.33 years, Filipino = 8.37 years, Pacific Islander = 8.47 years, Multiple = 8.60 years, White = 8.67 years, African American = 8.79 years, and Native American 9.11 years.

### **Specific Learning Disability**

The dot plot for the Specific Learning Disability category shows a mean age of identification for the category of 8.85 years of age.

The ages of identification for the Specific Learning Disability category by race are: Filipino = 8.66 years, Asian = 8.69 years, Hispanic = 8.80 years, Multiple = 8.82 years, White = 8.87 years, Native American = 9.00 years, Pacific Islander = 9.14 years, and African American = 9.22 years.

### **Speech/Language Impairment**

The dot plot for the Speech/Language Impairment category shows a mean age of identification for the category of 5.78 years of age.

The ages of identification for the Speech/Language Impairment category by race are: Hispanic = 5.53 years, Multiple = 5.82 years, African American = 5.91 years, White = 5.91 years, Filipino = 5.98 years, Native American = 5.99 years, Asian = 6.05 years, and Pacific Islander = 6.18 years.

### **Traumatic Brain Injury**

The dot plot for the Traumatic Brain Injury category shows a mean age of identification for the category of 7.59 years of age.

The ages of identification for the Traumatic Brain Injury category by race are: Multiple = 7.02 years, Native American = 7.06 years, African American = 7.55 years, Hispanic = 7.56 years, White = 7.66 years, Asian = 8.21 years, Filipino = 9.03 years, and Pacific Islander = 9.23 years.

## **Visual Disability**

The dot plot for the Visual Disability category shows a mean age of identification for the category of 5.64 years of age.

The ages of identification for the Visual Disability category by race are: White = 5.30 years, Multiple = 5.37 years, Hispanic = 5.64 years, Pacific Islander = 5.65 years, Native American = 6.12 years, African American = 6.15 years, Asian = 6.26 years, and Filipino = 6.52 years.

[Return to exhibit B-15 within the body of the report.](#)

## **Exhibit B-20. The context for some of the LEAs profiled in the study in California's special education network.**

Exhibit B-20 is a diagram showing the context for some of the LEAs profiled in the study in California's special education network, indicating the following:

- Pajaro Valley Unified: Shown in the central area of the network of connections.
- Santa Cruz COE: Shown in the central area of the network of connections.
- Etiwanda Elementary: Shown below the central area of the network of connections.
- San Bernardino COE: Shown in the central area of the network of connections.
- Alameda COE: Shown in the central area of the network of connections.
- Plaza Elementary: Shown outside the central area of the network of connections.
- Glenn COE: Shown outside the central area of the network of connections.
- Visalia Unified: Shown in the central area of the network of connections.
- Tulare COE: Shown outside the central area of the network of connections.

[Return to exhibit B-20 within the body of the report.](#)

## **Exhibit B-22. Most common words from conversations with administrators, teachers, and families from high-performing LEAs featured in LEA Profiles.**

Exhibit B-22 consists of four word clouds showing the most common words from conversations with administrators, teachers and families from high-performing LEAs featured in LEA profiles, indicating the following:

- Bay Area Technology: The largest words in order of decreasing magnitude are as follows: students, school, kids, special, student teachers.
- Visalia: The largest words in order of decreasing magnitude are as follows: students, education, teachers, special, support, school, district.
- Etiwanda: The largest words in order of decreasing magnitude are as follows: students, teachers, support, district, data, school, lot, kids.
- Pajaro: The largest words in order of decreasing magnitude are as follows: district, students, school, education, special, SELPA, teachers, lot.

[Return to exhibit B-22 within the body of the report.](#)

### **Exhibit B-23. Most common sentiments expressed throughout the conversations with administrators, teachers, and families from high-performing LEAs.**

Exhibit B-23 is a line graph showing the most common sentiments expressed throughout the conversations with administrators, teachers, and families from high-performing LEAs.

The x-axis represents the percentage of all words, ranging from 0 to 40 percent and the y-axis lists each of the sentiments expressed.

Trust: Families = 17.8 percent, Instructional Staff = 32.9 percent; Administrators = 34.8 percent.

Positive: Families = 8.4 percent; Instructional Staff = 28.3 percent; Administrators = 46.2 percent.

Anticipation: Families = 3.2 percent; Instructional Staff = 8.1 percent; Administrators = 11.7 percent.

Joy: Families = 2.0 percent; Instructional Staff = 12.3 percent; Administrators = 19.3 percent.

Surprise: Families = 1.5 percent; Instructional Staff = 0.9 percent; Administrators = 2.4 percent.

Negative: Families = 0.5 percent; Instructional Staff = 2.6 percent; Administrators = 2.5 percent.

Fear: Families = 0.4 percent; Instructional Staff = 1.4 percent; Administrators = 1.7 percent.

Sadness: Families = 0.3 percent; Instructional Staff = 1.2 percent; Administrators = 0.7 percent.

Anger: Families = 0.2 percent; Instructional Staff = 0.4 percent; Administrators = 1.6 percent.

Disgust: Families = 0.1 percent; Instructional Staff = 0.1 percent; Administrators = 0.3 percent.

[Return to exhibit B-23 within the body of the report.](#)



---

# Glossary

To ensure understanding of key terms used in this report, readers may want to familiarize themselves with the following:

**Disproportionality.** “Disproportionality is the overrepresentation of a specific race or ethnicity identified in one or more of four areas: identification of a disability in general; identification of a specific race or ethnicity in a specific disability category; discipline; and placement” (California Department of Education [CDE] 2021). As required by the Individuals with Disabilities Education Act (IDEA), California examines data for each local education agency (LEA) to identify overrepresentation, then conducts further questioning to determine whether the disproportionality was the result of inappropriate identification.

**Significant disproportionality.** “Significant disproportionality is the identification of disproportionality for three consecutive years in the same indicator and category of disproportionality” (CDE 2021b). Each LEA identified as having significant disproportionality is required to reserve part of its federal IDEA funding to support students who do not have an individualized education program (IEP) but need additional support, particularly, but not exclusively, in the group that was overidentified. The CDE identified 109 LEAs as having significant disproportionality in July 2021 (CDE 2021b).

**Individualized education program (IEP).** Each student found eligible for special education services has an annual IEP developed by a team that includes the student (when appropriate), their parents or guardians, their general and special education teachers and service providers, and an administrator representing the LEA. The IEP documents the student’s current levels of performance and educational goals and specifies the types and amounts of special education services the student receives. The services identified in an IEP are protected and must be provided to a student when agreed upon by the student’s IEP team.

**Least restrictive environment (LRE).** IDEA requires that students with disabilities learn in the LRE and have access to a general education setting and curriculum to the “maximum extent that is appropriate,” as decided by the student’s IEP team (34 CFR §300.114). For purposes of this report, preschool LRE time is measured as the percentage of students aged 3–5 spending 50 percent or more of their school day in a general early childhood setting, and school-age LRE time is measured as the percentage of school-age students who are in general education for 80 percent or more of the school day.

**Local educational agency (LEA).** For purposes of this study, an LEA is defined as the entity responsible for providing a free appropriate public education (FAPE) to students who are eligible for special education services under IDEA. For purposes of this study,

LEAs for special education include school districts, charter schools, and, in limited instances, COEs.

**Special education local plan area (SELPA).** California requires each LEA to form or join a SELPA to develop a plan for delivering special education services. Each multi-LEA SELPA is governed by a board that consists of the member districts' superintendents or their representatives, as decided by the member districts and documented in the SELPA governance plan.

**State Special Schools.** California funds and operates multiple special schools with specific purposes. The Schools for the Deaf (two, one serving Northern California and one serving Southern California) provide comprehensive educational programs to deaf and hard-of-hearing pupils, aged 3–22. The School for the Blind provides the same for students who are blind, as well as being a statewide resource for LEAs serving students who are blind. A separate Deaf Education special school provides technical assistance to LEAs operating programs for students who are deaf and hard of hearing. California also has Diagnostic Centers (one each in Northern, Central, and Southern California) that provide LEAs with assessment services for students who are not progressing, other assistance, and professional development. Special schools receive funding separately from LEAs and SELPAs and provide services at no cost to LEAs.

**Students with an IEP or students with disabilities.** These are students who have been evaluated; have been found eligible for special education and related services, based on one of 13 federal categories or the additional category of Medical Disability established by California; and have an IEP describing their present levels of performance, annual goals, needed accommodations and modifications, and special education and related services.

**Student outcomes.** This study examined multiple student outcome measures, including academic achievement, academic growth, and graduation rates as measured by a four-year cohort graduation rate.

**Academic achievement.** Academic achievement is a student's progress toward meeting agreed-upon grade-level standards, measured using standardized statewide assessments (e.g., California Assessment of Student Performance and Progress [CAASPP]), including alternate assessments for students who cannot participate in the regular assessment. Although academic achievement is not the only desired outcome, for all students, including students with disabilities, other outcomes, including social-emotional outcomes and those related to transferrable skills for future employment, are not commonly measured or reported.

**Academic growth.** The research team used CAASPP databases for the 2016–17, 2017–18, and 2018–19 school years to create a normalized curve equivalent, or NCE, score, a measure of student growth constructed by assessing how a student is performing relative to how they were expected to perform based on their prior-year performance, allowing the comparison of assessment scores across years, grade levels, and test subjects.

---

# References

Adams, Curt M., Timothy G. Ford, Patrick B. Forsyth, Jordan K. Ware, Jentre J. Olsen, John A. Lepine, Laura L.B. Barnes, Jam Khojasteh, and Mwarumba Mwavita. 2017. *Next Generation Accountability: A Vision for Improvement Under ESSA*. Palo Alto: Learning Policy Institute. [https://learningpolicyinstitute.org/sites/default/files/product\\_files/Next\\_Generation\\_Accountability\\_REPORT.pdf](https://learningpolicyinstitute.org/sites/default/files/product_files/Next_Generation_Accountability_REPORT.pdf)

Alcalá, Lupita, Janelle Kubinec, Catherine Atkin, Lynn A. Karoly, Carlise King, Susan Muenchow, and Deborah J. Stipek. 2020. December. *Master Plan for Early Learning and Care: California for All Kids*. Sacramento: California Health and Human Services Agency.

Association of Educational Service Agencies. n.d. "ESAs by State." <http://www.aesa.us/esa-to-esa/ESA-by-state-links.cfm>

Barrocas, Lisa, and Elizabeth D. Cramer. 2014. "Placement and Achievement of Urban Hispanic middle schoolers with Specific Learning Disabilities." *Journal of Urban Learning, Teaching, and Research*, 10: 3-13.

Borgatti, Stephen P., Ajay Mehra, Daniel J. Brass, and Giuseppe Labianca. 2009. "Network analysis in the social sciences." *science* 323, no. 5916 (2009): 892-895. <https://www.science.org/doi/abs/10.1126/science.1165821>

Boyd, Donald J., Pamela L. Grossman, Hamilton Lankford, Susanna Loeb, and James Wyckoff. 2009. "Teacher Preparation and Student Achievement." *Educational Evaluation and Policy Analysis*, 31(4): 416–440. <https://doi.org/10.3102/0162373709353129>

Brewer, Dominic, and Joanna Smith. 2006. *Evaluating the "Crazy Quilt": Educational Governance in California*. Stanford: Institute for Research on Education Policy and Practice.

California Department of Education. 2021a. "QRIS Block Grants." California Department of Education. <https://www.cde.ca.gov/sp/cd/op/csppqrisblockgrant.asp>

California Department of Education. 2021b. "2021 Significantly Disproportionate LEAs." California Department of Education. <https://www.cde.ca.gov/sp/se/qa/sigdisplea.asp>

California Department of Education. 2021c. "Budget Act for 2021–22: Information." California Department of Education. <https://www.cde.ca.gov/fg/fr/eb/yr21ltr0811.asp>

California Department of Education. 2021d. "California's System of Support." California Department of Education. <https://www.cde.ca.gov/sp/sw/t1/csss.asp>

California Department of Education. 2021e. "Charter School Funding Types." California Department of Education. <https://www.cde.ca.gov/sp/ch/directfundopt.asp>

California Department of Education. 2021f. "Disproportionality in CA Public Schools." California Department of Education. <https://www.cde.ca.gov/sp/se/qa/disproportionality.asp>

California Department of Education. 2021g. "Fingertip Facts on Education in California." California Department of Education. <https://www.cde.ca.gov/ds/ad/ceffingertipfacts.asp>

California Department of Education. 2021h. "Special Education Local Plan Area: Local Plan." California Department of Education. <https://www.cde.ca.gov/sp/se/ds/lcpln.asp>

California Department of Education. 2020a. "Annual Performance Report Measures" California Department of Education. <https://www.cde.ca.gov/sp/se/ds/leadatarpts.asp>

California Department of Education. 2020b. "Monitoring Selection Criteria." California Department of Education. <https://www.cde.ca.gov/ta/cr/selectioncriteria1112.asp>

California Department of Education. n.d. "DataQuest: Enrollment Data." California Department of Education. <https://dq.cde.ca.gov/dataquest/page2.asp?Level=State&Subject=Enrollment>

California School Boards Association. 2021. "Roles and Responsibilities." West Sacramento: California School Boards Association. <https://www.csba.org/GovernanceAndPolicyResources/EffectiveGovernance/RoleandResponsibilitiesofSBMs.aspx>

California Statewide Special Education Task Force. 2015. *One System: Reforming Education to Serve All Students: Report of California's Statewide Task Force on Special Education*. California Statewide Special Education Task Force. [https://www.casonline.org/pdfs/legislative/Special\\_Ed\\_Task\\_Force\\_Report%20W%20CONTACTS.pdf](https://www.casonline.org/pdfs/legislative/Special_Ed_Task_Force_Report%20W%20CONTACTS.pdf)

Carver-Thomas, Desiree, Tara Kini, and Dion Burns. 2020. *Sharpening the Divide: How California's Teacher Shortages Expand Inequality*. Palo Alto: Learning Policy Institute.

Chetty, Raj, John N. Friedman, and Jonah E. Rockoff. 2014. "Measuring the Impacts of Teachers II: Teacher Value-Added and Student Outcomes in Adulthood." *American Economic Review*, 104(9): 2633–2679.

Center for American Progress and Council of Chief State School Officers. 2014. *Next-Generation Accountability Systems: An Overview of Current State Policies and Practices*. Washington, D.C.: Center for American Progress.

Clotfelter, Charles T., Helen F. Ladd, and Jacob L. Vigdor. 2006. "Teacher-Student Matching and the Assessment of Teacher Effectiveness." *Journal of Human Resources*, 41(4): 778–820.

Cole, Sandi M., Hardy R. Murphy, Michael B. Frisby, Teresa A. Grossi, and Hannah R. Bolte. 2021. "The Relationship of Special Education Placement and Student Academic Outcomes." *Journal of Special Education*, 54(4): 217-227.

Cole, Cassandra M., Nancy Waldron, and Massoumeh Majd. 2004. "Academic Progress of Students Across Inclusive and Traditional Settings." *Mental Retardation*, 42(2): 136-144.

Cook, Bryan G., Katharine G. Shepherd, Sara Cothren Cook, and Lysandra Cook. 2012. "Facilitating the Effective Implementation of Evidence-Based Practices Through Teacher-Parent Collaboration." *Teaching Exceptional Children*, 44(3): 22-30.

Crain, Danielle, Sara Dautre, Steve Smith, Chris Thacker, Terry Long, Swati Nadkarni, and Laura Snyder. 2018 "CEIS Practice Guide: Examples of Fiscal and Child Tracking for Voluntary and Comprehensive Coordinated Early Intervening Services (CEIS). Version 1.0." *IDEA Data Center*.

Cramer, Elizabeth. 2015. "Shifting Least Restrictive Environments in a Large Urban School District." *Journal of Urban Learning, Teaching, and Research*, 11: 40-49.

Darling-Hammond, Linda, Leib Sutcher, and Desiree Carver-Thomas. 2018. *Teacher Shortages in California: Status, Sources, and Potential Solutions* (Research Brief). Palo Alto: Learning Policy Institute. <https://learningpolicyinstitute.org/product/teacher-shortages-ca-solutions-brief>

Dautre, Sara Menlove, Jason Willis, Tyson Barrett, Tye Ripma, Ruthie Caparas, and Kelsey Krausen. 2021. *California State Special Education Funding System Study, Part 2: Findings, Implications, and Considerations for Improving Special Education Funding in California*. San Francisco: WestEd.

Elgart, Mark A. 2016. "Creating State Accountability Systems That Help Schools Improve." *Phi Delta Kappan*, 98 (1): 26-30.

Forman, Benjamin, Charles DePascale, and Chris Domaleski. 2018. *Local Accountability: The Forgotten Element in Education Reform*. Boston: The Massachusetts Institute for a New Commonwealth (MassINC) and Center for Assessment. <https://2gaiae1lifzt2tsfgr2vil6c-wpengine.netdna-ssl.com/wp-content/uploads/2018/11/local-accountability-paper.pdf>

Furger, Roberta C., Laura E. Hernández, and Linda Darling-Hammond. 2019. *The California Way: The Golden State's Quest to Build an Equitable and Excellent Education System*. Palo Alto: Learning Policy Institute.

Gerrard, Linda C. 1994. "Inclusive Education: An Issue of Social Justice." *Equity & Excellence in Education*, 27(1): 58-67.

Glover, Todd, Linda Reddy, Ryan Kettler, Alexander Kunz, and Adam Lekwa. "Improving high-stakes decisions via formative assessment, professional development, and comprehensive educator evaluation: The school system improvement project." *Teachers College Record* 118, no. 14 (2016): 1-26.

Gordillo, Will J., and Anne Miller. 2017. *Progress Monitoring With Data Collection of IEP Annual Goals: Closing the Achievement Gap of Students with Disabilities One Student at a Time*. Boston: Public Consulting Group Education.

[https://www.publicconsultinggroup.com/media/1271/edu\\_ofcl\\_white\\_paper\\_pmdc-final.pdf](https://www.publicconsultinggroup.com/media/1271/edu_ofcl_white_paper_pmdc-final.pdf)

Grady, Mary Cichy, Maureen O'Leary Burness, Geri F. West, Manuel Buenrostro, and Mary Briggs. 2019. *The Landscape of Special Education in California: A Primer for Board Members*. West Sacramento: California School Boards Association.

Hannaway, Jane, and Laura Hamilton. 2008. *Performance-Based Accountability Policies: Implications for School and Classroom Practices*. Washington, D.C.: The Urban Institute. <https://www.urban.org/sites/default/files/publication/33161/411779-Accountability-Policies.PDF>

Hoppey, David, and Ann M. Mickelson. 2017. "Partnership and Coteaching: Preparing Preservice Teachers to Improve Outcomes for Students with Disabilities." *Action in Teacher Education*, 39(2): 187-202.

Humphrey, Daniel, Julia Koppich, Magaly Lavadenz, Julie Marsh, Jennifer O'Day, David Plank, Laura Stokes, and Michelle Hall. 2017. "Paving the Way to Equity and Coherence? The Local Control Funding Formula in Year 3." *Policy Analysis for California Education*, PACE.

Humphrey, Daniel C., and Jennifer O'Day. 2019. *The Early Implementation of California's System of Support: Counties, Differentiated Assistance, and the New School Dashboard*. Stanford: Policy Analysis for California Education.

Irwin, Véronique, Jijun Zhang, Xiaolei Wang, Sarah Hein, Ke Wang, Ashley Roberts, Christina York, Amy Barmer, Farrah Bullock Mann, Rita Dilig, Stephanie Parker, Thomas Nachazel, Megan Barnett, and Stephen Purcell. 2021. *Report on the condition of education 2021*. NCES 2021-144. Washington, D.C.: National Center for Education Statistics. <https://nces.ed.gov/pubs2021/2021144.pdf>

Jones, Carolyn. 2020. "Less Siloed, More Inclusive: Changes to Special Education Teacher Preparation Expected to Have Big impact on Schools." *EdSource*. November 30, 2020. <https://edsources.org/2020/less-siloed-more-inclusive-changes-to-special-education-teacher-preparation-expected-to-have-big-impact-on-schools/644367>

Kalambouka, Afroditi, Peter Farrell, Alan Dyson, and Ian Kaplan. 2007. "The Impact of Placing Pupils with Special Educational Needs in Mainstream Schools on the Achievement of Their Peers." *Educational Research*, 49(4): 365-382.

Katz, Jennifer, and Pat Mirenda. "Including students with developmental disabilities in general education classrooms: Educational benefits." *International journal of special education* 17, no. 2 (2002): 14-24.

Keane, William G. 2001. *Educational Service Agencies: The Invisible Partner*. Paper presented at the annual meeting of the National Council of Professors of Educational Administration, Houston, Texas. [https://www.aesa.us/Archives/research\\_archives/ESAs\\_Invisible\\_Partner\\_2001.pdf](https://www.aesa.us/Archives/research_archives/ESAs_Invisible_Partner_2001.pdf)

- Kirst, Michael. 2008. "The Evolving Role of School Boards." In T. L. Alsbury (Ed.), *The Future of School Board Governance: Relevancy and Revelation* (pp. 37-59). Lanham: Rowan & Littlefield Education.
- Kolbe, Tammy. 2021. "State Funding for Special Education: Aligning Policy With Priorities." *Journal of Special Education Leadership* 34, no. 1.
- Kolbe, Tammy. 2019. "Funding Special Education: Charting a Path That Confronts Complexity and Crafts Coherence." *National Education Policy Center*.
- Koppich, Julia E., Daniel C. Humphrey, Julie A. Marsh, Morgan Polikoff, and Jason Willis. 2018. "The Local Control Funding Formula after Four Years: What Do We Know? Research Brief. Getting Down to Facts II." *Policy Analysis for California Education, PACE*.
- Krausen, Kelsey, Ruthie Caparas, Tye Ripma, and Jason Willis. 2020. *Strategic Resource Allocation for the 21st Century: How State Leaders Can Address the Silent Recession*. San Francisco: WestEd. <https://www.wested.org/resources/strategic-resource-allocation/>
- LaFortune, Julien. 2019. "School Resources and the Local Control Funding Formula. Is Increased Spending Reaching High-Need Students? Technical Appendices." *Public Policy Institute of California*.
- Lazega, Emmanuel, and Tom AB Snijders, eds. *Multilevel network analysis for the social sciences: Theory, methods and applications*. Vol. 12. Springer, 2015. <https://link.springer.com/book/10.1007%2F978-3-319-24520-1>
- Legislative Analyst's Office (LAO). 2018. *Overview of State Governance: K-12 Education*. Sacramento: Legislative Analyst's Office. [https://lao.ca.gov/handouts/education/2018/Overview\\_of\\_State\\_Governance\\_K12\\_Education\\_021418.pdf](https://lao.ca.gov/handouts/education/2018/Overview_of_State_Governance_K12_Education_021418.pdf)
- Levin, Stephanie, and Kathryn Bradley. 2019. *Understanding and Addressing Principal Turnover: A Review of the Research*. Reston: National Association of Secondary School Principals.
- Li, Amy. (2019). *Overview of Special Education in California*. Sacramento: Legislative Analyst's Office. <https://lao.ca.gov/Publications/Report/4110>
- Louis, Karen Seashore, Kenneth Leithwood, Kyla L. Wahlstrom, and Stephen E. Anderson. 2010. *Investigating the Links to Improved Student Learning: Final Report of Research Findings*. Minneapolis: University of Minnesota Center for Applied Research and Educational Improvement.
- Manset, Genevieve, and Melvyn I. Semmel. 1997. "Are Inclusive Programs for Students With Mild Disabilities Effective? A Comparative Review of Model Programs." *The Journal of Special Education*, 31(2), 155-180.

Maricle, Christopher. 2014. *Governing to Achieve: A Synthesis of Research on School Governance to Support Student Achievement*. West Sacramento: California School Boards Association. <https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201408GoverningToAchieve.ashx?la=en&rev=8e5d8dd4852f4653b19158e4ce2e43a7>

Massachusetts Department of Elementary and Secondary Education, Office of Planning and Research. 2020. "Research Allocation and District Action Report (RADAR)." Malden: Massachusetts Department of Elementary and Secondary Education. <https://www.doe.mass.edu/research/radar/>

McDonnell, John, Connie Mathot-Buckner, Nadine Thorson, and Susan Fister. 2001. "Supporting the inclusion of students with moderate and severe disabilities in junior high school general education classes: The effects of classwide peer tutoring, multi-element curriculum, and accommodations." *Education and Treatment of children*: 141-160.

McLeskey, James, Council for Exceptional Children, and Collaboration for Effective Educator Development, Accountability and Reform. 2017. *High-leverage practices in special education*. Arlington, VA: Council for Exceptional Children

Michigan's Center for Educational Performance and Information. n.d. "MI School Data." Michigan's Center for Educational Performance and Information. <https://www.mischooldata.org/>

Modaffari, Jamil, and Laura Jimenez. 2021. *The Education Data That Matter Most to Parents and School Stakeholders*. Washington, D.C.: Center for American Progress. <https://www.americanprogress.org/issues/education-k-12/reports/2021/05/05/499118/education-data-matter-parents-school-stakeholders/>

Moran, John, Marybeth Sullivan. 2015. *Regional and Statewide Special Education Service Delivery in Selected States*. OLR Research Report. Hartford: Connecticut General Assembly Office of Legislative Research. <https://www.cga.ct.gov/2015/rpt/2015-R-0013.htm>

Murphy, Jason Robert. 2018. "Understanding and Assessing the Impact of Data Visualization on Stakeholder Access to Data, Sensemaking and Decision Making in the context of the Local Control Funding Formula." PhD diss., University of California, Berkeley.

National Center for Education Statistics (NCES). n.d. "Digest of Educational Statistics: Table 204.10. Number and Percentages of Public School Students Eligible for Free or Reduced-Price Lunch, by State: Selected Years, 2000-01 through 2015-16." Washington, D.C.: National Center for Education Statistics. [https://nces.ed.gov/programs/digest/d17/tables/dt17\\_204.10.asp](https://nces.ed.gov/programs/digest/d17/tables/dt17_204.10.asp)

National Center for Education Statistics (NCES). 2020. "Digest of Education Statistics: List of 2020 Digest Tables." Washington, D.C.: National Center for Education Statistics. [https://nces.ed.gov/programs/digest/2020menu\\_tables.asp](https://nces.ed.gov/programs/digest/2020menu_tables.asp)



National Center for Education Statistics (NCES). 2021. "English Language Learners in Public Schools." Washington, D.C.: National Center for Education Statistics. <https://nces.ed.gov/programs/coe/indicator/cgf>

National Center for Learning Disabilities and Understood. 2019. *Forward Together: Helping Educators Unlock the Power of Students Who Learn Differently*. Washington, D.C.: National Center for Learning Disabilities. [https://www.nclid.org/wp-content/uploads/2019/05/Forward-Together\\_NCLD-report.pdf](https://www.nclid.org/wp-content/uploads/2019/05/Forward-Together_NCLD-report.pdf)

National Council on Disability. 2018a. *IDEA Series: Every Student Succeeds Act and Students With Disabilities*. Washington, D.C.: National Council on Disability. [https://ncd.gov/sites/default/files/NCD\\_ESSA-SWD\\_Accessible.pdf](https://ncd.gov/sites/default/files/NCD_ESSA-SWD_Accessible.pdf)

National Council on Disability. 2018b. *IDEA Series: Broken Promises: The Underfunding of IDEA*. Washington, D.C.: National Council on Disability. [https://ncd.gov/sites/default/files/NCD\\_BrokenPromises\\_508.pdf](https://ncd.gov/sites/default/files/NCD_BrokenPromises_508.pdf)

National Research Council. 1997. *Educating One and All: Students With Disabilities and Standards-Based Reform*. Washington, D.C.: The National Academies Press. <https://doi.org/10.17226/5788>

Office of Special Education Programs (OSEP). 2021. *State Performance Plans (SPP) Letters and Annual Performance Report (APR) Letters*. Washington, D.C.: OSEP. <https://sites.ed.gov/idea/spp-apr-letters>

Office of Special Education Programs (OSEP), U.S. Department of Education. 2009. *Policy Letter: February 4, 2009, to Minnesota Department of Education Supervisor of the Division of Program Finance Carol Hokenson*. Washington, D.C.: OSEP. <https://sites.ed.gov/idea/idea-files/policy-letter-february-4-2009-to-minnesota-department-of-education-supervisor-of-the-division-of-program-finance-carol-hokenson/>

Office of Special Education Programs (OSEP), U.S. Department of Education. 2008. *Coordinated Early Intervening Services (CEIS) Guidance*. Washington, D.C.: OSEP. <https://www2.ed.gov/policy/speced/guid/idea/ceis-guidance.pdf>

Ondrasek, Naomi, Desiree Carver-Thomas, Caitlin Scott, and Linda Darling-Hammond. 2020. *California's Special Education Teacher Shortage* (Policy Brief). Stanford: Policy Analysis for California Education.

Park, Sandra, Stephanie Hironaka, Penny Carver, and Lee Nordstrum. 2014. *Continuous Improvement in Education*. Stanford: Carnegie Foundation for the Advancement of Teaching. [https://www.carnegiefoundation.org/wp-content/uploads/2014/09/carnegie-foundation\\_continuous-improvement\\_2013.05.pdf](https://www.carnegiefoundation.org/wp-content/uploads/2014/09/carnegie-foundation_continuous-improvement_2013.05.pdf)

Parrish, Tom. 2012. "Special Education Expenditures, Revenues, and Provision in California." *California Comprehensive Center at WestEd*.

Plank, David N., Jennifer O'Day, and Benjamin Cottingham. 2018. *Building a System of Support for School Improvement*. (Getting Down to Facts II Technical Report). Stanford:

Policy Analysis for California Education.

[http://www.gettingdowntofacts.com/sites/default/files/2018-09/GDTFII\\_Report\\_Plank.pdf](http://www.gettingdowntofacts.com/sites/default/files/2018-09/GDTFII_Report_Plank.pdf)

Pudelski, Sasha. 2016. *Rethinking Special Education Due Process: A Proposal for the Next Reauthorization of the Individuals With Disabilities Education Act*. Alexandria: American Association of School Administrators.

Rea, Patricia J., Virginia L. McLaughlin, and Chriss Walther-Thomas. 2002. "Outcomes for Students with Learning Disabilities in Inclusive and Pullout Programs." *Exceptional Children*, 68(2):203-222.

Rice, Jennifer King. 2003. *Teacher Quality: Understanding the Effectiveness of Teacher Attributes*. Washington DC: Economic Policy Institute.

Rivkin, Steven G., Eric A. Hanushek, and John F. Kain. 2005. "Teachers, Schools, and Academic Achievement." *Econometrica*, 73(2): 417–458.

Rockoff, Jonah E. 2004. "The Impact of Individual Teachers on Student Achievement: Evidence from Panel Data." *The American Economic Review*, 94(2): 247–252.

Ruijs, Nienke M., and Thea T. D. Peetsma. 2009. "Effects of Inclusion on Students with and without Special Educational Needs Reviewed." *Educational Research Review*, 4(2): 67-79.

Russell, Jennifer Lin, and Laura E. Bray. 2013. "Crafting Coherence from Complex Policy Messages: Educators' Perceptions of Special Education and Standards-Based Accountability Policies." *Education Policy Analysis Archives*, 21, 1-25.  
<https://doi.org/10.14507/epaa.v21n12.2013>

Ryndak, Diane Lea, Lewis Jackson, and Felix Billingsley. "Defining school inclusion for students with moderate to severe disabilities: What do experts say?" *Exceptionality* 8, no. 2 (2000): 101-116.

Samuels, Christina A. 2005. "Suit Says NCLB's Demands Conflict With Those of IDEA." *Education Week*, February 15, 2005.  
<http://www.edweek.org/ew/articles/2005/02/16/23suit.h24.html>

Sanders, William L., and June C. Rivers. 1996. *Cumulative and Residual Effects of Teachers on Future Student Academic Achievement* (Research Progress Report). Knoxville: University of Tennessee Value-Added Research and Assessment Center.

Seebruck, Ryan. 2015, July. "Teacher Quality and Student Achievement: A Multilevel Analysis of Teacher Credentialization and Student Test Scores in California High Schools." *McGill Sociological Review*, 5: 1-18.

Smith, William C., and Aaron Benavot. 2019. "Improving Accountability in Education: The Importance of Structured Democratic Voice." *Asia Pacific Education Review*, 20, 193–205. <https://link.springer.com/article/10.1007/s12564-019-09599-9>

Spurrier, Alex, Chad Aldeman, Jennifer O'Neil Schiess, and Andrew J. Rotherham. 2020. *UPDATED: Making Next Year Count: Equity in School Accountability*. Sudbury: Bellwether Education Partners. <https://bellwethereducation.org/publication/updated-making-next-year-count-equity-school-accountability>

Thorman, Tess and Caroline Danielson. 2019. "Public Preschools in California." *Public Policy Institute of California*. <https://www.ppic.org/wp-content/uploads/public-preschools-in-california.pdf>

Thurmond, Tony. 2019, December 12. "Update on the Implementation of the Local, State and Federal Accountability and Continuous Improvement System: Local Control Funding Formula Eligibility for Differentiated Assistance for Districts, County Offices of Education, and Charter Schools." Memo to the California State Board of Education. Sacramento: California Department of Education.

Tremblay, Philippe. 2013. "Comparative Outcomes of Two Instructional Models for Students with Learning Disabilities: Inclusion with Co-Teaching and Solo-Taught Special Education." *Journal of Research in Special Educational Needs*, 13(4): 251-258.

U.S. Department of Education. 2021. *State Performance Plans/Annual Performance Reports (SPP/APR)*. U.S. Department of Education. <https://sites.ed.gov/idea/spp-apr/>

Warren, Paul, and Laura Hill. 2018. "Revisiting finance and governance issues in special education." *Getting Down to Facts II*.

Weiss, Janet A. 2012. "Data for Improvement, Data for Accountability." *Teachers College Record*, 114 (11).

Wiener, Roberta. 2009. "Due Process: A Primer for Special Education Teachers." *Journal of the American Academy of Special Education Professionals* <https://files.eric.ed.gov/fulltext/EJ1137192.pdf>

Willis, Jason, Sara Menlove Doutre, Alex Berg-Jacobson. 2019. *Study of the Individualized Education Program (IEP) Process and the Adequate Funding Level for Students with Disabilities in Maryland*. San Francisco: WestEd.

Willis, Jason, Sara Menlove Doutre, Kelsey Krausen, Tyson Barrett, Tye Ripma, and Ruthie Caparas. (2020). *California Special Education Funding Study: A Descriptive Analysis of Special Education Funding in California*. San Francisco: WestEd. <https://www.wested.org/resources/ca-special-education-funding-system/>

## 7.2 SELPA Autism Implementation Program

Verbal report, no materials

**Desert/Mountain SELPA  
Due Process Summary  
July 1, 2021 - December 17, 2021**

DISTRICT													CASE ACTIVITY FOR CURRENT YEAR				
	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21-22	Total	D/W	Resolution	Mediation	Settled	Hearing
Adelanto SD	0	3	6	5.5	2.5	5	3	3.5	3	3.5	0	35	0	0	0	0	0
Apple Valley USD	0	0	2	1	1.5	1.5	0	3.5	10	5	1	25.5	1	0	0	0	0
Baker USD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Barstow USD	0	0	0	0	1	3.5	0	2	0	1	0	7.5	0	0	0	0	0
Bear Valley USD	1	0	0	0	0	1	2	0	0	1	1	6	0	1	0	0	0
Helendale SD	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0
Hesperia USD	5.5	4	3	5	7.5	7	6	7	17.5	7	7	76.5	0	4	0	3	0
Lucerne Valley USD	0	1	2	1	1	2	0	1.5	0	0	0	8.5	0	0	0	0	0
Needles USD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Oro Grande SD	0	0	0	0	0	0	0	0	2	0	1	3	0	0	1	0	0
Silver Valley USD	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Snowline USD	2	1	1	5	4.5	6.5	2	8.5	7	2	1	40.5	0	0	1	0	0
Trona USD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Victor Elementary SD	1	1	4.33	3.33	1.83	2.5	6.5	0	7	1	3	31.49	0	1	0	2	0
Victor Valley Union High SD	2	4	3.33	4.3	7.83	4	4	8.5	6.5	10	3	57.46	0	1	0	1	1
Academy for Academic Excellenc	0	0	4	2	0	1	2	1	1	1	0	12	0	0	0	0	0
CA Charter Academy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Desert/Mountain OPS	0.5	1	1.33	0.83	4.33	3	1.5	3	2	1	0	18.49	0	0	0	0	0
Excelsior Education Center	0	0	0	0	0	0	0	0.5	2	0	0	2.5	0	0	0	0	0
Health Sciences HS & MS	0	0	0	0	0	0	0	1	1	0	0	2	0	0	0	0	0
<b>SELPA-WIDE TOTALS</b>	<b>13</b>	<b>15</b>	<b>26.99</b>	<b>27.96</b>	<b>31.99</b>	<b>37</b>	<b>28</b>	<b>40</b>	<b>59</b>	<b>32.5</b>	<b>17</b>	<b>328.44</b>	<b>1</b>	<b>7</b>	<b>2</b>	<b>6</b>	<b>1</b>

Districts showing a value of .50 above indicates that the district is a co-respondent with another district.

\*Number accounts for High Tech High but has exited from CAHELP. Actual count for 2019-20 is 67.

Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–December 17, 2021

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
1. VUHSD Case No. 2021070206	LEA filed on parent for permission to assess, pursuant to assessment plan of 3-19-21	7/7/2021	7/26/2021		<del>7/26/2021</del> 9/13/21	<del>08/03–05/21</del> 9/21-23/21	Filing was necessary because the parent filing of 10/20 was withdrawn and left with open IEP's and lack of student attendance. 7/26/21 Continuance granted for parent to obtain attorney. 9/21/21 - Parent unrepresented at hearing; did not present his case. Written closing statement submitted. Awaiting judgement. 10/21/21 - Ruling-permission to assess. <b>CLOSED</b>
2. Victor Elem SD Case No. 2021070710	Failure to provide FAPE 1. Program 2. Speech/Lang. 3. Appropriate Assessment	7/21/2021	8/6/2021	9/7/2021	<del>10/29/2021</del>	9/14-16/21	<b>Mediation - Settlement Agreement</b> 1. IEE - (Sp & Lang and Psycho ed). 2. SP & Lang (2W x 20 min) individual therapy added to IEP. 3. Comp Ed (academic, SP/Lang, OT contingent on results) 4. 1:1 until assessments completed not stay put. <b>Settlement Agreement CLOSED</b>

Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–December 17, 2021

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
3. Hesperia USD Case No. 2021070965	Failure to provide FAPE 1. Communication 2. Academics 3. Behavioral management	7/29/2021	8/5/2021			9/21-23/21	<b>Full execution of settlement agreement on 8/11/2021 -</b> 1. Conduct Assessments: Supplemental Speech and Central Auditory Processing. 2. 1:1 instructional assistance through 12/17/2021 until TISA is reviewed. 3. Amend IEP: Speech 4M/30 min group and 4M/30 min individual. 4. Comp Ed (Speech and Lang). 5. Reimburse parents for intensive reading services. <b>Settlement Agreement CLOSED</b>
4. Hesperia USD Case No. 2021080484	Denial of FAPE 1. Student not making progress 2. Failed to provide appropriate program	8/17/2021	8/30/2021	10/19/2021	11/19/2021	<del>10/12-10/14, 2021</del> 11/30-12/02/2021	Resolution Negotiations in Progress. 9/23/21 IEP held to address EL needs, DMCC, SAI class. Settlement agreement: IEP EL updated goals, Sylvan comp ed. <b>CLOSED</b>
5. Apple Valley USD Case No. 2021090257	AVUSD filed to defend placement	9/9/2021					Parent moved and withdrew complaint. <b>CLOSED</b>

Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–December 17, 2021

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
6. Hesperia USD Case No. 2021090391	1. Failure to Implement 2. Unilaterally modified IEP & placement to home	9/10/2021	9/21/2021		11/1/2021	<del>11/09-11/21</del> 12/14-16/2021	Neither parent nor counsel could elaborate on what assessments they were seeking. 10/26/21 - Opposing counsel not responsive, student graduated with diploma age 19. 11/21/21 - no movement.
7. Oro Grande Case No. 2021090564	Denial of FAPE 1. Failure to implement. 2. Lack of progress 3. Lack of access to remote learning 4. Impeded parental participation 5. Anxiety related to bullying unaddressed	9/20/2021	10/13/2021	12/3/2021	11/29/2021	<del>11/16-18/2021</del> 1/19-20/2021	9/28/21 - Opposing attorney seeking to extend 2 yr. statute; seeking "dialectical therapy" and other. 10/21 Mediation scheduled.
8. VESD Case No. 2021100026	Denial of FAPE 1. Failure to conduct comprehensive psycho educational assessment. 2. Indadequate LAS service 3. Failure to provide SAI, LAS, insufficient reading, writing and math goals	10/1/2021	<del>10/06/2021</del> 10/18/2021		11/12/2021	11/23-24/2021	10/22/21 - Settlement agreement completed, IEE. <b>CLOSED</b>



Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–December 17, 2021

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
9. VUHS 2021100113	Denial of FAPE 1. Academics 2. Social-Emotional and behavioral	10/5/2021	10/13/2021		11/22/2021	11/30-12/02/2021	10/20/2021 - Settlement agreement for comped IEE, increased ERMHS in IEP. <b>CLOSED</b>
10. HUSD 2021100364	Child Find	10/13/2021	10/27/2021		12/13/2021	12/21-23-2021	10/13/21 - Address verification challenged. 11/2021- discovery investigation found student not in district. Disenrolled as a term of expulsion decision. Due Process still open.
11. HUSD 2021100499	Denial of FAPE 1. Independent Study 2. Lack of Services and SAI	10/19/2021	10/26/2021		12/6/2021	12/14-16/2021	10/26/21 - Offer made: negotiations continue. 11/3/2021- Settlement agreement: Provision of Instructional Assistance while on Independent Study. <b>CLOSED</b>

Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–December 17, 2021

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
12. VESD 2021100682	Denial of FAPE 1. Program failure 2. Lack of progress 3. School closure	10/19/2021	11/2/2021		12/6/2021	12/14-16/2021	11/15/2021 Settlement agreement: Return to in-person with 1:1 aide until further assessment. <b>CLOSED</b>
13. BVUSD/SBCSS 2021100692	Denial of FAPE 1. Failure to assess a. Behavior b. OT c. APE d. AT e. Psycho-ed 2. Material Implementation 3. Placement, LRE 4. Goals not data driven 5. Procedural violations	10/26/2021	11/4/2021		12/13/2021	12/21-23/2021	Settlement 11/30/2021: PT, IEE, 1:1 aide, comp ed. <b>CLOSED</b>
14. SJUSD Case No. 2021	Denial of FAPE 1. MD Determination 2. Failure to provide ERMHS 3. Failure to conduct Triennial. 4. Failure to provide 1:1 aide 5. Predetermined placement 6. Assessment timelines violated	10/29/2021	<del>11/5/2021</del> 11/4/2021	<del>11/16/2021</del> Expedited Withdrawn	11/19/2021	11/30 - 12/2/2021 expedited 12/26 - 28/2021	10/29/21 - Expedited 11/18/2021- Withdrawn 11/19/2021- Settlement agreement: placement, behavior support. <b>CLOSED</b>

Desert/Mountain SELPA  
 Due Process Activity Summary  
 July 1, 2021–December 17, 2021

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
15. HUSD 2021110034	Child Find	11/1/2021	11/29/2021	2/22/2022	12/20/2021	1/4-6/2022	11/2/2021 Assessment begun. Awaiting results. 12/2021 -Mediation scheduled to be held post assessment.
16. HUSD 2021110032	Denial of FAPE: 1. More restrictive placement 2. Comprehensive Assessment 3. Lack of Educational Benefit 4. Goals not reasonably calculated	11/1/2021	11/29/2021	2/15/2022	12/20/2021	12/28-30/2021	11/2/2021 Seeking reimbursement for private school placement; parent to visit HUSD class; seeking prospective placement, IEE.
17. VVUHSD 2021118403	Denial of FAPE: 1. Inadequate speech services 2. Deficient academic goals	11/12/2021	12/6/2021		12/27/2021	1/4-6/2022	

Desert /Mountain SELPA  
Legal Expense Summary  
As Reported at Steering December 17, 2021

2000-2001	\$39,301.51
2001-2002	\$97,094.90
2002-2003	\$37,695.13
2003-2004	\$100,013.02
2004-2005	\$136,514.09
2005-2006	\$191,605.08
2006-2007	\$140,793.00
2007-2008	\$171,614.04
2008-2009	\$263,390.71
2009-2010	\$114,076.96
2010-2011	\$293,578.50
2011-2012	\$567,958.10
2012-2013	\$321,646.04
2013-2014	\$250,372.65
2014-2015	\$297,277.76
2015-2016	\$204,756.26
2016-2017	\$233,130.03
2017-2018	\$247,459.52
2018-2019	\$314,479.71
2019-2020	\$475,930.79
2020-2021	\$354,582.16
2021-2022	\$91,764.19

**Desert/Mountain Charter SELPA  
Due Process Summary  
July 1, 2021 - December 16, 2021**

D = Complaint Dismissed    W = Complaint Withdrawn

DISTRICT										CASE ACTIVITY FOR CURRENT YEAR				
	14/15	15/16	16/17	17/18	18/19	19/20	20/21	21/22	Total	D /W	Resolution	Mediation	Settled	Hearing
Allegiance STEAM Acad - Thrive	N/A	N/A	N/A	N/A	0	0	0	0	0	0	0	0	0	0
Aveson Global Leadership Acad	N/A	2	1	5	1.5	0	0	2	11.5	0	2	0	0	0
Aveson School of Leaders	N/A	0	3	1	1.5	0	0	5	10.5	0	0	1	4	0
Ballington Acad for Arts & Sci	N/A	N/A	N/A	0	2	0	0	0	2	0	0	0	0	0
Desert Trails Prep Academy	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Elite Academic Acad - Lucerne	N/A	N/A	N/A	N/A	0	0	4	0	4	0	0	0	0	0
Encore Junior/Senior High School	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Julia Lee Performing Arts Acad	N/A	N/A	N/A	N/A	0	0	0	0	0	0	0	0	0	0
LaVerne Elem Preparatory	0	0	0	0	0.5	0	0	0	0.5	0	0	0	0	0
Leonardo da Vinci Health Sci	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Odyssey Charter School (Altadena)	N/A	0	0	0	0	0	0	1	1	0	0	0	1	0
Odyssey Charter School -South (Pasadena)	N/A	N/A	N/A	N/A	0	0	0	0	0	0	0	0	0	0
Pasadena Rosebud Academy	N/A	N/A	N/A	N/A	1	0	0	0	1	0	0	0	0	0
Pathways to College	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Taylion High Desert Academy	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Virtual Prep Academy at Lucerne	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0	0	0	0	0	0
<b>SELPA-WIDE TOTALS</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>6.5</b>	<b>0</b>	<b>4</b>	<b>8</b>	<b>30.5</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>0</b>

Desert/Mountain Charter SELPA  
Due Process Activity Summary  
July 1, 2021–December 16, 2021

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
1. Odyssey Charter Case No. 2021070313	Child Find and Denial of FAPE: 1. Failed to appropriately assess in all areas of suspected need (AT, OT) 2. Failure to qualify for SPED 3. Lack of parental participation 4. Substantively deny FAPE	7/19/21	7/28/21		9/3/2021	9/14–9/16/2021	Effective upon full execution of the settlement agreement on 8/23/2021: Reimburse Parents for educational and counseling expenses. <b>Settlement Agreement CLOSED</b>
2. Aveson Case No. 2021080796	Denial of FAPE: 1. Failure to provide appropriate program and adequate support. 2. Denial of parental participation. 3. Lack of educational benefit	8/25/2021	9/9/2021	11/9/2021	10/11/2021	10/19 - 10/21/2021 1/25-27/2021	Parent unrepresented at Resolution. No settlement. 10/2021 - mediation scheduled
3. Aveson Case No. 2021090088	Denial of FAPE: 1. Failure to assess in all areas of suspected need / TRI 2. Failure to provide appropriate program and adequate support 3. Inappropriate placement and services 4. Failure to offer a BIP	9/2/2021	<del>9/14/2021</del> 9/20/2021		10/18/2021	10/26-27/2021	Parent seeking private school placement and reimbursement for unilateral placement. No settlement. 10/19/21 - settlement agreement, partial placement. <b>CLOSED</b>

Desert/Mountain Charter SELPA  
 Due Process Activity Summary  
 July 1, 2021–December 16, 2021

LEA Case Number	Issue(s)	Date Filed	Resolution Scheduled	Mediation Scheduled	Pre-Hearing Conference	Due Process Hearing	Status
4. Aveson Case No. 2021090785  Aveson cross filed Case No. 2021100682	Child Find and Denial of FAPE: 1. Impeded participation 2. Assessment not thorough 3. Lack of Ed benefit 4. Discrimination  1. Defend assessment 2. Defend IEP of 4/12/2021	9/23/2021          10/25/2021	10/5/2021          Not required	12/2/2021          12/2/2021	11/8/2021          1/24/2022	11/16-18/2021          2/01-3/2022	No settlement, expecting to go to mediation. 10/25/21 - Aveson filed to defend. Mediation scheduled. 12/02/21 - Settled with greatly reduced provisions. <b>CLOSED</b>
5. Aveson Case No. 2021100051	Denial of FAPE: 1. Inadequate assessments, PLOPS/goals, services program and placement. 2. Failed to implement IEP during distance learning. 3. Failed to provide prior written notice 4. Unclear offer of FAPE. 5. Predetermination 4. Impede parent participation	10/1/2021	<del>10/7/2021</del> 10/28/21		11/15/2021	11/23-24/2021	11/10/21 Settlement agreement Private school reimbursement. Charter withdrawal. <b>CLOSED</b>

Desert /Mountain Charter SELPA  
Legal Expense Summary  
As Reported at Steering December 16, 2021

2000-2001	0.00
2001-2002	0.00
2002-2003	0.00
2003-2004	0.00
2004-2005	0.00
2005-2006	0.00
2006-2007	0.00
2007-2008	0.00
2008-2009	0.00
2009-2010	0.00
2010-2011	0.00
2011-2012	0.00
2012-2013	0.00
2013-2014	0.00
2014-2015	0.00
2015-2016	7,378.00
2016-2017	33,886.61
2017-2018	70,994.67
2018-2019	113,834.81
2019-2020	58,033.90
2020-2021	43,640.20
2021-2022	87,739.05

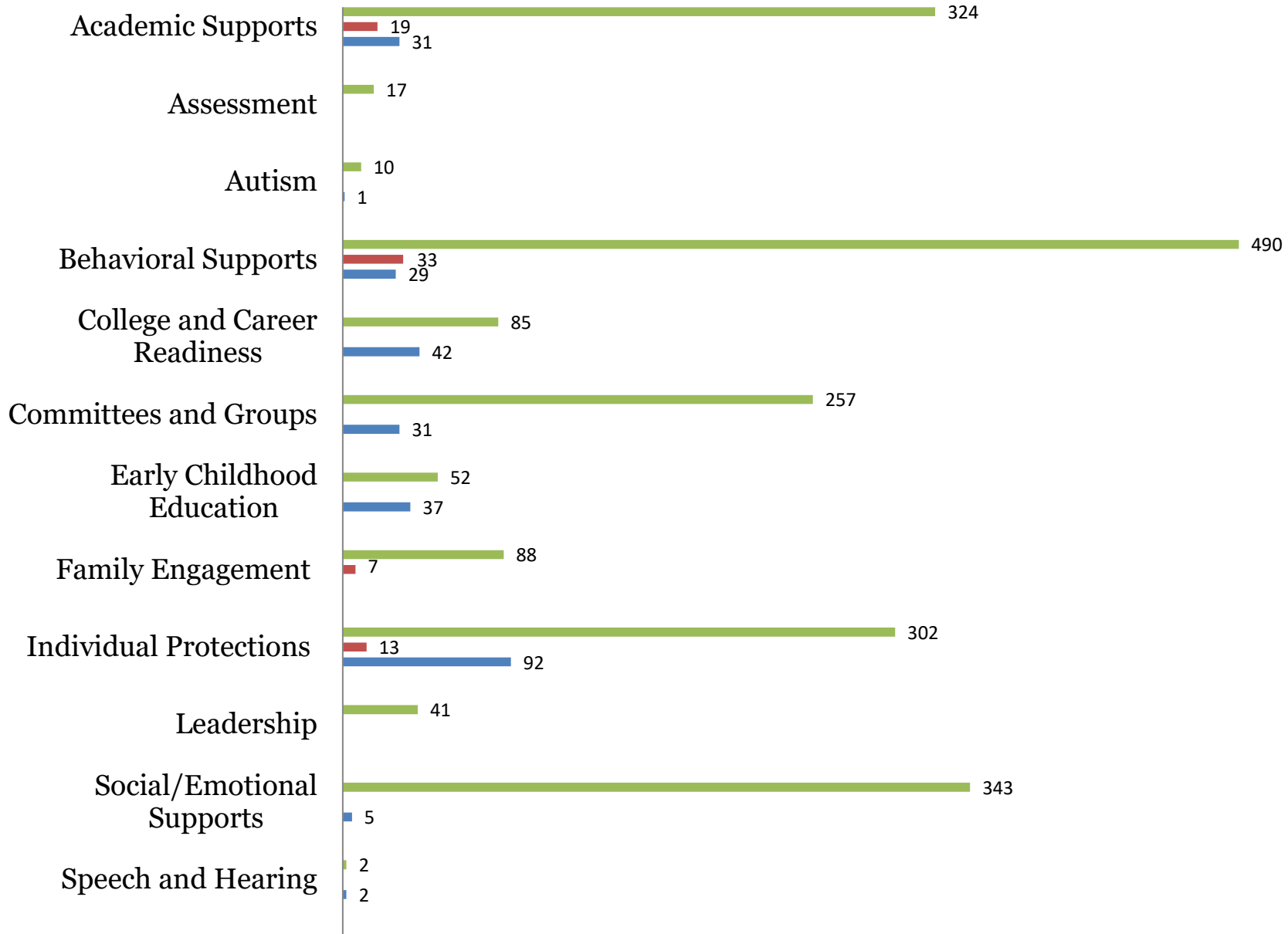


# D/M SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

NOVEMBER 2021 - 342 PARTICIPANTS

2,011 YEAR-TO-DATE PARTICIPANTS

■ Total Participants YTD by Content Area   ■ On-Site Trainings   ■ Regional Trainings



# D/M CHARTER SELPA PROFESSIONAL LEARNING PARTICIPATION SUMMARY

NOVEMBER 2021 - 38 PARTICIPANTS

163 YEAR-TO-DATE PARTICIPANTS

■ Total Participants YTD by Content Area

■ On-Site Trainings

■ Regional Trainings

