SUPERINTENDENTS’ COUNCIL MEETING
AGENDA

November 7, 2022 – 8:30AM
Yolo County Office of Education
Community Room

1. CALL TO ORDER

2. CONSENT ................................................................. Action
   2.1 APPROVE November 7, 2022, Agenda
   2.2 APPROVE September 12, 2022, Meeting Minutes

3. RECOGNITION OF VISITORS/STAFF............... Information
   This item is placed on the agenda for providing visitors the opportunity to address the Superintendents’ Council on any item(s) of business that does not appear on the formal agenda. Visitors may also request recognition from the chairperson to address the Superintendents’ Council.

4. YOLO SELPA BUSINESS.......................... Action/Information
   4.1 Approve Behavior Emergency Report (BER) Form ........ Action
   4.2 Discuss California Department of Education Small LEA and IEP Implementation Monitoring ...................................... Information
   4.3 Discuss WestEd Report ............................................. Information
   4.4 Discuss Special Education Review/Inclusion............ Information

5. SELPA DIRECTOR REPORT...................... Information
   5.1 State SELPA Fiscal and Legislative Report

6. ADJOURMENT....................................................... Action

NEXT REGULAR MEETING:
January 9, 2023 – 8:30AM
Yolo County Office of Education
Community Room
SUPERINTENDENTS’ AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE FOLLOWING LOCATIONS:

- Five calendar days prior to the meeting, a full packet is available for review at the Yolo County SELPA Reception Desk 1280 Santa Anita Court, Suite #150, Woodland, CA. (8:00 a.m-5:00 p.m., Monday through Friday, excluding County Office of Education holidays).
- Agenda documents distributed to the Superintendents’ Council less than 72 hours before the meeting will be made available at the Yolo County SELPA Reception Desk, 1280 Santa Anita Court, Suite #150, Woodland (8:00 a.m-5:00 p.m., Monday through Friday, excluding County Office of Education holidays).
  [Government Code § 54957.5]
- Superintendents’ Council agendas are posted outside the YCOE Administrative Office building at 1280 Santa Anita Court, Suite #100, in a weather-protected glass case, at the Yolo County SELPA Office Suite #150 and at all district sites, and posted on the County Office website: http://www.ycoe.org/depts/selpa

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Superintendents’ Council meeting room(s) or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Yolo County SELPA Office at 530-668-3786 and ask for Andrea Barajas. Notification at least 48 hours prior to the meeting will enable the office to make reasonable arrangements to ensure accessibility to the meeting(s). (Government Code § 54954.2)

NOTE: Per the Brown Act, discussion may take place and action may be taken on items not posted on the agenda only under certain circumstances and following certain procedures (EC 54956.5; 54954.2). The Superintendents’ Council has the option to take action on any item(s) listed on the agenda for information.
Superintendents’ Council Meeting Minutes (Unapproved)
Open Session:
September 12, 2022 - 8:30 AM

PRESENT
Matt Best, Superintendent, Davis Joint Unified School District
Christina Goennier, Designee, Esparto Unified School District
Phoebe Girimonte, Winters Joint Unified School District
Garth Lewis, Superintendent, Yolo County Office of Education (YCOE)
Patrick McGrew, Assistant Superintendent, Yolo County SELPA

ABSENT
Cheryl Hildreth, Superintendent, Washington Unified School District
Elodia Lampkin, Superintendent, Woodland Joint Unified School District

1.0 CALL TO ORDER

Superintendent Lewis called the meeting to order at 9:00 a.m.

2.0 CONSENT

2.1 Approval of September 12, 2022, Agenda
2.2 Approval of May 2, 2022, Meeting Minutes
2.3 Approval of 2022-2023 Calendar of Meetings

Superintendent Best made a motion to approve the September 12, 2022, agenda; May 2, 2022, meeting minutes; and the 2022-2023 calendar of meetings.

Superintendent Goennier seconded the motion.

Discussion: None

The motion carried unanimously.

Ayes: 4
Absent: 2 (Hildreth and Lampkin)
Noes: None
Discussion: None

3.0 RECOGNITION OF VISITORS/STAFF

There were no visitors, staff was welcomed by the council.
4.0 Yolo SELPA Business

4.1 Discuss Behavior Emergency Response Reporting
Assistant Superintendent McGrew presented the Behavior Emergency Response (BER) Form to the council. The form will be presented for approval by the Program Administrators Committee (PAC) at their next meeting. If approved by PAC it will be presented to the Superintendents’ Council for their approval in the November meeting. The form documents when a student has been restrained due to them being a danger to themselves or others. The form is used for special education and general education students. Currently all six LEAs use the same positive behavioral training, which is the Crisis Prevention Institute (CPI), Nonviolent Crisis Intervention NCI training. A copy of the BER report is provided to the parents, the district office where the incident occurred, and to the SELPA. A training plan on how to use the form will be further discussed at the Program Administrators Committee (PAC) meetings.

4.2 Discuss Compliance & Improvement Monitoring (CIM) for 2022-2023
Assistant Superintendent McGrew reported that the districts and the SELPA are doing well in the CIM. The items that the State and Federal government monitor have varied in the past but during the pandemic, CDE decided to focus on the completion of initial and program review assessments and individualized education program (IEP) meetings. CDE is also focusing on disproportionality in areas of suspensions and expulsions, and identification by race and ethnicity. Districts in the Yolo SELPA have been in and out of disproportionality in the past few years. It is recommended that special education, and general education staff in each district collaborate to be proactive to avoid future disproportionality by looking at past patterns.

4.3 Review 2022-2023 Professional Development Calendar
Assistant Superintendent McGrew brought to the council’s attention the professional development offerings from the Yolo County SELPA. The calendar is located on the YCOE website, under the SELPA tab. Yolo County SELPA does its best to offer a wide range of trainings at a variety of times to accommodate the staff who attend them.

4.4 Review CAC Calendar and Roster
Assistant Superintendent McGrew presented the council the Community Advisory Committee (CAC) calendar and roster. The first meeting will be tonight, and the roster will be reviewed by the committee. This committee provides in-service training offerings for parents. People who are interested in being on the committee can nominate themselves or can be nominated by others, and then the respective district’s board will approve their place in the committee during a board meeting. Assistant Superintendent McGrew shared the available member positions per district with the council.

5.0 SELPA Director Report
5.1 State SELPA Fiscal and Legislative Report
Assistant Superintendent McGrew reported out to the council news on AB 181. The bill includes several items. One important item is the new diploma pathway for students with special needs, specifically with significant cognitive disabilities. There are many questions regarding the pathway that have not been answered. Assistant Superintendent McGrew will be attending a training hosted by CDE tomorrow, that should clarify some of those questions. What is known now is that the pathway is for students who take the California Alternative Assessment (CAA) and complete the coursework requirements. The coursework requirements have yet to be determined by the State. Unlike a typical high school diploma, this diploma will not end the students’ special education services.

Another important item included in the AB181 was revised Ed Code regarding independent study and students with special needs. The revision was a language change that requires districts to hold an individualized education program (IEP) meeting to thoughtfully consider if the student’s needs can be served in independent study.

Assistant Superintendent McGrew shared an update on the Learning Recovery Funds. Funds have been distributed to the districts based on average daily attendance (ADA) and are to be spent in a year. The discussion on how the funds are expended is taking place at the joint PAC and CBO meetings. Superintendent Best and Superintendent Goennier shared how they have been expending their funding. Please contact the SELPA if there are any questions on how to expend the Learning Recovery Funds.

Assistant Superintendent McGrew also shared an update of the Dispute Prevention and Resolution Funding that will need to be expended by September 30, 2023. Reimbursement for travel and conference for districts that plan to send staff to the CASP Convention in October and the ADR Conference in March were offered.

6.0 Adjournment

Superintendent Lewis asked for a motion to adjourn. 9:50 a.m.

Superintendent Goennier made a motion to adjourn.
Superintendent Best seconded the motion.
Discussion: None

The motion carried unanimously.

Ayes: 4
Noes: 0
Discussion: None
Absent: 2 (Hildreth and Lampkin)

Superintendent Lewis adjourned the meeting at 9:50 a.m.

DATE, TIME, AND PLACE OF NEXT SCHEDULED MEETING
November 7, 2022, 8:30 AM
Yolo County Office of Education

Respectfully submitted by Andrea Barajas, Administrative Assistant
DATE: 11/7/2022

ITEM: 4.1

TOPIC: Behavior Emergency Report (BER) Form

PURPOSE: Action

PRESENTER: Patrick McGrew

ATTACHMENTS: YES(X)   NO( )

FISCAL IMPACT: N/A

BACKGROUND: On 3/16/2022 the Yolo SELPA BER from was discussed at the PAC meeting. The BER form is used when staff must restrain a student for their safety or the safety of others during a bona fide emergency. (See attached Behavioral Emergencies and Interventions memo) It was discussed that updating the BER form would make it more clear and user friendly. SELPA staff planned to meet with the PENT cadre members to draft an updated BER form for use by districts. On 5/18/2022 in the PAC meeting, the BER form was again discussed, and it was decided that the BER form would be updated and brought back to the August PAC meeting. On 8/17/2022 PAC members decided to take the form back to their district teams for final review and it was decided that the revised BER form would come to the PAC meeting for approval in September. On 9/21/2022 in the PAC meeting the revised BER form was approved unanimously. A BER needs to be filled out for any student who is restrained whether they are receiving special education services or not. If approved, a training will be scheduled to ensure the form is filled appropriately. Information from the form will be captured in CALPADS. The SELPA will partner with Educational Services to ensure the information is shared with general education as well.

DIRECTOR RECOMMENDATION: Approval of revised BER Form
JOINT PAC/CBO REVIEW DATE AND RECOMMENDATION: Reviewed on 9/21/2022, approval of revised BER form
EC 56521.1 (a): “Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs or others and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to control the behavior.” EC 56521.1 (e). To prevent emergency interventions from being used in lieu of planned, systemative behavioral interventions, the parent, guardian, and residential care provider, shall be notified within one school day if an emergency intervention is used or serious property damage occurs. This form is to be completed when a medium or high-level hold is used. All school districts in the Yolo County SELPA and Non-Public Schools serving Yolo County SELPA students may only use techniques of emergency intervention taught by a certified instructor of the Nonviolent Crisis Intervention; Crisis Prevention Institute.

Student: ___________________________ Date: _______ Time of incident: ______________

Age: _______ Sex: M _____ F _____ Non-Binary _____ Ethnicity: ___________________________

SSID: _______________________ District: ___________________ School: ___________________

Setting & Location of Incident:

SELPA Approved Emergency Intervention holding skill(s) used (check all that apply):

Medium Level Holding

- [ ] Seated Position
- [ ] Standing Position
- [ ] Transport (Moderate Resistance)
- [ ] Children’s Control Position

Higher Level Holding

- [ ] Seated Position
- [ ] Standing Position
- [ ] Transport (Moderate Resistance)
- [ ] Children’s Control Position
- [ ] Team Control

Description of Incident:

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

People involved (names/titles): __________________________________________________________

Staff person(s) completing report (names/titles): __________________________________________

Amount of time emergency holding procedure was used: ________________________________

Injury/Medical involvement: ___________________________________________________________

Law Enforcement Agency called: [ ] Yes [ ] No

If Yes - Name of Person Who Took the Report: ____________________________________________

Incident Report Number: ______________________________________________________________

This student has an FBA-based Behavior Intervention Plan: [ ] Yes [ ] No

Date FBA was completed _________

Staff Involved will review incident and complete the information on the Behavior De-briefing Worksheet.
### EXAMPLES OF OBSERVABLE BEHAVIOR

<table>
<thead>
<tr>
<th>Pacing, nervousness, shaking, change in eye contact, change in facial expression, change in posture, movement to specific area, change in rate, tone, volume of speech</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ANXIETY:</strong> (change in behavior)</td>
</tr>
<tr>
<td>___ proximity</td>
</tr>
<tr>
<td>___ counseling</td>
</tr>
<tr>
<td>___ restructure</td>
</tr>
<tr>
<td>routine/environment</td>
</tr>
<tr>
<td>___ accommodate</td>
</tr>
<tr>
<td>materials/expectations</td>
</tr>
<tr>
<td>___ referral to:</td>
</tr>
<tr>
<td>___</td>
</tr>
<tr>
<td>___</td>
</tr>
</tbody>
</table>

### EXAMPLES OF STAFF BEHAVIOR/INTERVENTION TECHNIQUES

- Relax/downplay; Move close to student w/o invading personal space; active reflective listening; attend to complaints/requests; simplify work; change directions; offer help; separate from bothersome stimuli; calming techniques; give choices; use visual supports; interrupt; redirect; when and then

---

### EXAMPLES OF STAFF BEHAVIOR/INTERVENTION TECHNIQUES

- Use simple clear language; prompt, gesture, visual support; when and then; restate positive consequences; if and then; separate from group; remove dangerous objects; allow verbal release; additional support;

---

### EXAMPLES OF STAFF BEHAVIOR/INTERVENTION TECHNIQUES

- Maintain safe distance from acting out person; remove bystanders if still in area; plan for team intervention if necessary; implement non-harmful, physical intervention as a last resort.

---

### EXAMPLES OF STAFF BEHAVIOR/INTERVENTION TECHNIQUES

- Give time to calm down; Nurture/support recovery; discuss incident, review incident with person who displayed risk behavior to find alternative behavior. For individuals w/cognitive limitations review expectations, review schedule, return to successful activity and reinforcement.

---

### EXAMPLES OF STAFF BEHAVIOR/INTERVENTION TECHNIQUES

- ___ sent to nurse/health office
- ___ first aid
- ___ CPR
- ___ 911 Paramedics

---

**REMINDER:** Refer to “Behavioral Emergency Report Checklist”
Behavior Emergency Report Checklist

Yolo County SELPA

Note date and initial of person responsible:

<table>
<thead>
<tr>
<th>Initials</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. The parent/guardian and/or residential care provider shall be notified within one school day of the occurrence of the Behavior Emergency.

   __________  __________

2. The Behavior Emergency Report shall immediately be completed and maintained in the student’s file.

   __________  __________

3. The Behavior Emergency Report shall immediately be forwarded to, and reviewed by, the designated responsible administrator.

   __________  __________

   Section 4, Circle (a) or (b), note date and initial on appropriate line:

4. If the Behavior Emergency Report was written regarding a student who:

   a. **does not have** an FBA-based Behavior Intervention Plan, the designated responsible administrator shall, **within two days**, schedule an IEP Team meeting to review the Emergency Report to determine the necessity for a Functional Behavior Assessment and to determine the necessity for an Interim Behavior Intervention Plan.

      __________  __________

   b. **does have** an FBA-based Behavior Intervention Plan, any incident previously designed intervention is not effective should be referred to the IEP Team to review and determine if the incident constitutes a need to modify the plan.

      __________  __________

      Student has an FBA-based **BIP** addressing the serious behavior

      Date FBA was completed ________________

      __________  __________

Responsible administrator will forward copy of the Behavior Emergency Report to the District Office and the Yolo County SELPA. If an NPS, a copy shall also be forwarded to a representative of the District of Responsibility within one school day.

Reviewed by:

   Designated Administrator  Date

Copies to:  ☐ District Office  ☐ Site  ☐ SELPA
IMPORTANT – PLEASE READ:

1. The statement you make in the emergency interventions reporting form is a legal document that may be used in court, if necessary.
2. To the best of your ability, make your statement as true and accurate as possible.
3. A description of an incident should clearly state only what you saw, heard or experienced.
4. Describe in sequence the course of events that took place with as much detail as possible.
5. Clearly identify any person that may have been involved in this incident (Use names instead of pronouns such as he, she, they, them, etc.)
6. DO NOT give your personal feeling about any particular person.
7. STATE ONLY THE FACTS!!
8. Perjury (lying) is a criminal offense.

Complete all sections in pen. Give to Site Administrator

Student: _________________________ DOB: ______ Age: ______ School: ________________

Date: _________________________ Time: _________________________

Setting and Location: ________________________________________________

Does student have a current Positive Behavior Support/Intervention Plan?  YES  NO

Person preparing the report (name/title): ________________________________

Circle all that apply:  Physical Intervention  --  Major Disruption  --  Property Damage  --  Threat

Dangerous Running  --  Injury  --  New Behavior for this Student
Brief Description of Incident:

Student has PBSP __  Student has PBIP __  Student DOES NOT have PBSP or PBIP __

Summary of present data:

Administrator reviews the report and takes the following actions: (check all that apply)

- [ ] Parent/guardian is notified within 24 hours
- [ ] If behavior is serious threat, follow school/district assessment procedures
- [ ] If there is NO BSP or PBIP, schedule an IEP within 48 hours to determine need for a Functional Analysis Assessment (FAA) and an interim BSP/PBIP
- [ ] If BSP or PBIP is in place refer to the IEP team for possible revisions
- [ ] If clearly-effective BSP or PBIP is in place (behavior has been improving per data) IEP meeting is not required.
- [ ] Put copy of report in student file and send copy to the Director of Special Ed.

Administrator Signature: ____________________________ Date: ____________________
## BEHAVIORAL EMERGENCY REPORT

<table>
<thead>
<tr>
<th>Described Student Behavior/ Description of Intent</th>
<th>Check Staff Response Used/ Emergency Intervention</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Anxiety:</strong></td>
<td><strong>proximity</strong></td>
</tr>
<tr>
<td></td>
<td><strong>counseling</strong></td>
</tr>
<tr>
<td></td>
<td><strong>restructure routine/environment</strong></td>
</tr>
<tr>
<td></td>
<td><strong>accommodate materials/expectations</strong></td>
</tr>
<tr>
<td></td>
<td><strong>referred to: ________________________________</strong></td>
</tr>
<tr>
<td></td>
<td><strong>other: ________________________________</strong></td>
</tr>
</tbody>
</table>

**Escalation Stages**

**Defensive:** (questioning, refusal, release-vent, intimidation)

- redirect, restate direction
- set limits: ________________________________
- separate student from group
- separate the group from the student
- sit out within the group

**Dangerous Behavior**

**Acting Out:**

<table>
<thead>
<tr>
<th>Intervention Team: __________</th>
<th>__ clear area</th>
<th>__ child control</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>__ block</td>
<td>__ team control</td>
</tr>
<tr>
<td></td>
<td>__ release (e.g. grab)</td>
<td>__ escort</td>
</tr>
<tr>
<td></td>
<td>__ visual supervision</td>
<td></td>
</tr>
<tr>
<td></td>
<td>__ call administrator</td>
<td></td>
</tr>
<tr>
<td></td>
<td>__ other: ________________________________</td>
<td></td>
</tr>
</tbody>
</table>

**Self-Control Reestablished**

**Tension Reduction:**

- review events
- review schedule
- make plan: ________________________________
- ________________________________
- ________________________________
- ________________________________
- ________________________________
- ________________________________

**Injury/Medical:**

- First Aid
- CPR
- 911 Paramedics

---

*Yolo County SELPA Positive Behavior Intervention Guidelines and Procedures*  
*(Excerpts used with permission from North Region and Modoc SELPAs And PENT, Diana Browning Wright)*
On January 1, 2019, Assembly Bill 2657 ("AB 2657") added sections 49005-49006 to the Education Code. AB 2657 requires that behavioral restraints and seclusion only be used in bona fide emergencies to control behavior that poses a clear and present danger of serious physical harm to the student or others that cannot be immediately prevented by a response that is less restrictive.

In addition to the requirements set out in AB 2657, our District limits the use to emergency interventions to techniques taught in the Nonviolent Crisis Intervention (NCI) course of the Crisis Prevention Institute. In accordance with NCI, emergency interventions, including restraints, shall only be utilized when necessary to control unpredictable, spontaneous behavior, which poses a clear and present danger of serious physical harm to the student with exceptional needs, or others that cannot be immediately prevented by a response less restrictive than the temporary application of a restraint.

District staff are instructed to utilize de-escalating strategies before supporting or restraining a student. Additionally, a physical restraint shall only be applied until the immediate threat to safety is alleviated.

The District emphasizes a team approach utilizing only the following types of physical restraints, which are consistent with the NCI approach:
- Seated Position
- Standing Position
- Team Control Standing Position
- Children’s Control Standing Position

Please note that the __________________ School District does not train on, utilize or authorize the use of prone restraints. Additionally, in accordance with NCI, the following physical restraints are prohibited: mechanical restraints, face-down restraints, any technique used that applies pressure that impedes the ability to breathe of the person served, or any technique that uses pain as a means of control.

Only District staff who ARE Nonviolent Crisis Intervention Certified are permitted to use physical restraints with students.

If a restraint has been utilized, there are reporting requirements including notifying the parent within 24 hours and completing a Behavior Emergency Report. Please contact _____________ if you have questions about the contents of this memo.
DATE: 11/7/2022  
ITEM: 4.2  
TOPIC: Discuss CDE Small LEA and IEP Implementation Monitoring  
PURPOSE: Information  
PRESENTER: Patrick McGrew  
ATTACHMENTS: YES(X) NO( )

FISCAL IMPACT: N/A

BACKGROUND: The new CDE monitoring requirements are based on a lawsuit, Emma C., et al., Plaintiffs v. Thurmond, et al, Defendants. The lawsuit led to the new requirement that small LEAs take part in CDE monitoring and IEP implementation monitoring.  
Small LEA Monitoring  
The definition of a small LEA is one that has less than 100 students with disabilities (SWD). In the Yolo SELPA, each of the five districts have over 100 SWD, but charter schools are their own LEA, and they are going to be monitored by CDE based on the lawsuit.  
The small LEAs will be monitored in one of three phases, with cycle A being the 2022-2023 school year. Currently there is one charter school in Yolo County involved in cycle A monitoring. Assistant Superintendent McGrew has offered the support of the SELPA to small LEAs in this compliance monitoring process. There are three parts to the small LEA monitoring process and CDE has been in contact with the listed administrative lead of each small LEA. The first part of the monitoring is a policy and procedures review (PPR) that is due to CDE by 12/5/2022. For the PPR, CDE indicates the policies that they want to ensure is in the Local Plan where the LEA is located. A crosswalk between the policies CDE outlined and the policies in the current Yolo County Local Plan will satisfy the PPR portion of the monitoring.
The second part of the monitoring is an educational benefit review (EBR) for SWD which is due 1/30/2023. For this portion of the review, CDE will let the small LEA know which student IEP files need to be reviewed to assess for educational benefit. Indicators of educational benefit include students meeting goals, increased independence in terms of their placement and services and progress academically, socially and/or behaviorally. This step would likely be completed by the LEA’s school psychologist and SELPA staff are prepared to support this process.

The third part of the small LEA monitoring will be an IEP compliance review in the spring of 2023. CDE has provided very little information on this portion of the monitoring. It is expected that IEPs will be reviewed to check for compliance items that include parent input, transition planning and statewide testing among other things.

IEP Implementation Monitoring
This process is anticipated to take place in the spring 2023. The IEP implementation monitoring has the attention of unions who are concerned that this will lead to additional work for service providers. While there has been little guidance from CDE to date, LEAs can begin preparing now by reviewing their CALPADS or local SEIS data. Suggested areas to review include service duration, service locations, providers, and the use of the term “Other.” This topic will be on the November PAC agenda so program administrators can begin to prepare for the monitoring.

Director Recommendation: N/A

Joint PAC/CBO Review Date and Recommendation: N/A
To: Cyclical Monitoring Self-Review Cycle A 2022 Primary Contact,

Thank you for your prompt response in assigning the primary contact for your local educational agency (LEA). Please note the following changes to the final submission deadlines:

**Educational Benefit Review (EBR) – Due January 30, 2023**
**Policies and Procedures Review (PPR) – Due December 5, 2022** (no change).

We hope this allows you time to create a supportive team and complete the EBR effectively. Please continue to contact your assigned regional Focused Monitoring and Technical Assistance for Small LEAs (FMTA-S) Consultant if you have questions about this process.

**Box.com Information**
The California Department of Education’s (CDE’s) Box.com account is the confidential file sharing platform for the Cycle A 2022 Small LEA self-review process. After receiving this message, you will receive an email from Box.com asking you to create an account. Please wait for the box.com email; **do not** create your own account, or you will not be able to access or upload correctly.

This account is **solely** for the primary contact to access for two reasons:

1. The primary contact is responsible for uploading and certifying documents to the CDE via Box.com.
2. Confidential student information, needed for the EBR review, is located in your LEA’s Box.com folder.

Login information may not be shared with anyone.

**Accessing your LEA’s Box.com Information:**

1. Click on the folder with your LEA name.

![Example LEA](image)

2. There are two documents in your LEA folder:

![2022 Cyclical Monitoring Self-Review Resources.boxnote](image)
![2022-23 Educational Benefit Student List.boxnote](image)
2022 Cyclical Monitoring Self-Review Resources Box Note:

- A description of the PPR and EBR activities
- Links to training videos for the PPR and EBR
- Guides for completing the PPR and EBR
- Documents required to be submitted to CDE for the PPR and EBR
- Final submission dates

2022-23 Educational Benefit Student List Box Note:

- A list of up to 10 students for your LEA to review for the EBR activity

Please review the list and provide a note in the appropriate column with the date if a student has exited or disenrolled from your LEA. Contact your FMTA-S Consultant for additional student names if a student record is not available to be reviewed. Do not begin the EBR review until you have finalized your student list with your FMTA-S Consultant.

Contact your FMTA-S Consultant if you have questions.

LEA Folder Permissions:
Your LEA’s folder is set with specific permissions for the primary contact to view and upload documents. Once documents are uploaded by the primary contact, they cannot be removed. Contact your FMTA-S Consultant if you need to remove documents or resubmit.

Sharing Access to Box.com:
To assist with the monitoring process, the primary contact may share a Box.com access link with view-only access to other LEA team members or your SELPA. Before sharing, please notify the person you will be sharing the box account with to ensure they receive the information. Please use discretion with sharing and adding viewers to your LEA’s box link. Whoever is in possession of the LEA’s box link will have access to confidential student information.

Adding a Viewer to the LEA’s folder:

1. Click the icon with a chain link or the icon with the word “share”

   ![Share icon]

2. Enter the person’s email address
3. Box.com will send that person a view-only access link

To remove a Viewer from the LEA’s folder:
1. Click the icon with three dots at the end of the title of the document

2. Go to More Actions and select Manage Collaborators
3. Remove any person from the list of collaborators

Obtaining Viewer Access to an LEA folder:
1. The Viewer will receive an email from Box.com
2. Click on the link provided in the email
3. The shared document will open in another tab to view
4. The Viewer has the option to create an account for Box.com to continue to have access to view and download documents.

Please contact your FMTA-S consultant if you have questions about this process. We look forward to working with you!

Sincerely,
The FMTA-S Team
This document contains links to all recorded training videos, resources, and documents required to be submitted to the California Department of Education (CDE) via Box.com for the Policy and Procedure Review (PPR) and Educational Benefit Review (EBR).

**Policy and Procedure Review (PPR)**  
*Submission Due Date: December 5, 2022*

LEAs will review current adopted policies and procedures related to special education using a set of PPR compliance standards. If your LEA has adopted SELPA policies and procedures, you will review these as part of your LEA’s PPR.

**Resources and Documents**
- **PPR Training Video:** [https://www.youtube.com/watch?v=ykby9gw5sgQ](https://www.youtube.com/watch?v=ykby9gw5sgQ)  
  - Training video provides detailed instructions for the PPR process.

  **PPR Documents:** [https://cde.box.com/s/asb68wtwx1ly52sma5g4y9t8z0bhpeeq](https://cde.box.com/s/asb68wtwx1ly52sma5g4y9t8z0bhpeeq)
  - Smalls- Policy and Procedure Review Protocol: *required to submit to the CDE via Box.com.*
  - Smalls- Policy and Procedure Review Guide: guidance on how to conduct a PPR Review.

**Educational Benefit Review (EBR)**  
*Submission Due Date: January 30, 2023*

EBR assesses the effectiveness of an IEP to provide a student with meaningful opportunities to benefit from special education and related services. LEAs will receive a list of no more than 10 student records to review. If you have a question about whether a student record meets the EBR criteria (stated in the training videos linked below), please contact your FMTA-S consultant.

Below, you will find links to two training videos for EBR. Please be aware of the following when viewing the videos:

2. The EBR process for Small LEA monitoring is the same as the Intensive Monitoring process.
3. Small LEAs use the same materials and forms to document the EBR processes as LEAs in Intensive Monitoring and will be consistent with those referenced in the training.
Resources and Documents

Introduction to EBR Video: Introduction to Educational Benefit
EBR File Review Video: Educational Benefit File Review
  - Training videos provide detailed information for conducting the EBR process.

EBR Documents: https://cde.box.com/s/nzyd1qc1dntbbr5cumz4i5b839erbbve
  - Smalls-EBR Compliance Guide: contains legal requirements to guide determinations of compliance on student records.
  - Smalls-EBR Practice Considerations: questions to consider in each area of a student record to help to determine compliance.
  - Smalls-EBR Student File Worksheet: required document to submit to the CDE via box.com for each student record.
  - Smalls-EBR Summary of Files: required document to submit to the CDE via box.com.
  - Smalls-EBR Trends in Practice: required document to submit to the CDE via box.com.
DATE: 11/7/2022

ITEM: 4.3

TOPIC: Discuss WestEd Report

PURPOSE: Information

PRESENTER: Patrick McGrew

ATTACHMENTS: YES( ) NO(X)

FISCAL IMPACT: N/A

BACKGROUND: In 2015, a Statewide Task Force on Special Education, published a report on that included recommendations in both policy and practice to improve services for all children identified under the Individuals with Disabilities Education Act (IDEA) as having a disability. The report included information on special education funding and the effectiveness and efficiency of SELPAs was questioned. 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. In November 2021 WestEd published a report entitled, California Special Education Governance and Accountability Study the recommended, among other things, that California Education Code be revised to remove the requirement that each LEA belong to a SELPA. Multi-district SELPAs were developed in 1977 to address the ensure that the needs of all students with disabilities within the SELPA’s geographical region were met. Each
SELPA’s Local Plan describes how it provides special education services pursuant to Education Code. The Yolo SELPA helps to ensure that students in Yolo have access to a continuum of services through regional programs which increases equity and reduces costs. The SELPA’s neutrality is also an asset in terms of informal and formal alternative dispute resolution (ADR) practices to resolve conflict at the lowest level possible and to give parents a voice. Despite the recommendations in WestEd’s report, there is currently no pending legislation regarding SELPAs.

**DIRECTOR RECOMMENDATION:** N/A

**JOINT PAC/CBO REVIEW DATE AND RECOMMENDATION:** N/A
DATE: 11/7/2022

ITEM: 4.4

TOPIC: Discuss Special Education Review/Inclusion

PURPOSE: Information

PRESENTER: Patrick McGrew

ATTACHMENTS: YES(X) NO( )

FISCAL IMPACT: N/A

BACKGROUND: To improve special education services provided to students with disabilities (SWD) some school districts are conducting special education program reviews to determine areas of strength and areas that require attention and change. The program reviews are typically run by neutral consultants which increases their validity in the eyes of the public. The program reviews often include surveys, interviews, focus groups, and site visits to collect qualitative data. The reviews also include staffing, policy, procedure, document, and record reviews to collect quantitative data. The qualitative and quantitative data leads to recommendations that the district can use to improve their special education programs.

Improving inclusive practices is an important aspect of special education and inclusive practices are often a focus of special education program reviews and recent legislation. Students with disabilities are first and foremost general education students and they need support and attention form general education and special education staff. The Individuals with Disabilities Education Act (IDEA) requires that students with disabilities are educated with their typically developing peers to the maximum extent possible.

SB 1113, that was widely supported by the special education community but was ultimately vetoed would have required that inclusive practices be taken on at the state level. The bill included requirements that administrative credentialing programs
include training on inclusive practices and Universal Design for Learning (UDL) would have been supported by the bill.

A focus on increasing inclusive practices continues to important goal for many parents of SWD and special education leaders in the state. The SELPA Administrators of California recently adopted Resolution Number 22/23/-01 On the Urgency of Inclusive Education for Students with Disabilities in California Schools.

DIRECTOR RECOMMENDATION: N/A

JOINT PAC/CBO REVIEW DATE AND RECOMMENDATION: N/A
Davis Joint Unified School District Special Education Review

Executive Summary Report

Dona Meinders, Tori Ballew, Dustin Bindreiff, Ann Hern, and Tina Tranzor

September 3, 2022
## Contents

**Executive Summary**  
4  
Methodology  
7  
Major Discoveries  
9  
What We Found: Five Themes  
12  
Recommendation Highlights  
12  
Theme 1: VISION - Improving Systems Alignment and System of Support  
13  
Theme 2: STRUCTURES - Student Enrollment and Comparison Analysis  
13  
Theme 3: PROCESS - Implementing Policy, Procedures, and Processes  
14  
Theme 4: INSTRUCTION - Increasing Access and Achievement  
14  
Theme 5: CULTURE - Improving Equity, Culture, and Climate  
15
Executive Summary

Special education programs exist within a larger educational system and are designed to serve the needs of students who require additional support to meet the outcomes identified by the teachers, administrators, parents, students, and other team members. Well-designed special education programs are collegial and inclusive and are part of a continuum of services and supports designed to meet the diverse needs of students with individualized education programs (IEPs) in their Least Restrictive Environment. A well-implemented special education system is both effective and efficient in the delivery of special education services that meet the progressive academic and functional goals of the students in the district.

Evaluation Notes

Why: This evaluation examined the efficiency and effectiveness of the Davis Joint Unified School District’s special education program.

How: Our analyses are based on interviews, focus groups, surveys, observations, and document reviews.

Who: Special and general education teachers, psychologists, special education paraeducators, and parents participated in this study.

When: The majority of the review took place from January 2022 to August 2022.

Introduction

Davis Joint Unified School District (DJUSD) is a pre-K–12 public school district that covers the southeastern section of Yolo County and a small part of Solano County. DJUSD provides a variety of educational programs to approximately 8,500 students in grades TK-12, at over 16 school sites and campuses. The schools include a diverse mix of options including: six neighborhood elementary schools and four choice elementary programs; three neighborhood junior high schools and one charter junior high; one comprehensive senior high, a continuation high school and a charter high school; as well as a K-12 school for independent study, a preschool program and an adult school.

DJUSD partnered with WestEd to examine the efficiency and effectiveness of the district’s special education programs and services. The district’s goal for this study is to understand the current level of success of the district’s special education program and to identify overall programmatic and
organizational improvements for increasing progress for students with disabilities efficiently and effectively. WestEd’s approach to reviewing the DJUSD special education program is drawn from research on systems thinking, organizational development, leadership and instructional practices, and school system structures designed to support all learners.

This report aims to provide DJUSD with an objective analysis and a set of recommendations that can be used to improve the effectiveness and efficiency of its special education program while also honoring the strengths of the district’s current structure and approach. The recommendations are intended to be used as a catalyst for dialogue and collaboration within the district as a means of charting a course for effective, efficient, and inclusive programs and services for all students with disabilities.

The WestEd team reviewed multiple data sources across DJUSD to provide an overall context for the analysis and an understanding of the workings of the district. Data was collected and analyzed from stakeholder focus groups, surveys, interviews, school observations, and reviews of IEPs. DJUSD also provided data, policy and procedural documents, and district-level plans and initiatives, all of which were reviewed for consistent application across the district.

In addition, WestEd worked with DJUSD to choose peer districts with similar demographics in order to compare statewide and regional data, highlight any structures or processes used by the districts that may positively impact their results with students with disabilities, and inform DJUSD’s structures and processes. Six peer districts were selected: Berkeley Unified (BUSD), Morgan Hill Unified (MHUSD), Palo Alto Unified (PAUSD), Rocklin Unified (RUSD), Washington Unified (WUSD), and Woodland Joint Unified (WJUSD). Four of the peer districts were selected due to similar demographics to DJUSD (BUSD, MHUSD, PAUSD, and RUSD) and two of the peer districts (WUSD and WJUSD) were selected as neighboring districts to DJUSD. These peer districts are discussed in detail in Theme 1 and are used throughout the report as examples of how students with disabilities are performing in similar districts. Figure 1 highlights the demographics of the district and DJUSD.
The response to the COVID-19 pandemic over the last two years has caused unprecedented disruption and changes in our education system across the county. The sudden shift to online instruction, ever changing and evolving mandates, staffing shortages, and changes in student enrollment, to name a few, have caused an interruption in our educational system and has impacted our traditional processes and cycles. These issues will be noted where appropriate in this report, but the scope of the report will examine the system prior to the pandemic, as well, in order to provide an overall view of where the system was heading and where it needs to evolve to address the current situation.

It is important to note that there are many assets and positive structures within DJUSD that the district is responsible for creating, implementing, and maintaining; and we witnessed these assets and structures as evidenced in our analysis. Overall, we observed that DJUSD’s special education program is competently run by staff dedicated to ensuring the program is compliant, cost-conscious, and of high quality. The style and structure used to manage the special education program has its strengths and areas in need of improvement. So, although we consider the strengths of the program to be considerable and deserving of commendation, the purpose of this study is to offer recommendations.
for improvement. Hence, this report places more focus on identified gaps, since they are the basis for improvement. The fact that more words and space are dedicated to areas for improvement should not be taken as a sign that they outweigh DJUSD’s strengths.

**Methodology**

**Online Surveys for Staff, Administration, and Parents**

Online surveys were created and implemented to provide school staff, school administration, and parents an opportunity to contribute their perspectives on relevant areas of inquiry. Surveyed groups included school administrators, special education area managers, special education teachers, special education providers of related services (e.g., speech-language pathologists, psychologists), general education teachers, paraeducators, and parents/family members. There were three different surveys: one for staff working on a school site, one for central office administrators at the district level, and one for parents of students receiving special education services. The number of respondents for each of the surveys included:

- School site staff – 351
- Parents of students receiving special education services – 215
- Central Office administrators - 6

**Extant Data**

The following data was collected from data provided by DJUSD and from the websites of the California Department of Education (CDE), and peer districts:

- Student demographic, enrollment, attendance, and achievement data
- Educational environments of students with disabilities (Least Restrictive Environment settings) and the percentage of time students with IEPs have access to general education settings
- Exiting data (rates of graduation and postsecondary outcomes)
- Results of the California Assessment of Student Performance and Progress (CAASPP) and the California Alternate Assessment (CAA) in the areas of English language arts (ELA) and mathematics
- Special education student information and forms accessed through the district’s online Individualized Education Program (IEP) system
- Historical data in the form of prior external evaluations and reviews of the district
- District plans related to instructional programming, such as a Multi-Tiered System of Support (MTSS), special education services, and key initiatives
- State monitoring reports and supporting documentation
- Whenever possible, state, and local data from similar school districts in California. These school districts were identified by DJUSD as appropriate to use for comparison

**Individualized Education Program Documentation**

As part of the review, 22 IEPs for Davis Joint Unified School District (DJUSD) were reviewed to assess whether they were reasonably calculated to provide educational benefit. This was defined in 1982 when the U.S. Supreme Court ruled, in *Board of Education v. Rowley*, that an IEP must be reasonably calculated to enable a child with disabilities to receive educational benefit. A free appropriate public education (FAPE) and the LRE became the guiding standard to ensure that children are afforded opportunities to benefit from education provided to them. In 2016, the Supreme Court expanded this standard and rules, in *Endrew F. v. Douglas County School District*, that an IEP must be calculated to enable a child to make meaningful progress and that the IEP must require meaningful educational benefit. For an IEP to meet the standard of meaningful educational benefit, it must be a meaningful cohesive document that is utilized as an instructional framework and a guide for ensuring that the child is benefiting from the education provided.

The educational benefit review process is different from a compliance review. A compliance review monitors for the inclusion of components of the Individuals with Disabilities Education Act (IDEA) in the IEP; an educational benefit review looks for interconnectedness of the components. The main components to determine educational benefit were:

- Present Levels of Academic Achievement and Functional Performance, to include the impact of the disability on the ability to access the general curriculum
- Measurable Goals
- Specially Designed Instruction (SDI) or Specialized Academic Instruction (SAI), as it is more frequently referred to in California, which defines how the student’s specific unique needs resulting from the disability will be met
- Least Restrictive Environment
- Description of any Potential Harmful Effects

**Small Group and Individual Interviews and Focus Groups**

From February through June of 2022, WestEd staff used the Zoom platform to conduct a total of 15 small group interviews, 14 individual interviews, and 32 focus group interviews hearing from
approximately 325 individuals from all stakeholder groups across special education, general education, site administrators, district administrators, and parent/family members.

**Data Analysis**

The qualitative and quantitative analyses were checked using standard procedures such as cross-method and cross-information triangulation of discoveries, negative case analyses (i.e., explicit search and explanation of discrepant information), the careful examination of records, and checking with select key partners to ensure the veracity of conclusions. A theming process was used to analyze the qualitative focus group data:

- Thematic content analysis procedures were used to identify significant statements (those that contributed to answering evaluation questions).
- Significant statements were tagged with the main point or meaning.
- Similar tags were grouped, creating codes.
- Codes were grouped by similar themes, which were then analyzed to inform the main discoveries for consideration.

Quantitative analyses were conducted on survey results and secondary data sources, such as student outcome data from CDE's website on accountability. Comparison groups and multiple reviews by WestEd staff were used to check the accuracy and reasonableness of the quantitative analysis.

For both qualitative and quantitative analysis, WestEd collaborated with district leaders to identify and talk through the meanings of the discoveries and to merge the quantitative and qualitative data to tell the full story of the evaluation.

The discoveries from the data collection process have been analyzed and cross-referenced to identify five key themes that arose across all the areas we explored. These key themes are summarized next, in the section, What We Found: Five Themes, and followed by a synopsis of the recommendations suggested under each theme.

The body of the report describes each theme in detail. The description of each theme includes four sections:

- **Strengths**: Existing areas within the District from which to build
- **Key Discoveries**: Presents key data and discoveries under the theme.
- **In Their Own Words**: Features quotes that substantiate the discoveries. These quotes are taken from the interviews, focus groups, and surveys of administration, staff, and parents.
- **Why It Matters**: Describes why the theme and recommendations are important considerations for improving outcomes for students with disabilities as well as all students.
- **Recommendations**: Describes each recommendation in detail.

**Major Discoveries**

Changes in the DJUSD enrollment rate for students with disabilities has increased while the total student enrollment has had an overall cumulative decrease. Specifically, from FY 2018 through FY 2021 the
district’s total enrollment decreased by 4.6% and the enrollment for students with disabilities increased significantly higher at 14.9%. (Figure 2).

DJUSD’s students with disabilities as a percentage of the total enrollment compared with the peer districts and the State of CA indicates that:

- All of the districts and the state overall have experienced increases in their students with disabilities over the five year period.
- DJUSD’s rate of increase in the percentage of students with disabilities is the highest of the peer districts and the state average.
- DJUSD has the second highest percent of students with disabilities of the peer districts and is above the state average.
- These two data points seem to indicate a lack of other supports and services available to students as they begin to struggle and that the increase in special education placements over the last two years indicates that the additional supports and/or interventions were not sufficient to support the needs of the students who were struggling in general education so special education placement was viewed as the only way that additional support could be accessed.

These two data points are important to monitor over the years to ensure that the District has preventative interventions and supports in place in general education to assist students who may need this assistance to experience advancement on state standards and their overall educational program. In addition to these strategies, DJUSD should also review its special education referral practices to get a better understanding of the experiences of students being referred for special education and the degree that these experiences are representative of best and equitable practice. If this is not done, then students may experience a lack of an appropriate level of growth and success causing the need for additional supports which often are only available in more restrictive programs. Preventative early interventions and supports are often not in place in districts where there are high percentages of students with disabilities.

Overall, WestEd’s data analysis shows that while there are many parts of the DJUSD program which are successful, but there is also a need for a systematic plan for a coherent organizational structure, data collection, and fiscal transparency. The discoveries in this report show that the district should consider staff and parent concerns regarding the structure of the district and where to access support. Additionally, the data reflects the need to maintain compliant IEPs and ensure that they are also written to be educationally beneficial for their students. We also found that the achievement gap between the students with disabilities and the students without disabilities for English Language Arts (ELA) averaged 47% points below the students without disabilities and was 45% points below in mathematics. This indicates that the students with disabilities are not succeeding at the same rate as their peers without disabilities.

The data collected also shows a need for a common definition and understanding of what inclusion means or should mean in DJUSD. There is a clear belief and respect for the value of inclusion and the
staff and parents in the district take great pride in their reputation as a model inclusion district. We also found that while there is a deep belief in the value of inclusive education, there is also often a belief that the students with IEPs are visitors to the general education class and the overall responsibility for the accommodations and support that are needed to address the student’s needs should come solely from special education staff.

Finally, DJUSD would benefit from more professional development around the areas of Multi-Tiered System of Supports, Universal Design for Learning, instruction of dually identified multilingual learners, co-teaching model of instruction, and IDEA compliance for administrators. Working with staff to understand how these areas align with the mission, vision, values, and goals of the district and of the special education department would help with the clarity and coherence within the system. These areas of need are supported by the discoveries in this report as well as research on student achievement.
What We Found: Five Themes

THEME 1: VISION
Alignment and System Of Support
There is a need for an aligned system-wide, collaborative, and integrated instructional model of a tiered system of support that reflects a proactive shared responsibility for learning and intervention for all students by special education and general education staff, families, and community partners.

THEME 2: STRUCTURES
Student Enrollment And Comparison Analysis
The District’s growth in the student with disabilities (SWD) population has outpaced the growth for the enrollment of total students and the challenges that emerged due to the pandemic have impacted program size and structure.

THEME 3: PROCESS
Policy, Procedures, and Communication
DJUSD’s special education department has developed structures and written policies and procedures but is lacking clear processes for consistently updating, communicating, implementing, and monitoring use of these.

THEME 4: INSTRUCTION
Increasing Access and Achievement
DJUSD has the opportunity to make systemic changes to allow students with disabilities improved access to inclusive environments in order to positively impact academic and social achievement by recognizing that students with disabilities have a place in the general education classroom and by aligning the supports and services and building staff capacity to provide access and improved progress in the general environment and curriculum.

THEME 5: CULTURE
Improving Equity, Climate, and Capacity
There is a continued need to provide school staff and administrators with collaborative, high-quality, system wide professional development focused on optimizing the access and engagement that students with disabilities have to general education, through differentiating and accommodating instruction, and improving equity, behavioral and social-emotional systematic instruction, and intervention.

Recommendation Highlights
The following are summaries of the recommendations by theme, however, the themes and recommendations are interwoven across the system and as such, should be approached as part of a systematic plan for overall systemic improvements aligned with the District’s mission, vision, values, and goals. To develop a long-term systemic plan for aligning and integrating the themes and processes, it
is recommended that the District utilizes the Multi-Tiered System of Supports teaming structures described under Theme 1 to align and prioritize the development of the overall district plan.

**Theme 1: VISION: Improving Systems Alignment and System of Support**

As the DJUSD’s vision and mission are currently being revisited and revised to reflect and reinforce the focus on access and inclusion of all learners, there will be a need to reflect and redesign the overall structures and systems within the District to implement this new vision. This new vision and mission will create the need for an aligned system-wide, collaborative, and integrated instructional model of tiered systems of support that reflects a shared responsibility of learning and intervention for all students by special education and general education staff, families, and community partners. As the DJUSD’s has already begun to implement their version of a Multi-Tiered System of Supports framework it will be important to re-engage and redesign their system and processes to align with the vision and mission.

As the DJUSD’s Multi-Tiered System of Supports is being developed and implemented systematically across the district, it will be important to consider the following:

- Re-engage in design and implementation of Multi-Tiered System of Supports by creating and assigning working teams to identify and clearly define each tier of the system.
  - This should include entry and exit criteria, specific interventions to be used within each tier, and data monitoring processes to ensure consistency of support across the district.
  - Within these tier definitions, special considerations should be made related to the inclusivity and accessibility of Tier 1 instruction.
  - Staff from special education should be involved in all aspects of the design process.
- Building staff capacity for developing a robust and flexible Tier 1 which is grounded in the principles of Universal Design for Learning provides a solid foundation for the other tiers of support.
- Consider tasking the teams with defining and improving the pre-referral/referral process for special education in order to ensure alignment of this process under the Multi-Tiered System of Supports framework, and consider developing accompanying policies and procedures in concert with the recommendations of this report.
- Lastly, evaluate the extent to which general education and special education teachers have the structured time and clearly defined processes necessary to create truly robust and research based inclusive general education settings.

**Theme 2: STRUCTURES - Student Enrollment and Comparison Analysis**

DJUSD has experienced an increase in the enrollment of students with disabilities which is often representative of the need for additional interventions and supports within general education to assist students as they begin to struggle. This reinforces the need for implementation of the Multi-Tiered System of Supports framework to systematically develop and align resources to address the needs of all students. Focusing on designing the system to focus on the prevention of school failure by providing
interventions and supports within Tier 1 (general education classrooms) and designing more intensive supports as needed based on accurate data, will provide the just in time support that is often needed for students to experience success.

To design the system to address the needs of student population as it changes over time will require a system which includes:

- The use of systematic ongoing processes for data collection, analysis, and accessibility across all areas including:
  - Data on classroom and intervention tracking, demographic, and special education indicator data in order to guide decision-making for systemic improvements.
  - Development of a transparent data collection, analysis, and accessibility plan that has protocols in place for district financial and achievement data with ongoing review and analysis by leadership teams.

**Theme 3: PROCESS - Implementing Policy, Procedures, and Processes**

DJUSD’s special education department has developed some structures and written policies and procedures but is lacking clear processes for consistently updating, training, implementing, and monitoring the use of these. DJUSD should consider creating a team of stakeholders to review and revise the district’s handbook for special education procedures to align with the Multi-Tiered System of Supports framework and processes. This will include:

- The special education procedural handbook will provide clarity and guidance for administrators, teachers, paraeducators, parents, and students regarding the entire special education program.
- Begin by establishing a clear vision and mission for the special education programs, which is aligned with the District’s vision and mission and the Multi-Tiered System of Supports processes along with the required special education processes will provide a common understanding of the purposes and goals of the special education program.
  - Doing this would address some of the concerns expressed by staff regarding a consistent direction and clarity of what is required to develop a program that is not only compliant but also produces educational benefit for the students with IEPs.
- Establish a communication plan for the department that emphasizes solid bi-directional feedback and input and disseminates information about the work of the department as it connects to DJUSD’s mission, vision, values, and goals for students, staff, the community, and other stakeholders.
- Develop a process for reviewing and updating the procedural manual to update on an ongoing basis.
Theme 4: INSTRUCTION - Increasing Access and Achievement

While DJUSD's students with disabilities have experienced success due to the access to general education through the strong belief in full inclusion, the district has the opportunity to make systemic changes to improve the instructional design and support which will provide students with disabilities increased access to high-quality support in the inclusive environments. This will positively impact academic and social achievement by recognizing that students with IEPs have a place in the general education classroom first and foremost and by aligning the supports and services to provide improved access and engagement in the general environment and curriculum, students will experience greater success overall.

DJUSD should:

- Develop common values and goals for building equitable and inclusive access to schools by encouraging a discussion regarding the beliefs of teachers, administrators, and other stakeholders about building equitable and inclusive classrooms.
  - Use the discussions to explore attitudes, develop common norms for supporting students, implement a bias-free, positive program culture, identify what's working and not working in collaborative structures between special education and general education staff, and look at the district's actual data related to its inclusion rate.
  - The desired outcome of such discussions would be to establish collective commitments that would guide inclusive goals and successful results for students with IEPs across the district.
  - Then develop a common definition across DJUSD of what it means to be an inclusive district.
  - Build staff capacity to implement a more aligned and cohesive system focused on good first instruction in general education through the use of Universal Design for Learning Principles and specialized academic instruction in the inclusive classroom.
- Design staff support roles and services to accommodate the new structures.

Theme 5: CULTURE - Improving Equity, Culture, and Climate

Throughout this year of uncertainty, issues relating to the climate and culture of the district have increased dramatically. Staff, student, and family mental health and wellness has struggled and the need for new ways to provide support in the areas of social/emotional and mental health has never been more necessary. It will be important for the District to build new structures and vehicles for providing these supports on a continuing basis.

There is also a continued need to provide school staff and administration with collaborative, high-quality, system wide professional development focused on optimizing the access and engagement that students with IEPs have to general education.

The emphasis of the professional development should include:
• Building staff capacity to provide differentiating and accommodating instruction and Universal Design for Learning lesson design

• Improving behavioral and social/emotional systematic instruction through the use of Positive Behavior Interventions and Supports (PBIS) along with more intensive interventions in Tiers 2 and 3.

• Providing training and coaching to site leaders to help build their capacity to fulfill their role as a local educational agency (LEA) representative at an IEP meeting, take on more responsibility for this role, and create more clarity and consistency across the district.

• Increasing ways to engage families in more open and two-way communication will provide opportunities for families to provide input into the program as well as engage with each other in supportive dialogue.

• The District should provide an improved process for mentorship and coaching for the first two years of a new special education teacher’s tenure and provide IEP support for new and veteran teachers who may need support.

Issues of limited availability of substitutes and ongoing absences by staff due to the continuing issues brought about by the pandemic, has created challenges in the provision of professional development. These challenges will have to be addressed through new and creative strategies but can become part of the discussion by staff to identify where and how to build job-embedded professional development into the process. It is recommended that the District could begin by identifying specific staff needs through student outcome data, staff surveys, teacher goals, classroom observations, exploring site master schedules to identify where formal collaboration happens, and other similar information.
WHEREAS, public schools in the State of California serve approximately 795,000 students with disabilities from birth to age 22, representing approximately 13% of the total student population; and

WHEREAS, the mission of the Special Education Local Plan Area (SELPA) Administrators of California is to champion educational access and opportunities for students with disabilities across California, by collaborating with educational partners to influence policy and practice, and by applying an equity and inclusion lens to our work as special education leaders; and

WHEREAS, inclusive practices achieve exactly the type of educational access and opportunity-foundational to our mission and grounded in the law, and we recognize these practices produce better outcomes for all students, including students with disabilities, in academics, social skills, behavior, communication, and self-advocacy; and

WHEREAS, California’s rates of inclusion of students with disabilities in the least restrictive environment are among the lowest in the nation, and our students with disabilities, especially students of color and English language learners, experience some of the worst academic and social emotional outcomes, and

WHEREAS, SELPA Administrators provide their member local educational agencies (LEAs) with expert training, effective coaching, and comprehensive technical assistance to allow them to implement and promote a variety of evidence-based inclusive practices such as universal design for learning (UDL), inclusion support, multi-tiered system of supports, co-teaching and learning center models, and ability awareness; and

WHEREAS, SELPA Administrators of California provide vision and extensive leadership within the Statewide System of Support to improve outcomes for students with disabilities, both as System Improvement Leads who work closely with LEAs and SELPAs on the use of data best practices, root cause analysis, improvement science, and systems alignment, and also as SELPA Content Leads who lead projects in the areas of best practices in autism, English learners with disabilities, equity and disproportionality, and UDL, assistive technology, and augmentative and alternative communication; and

WHEREAS, SELPA Administrators of California recently sponsored SB 1113 (Ochoa Bogh), “Removing Barriers to Inclusion in the General Education Classroom,” a measure that was met with broad non-partisan support from educators, parents, and other constituents throughout the entire legislative process, but was subsequently vetoed by Governor Newsom; and

WHEREAS, State Performance Plan Indicator targets for least restrictive environment were newly approved by the federal government, requiring that by the year 2025, 70% of all students with disabilities will be educated in the general education classroom 80% or more of the school day, and that just 12% of students with disabilities will be educated outside the general education classroom 40% or less of the school day; and

WHEREAS, the recent passage of SB 692 (Cortese) on “LCAP Priorities and Least Restrictive Environment,” requires that the State Department of Education will, by November 30, 2023, publish data related to federal measures of least restrictive environment, disaggregated by race or ethnicity and LEA, and include this as a resource on the California School Dashboard; and

WHEREAS, the educational rights and protections already afforded to students with disabilities whether through the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, or the
Americans with Disabilities Act, are the result of numerous constitutional challenges and anti-discrimination victories; and

WHEREAS, the law already requires that students with disabilities must be educated in general education settings to the maximum extent appropriate in light of their needs, and prohibits their exclusion unless their education cannot be achieved satisfactorily even with the use of appropriate supplementary aids and services within general education; and

WHEREAS, in spite of these laws, the long history of exclusion, segregation, stigmatization, and marginalization experienced by many individuals with disabilities continues, and many students with disabilities are currently excluded from the school they would attend if not for their disability, or are unnecessarily isolated from their age-appropriate, non-disabled peers; and

WHEREAS, the month of October officially marks the recognition of National Disability History Month, National Bullying Prevention Month, Worldwide Dyslexia Awareness Month, National Learning Disabilities Awareness Month, National Down Syndrome Awareness Month, and National Disability Employment Awareness Month; and

WHEREAS, students with disabilities are general education students first and foremost, and each educational, operational, and budget decision made in each LEA must begin with the belief that students with disabilities have the right to, and the ability to, learn alongside their non-disabled peers and to equitable and meaningful opportunities to learn and grow; and

WHEREAS, SELPA Administrators of California are committed to ensuring their member LEAs are positioned to design and implement equitable and inclusive learning environments that can meet the needs of the diverse intelligences, talents, skills, and abilities of students with disabilities who enrich our schools, our communities, and our lives; and

WHEREAS, a vast body of research informs us of the direct, positive correlation between teacher expectations of students with disabilities, student connectedness and belonging to their school community, and higher levels of achievement.

NOW, THEREFORE, BE IT RESOLVED that SELPA Administrators of California hereby adopts Resolution Number 22/23-01 to actively and with intention work to improve the educational experiences and achievement of students with disabilities through continued robust advocacy with a goal of eliminating barriers to inclusion and creating a more just and hopeful future for all students; and

BE IT FURTHER RESOLVED that SELPA Administrators of California will increase our influence with our educational partners, the relevant state agencies, and the Statewide System of Support by continuing to advance strategic proposals for adequate, substantial, and meaningful resource allocation and capacity building for inclusive practices as the law intends and our students and families expect and deserve; and

BE IT FURTHER RESOLVED that SELPA Administrators of California will prioritize our attention and focus on the academic inclusion, social inclusion, and physical inclusion of students with disabilities, and we pledge to support those evidence-based practices that fully engage our students regardless of their disabilities or learning challenges, to ensure they feel connectedness and belonging in their school communities.

ADOPTED this 19th day of October, 2022.

Patty Metheny, Ed.D., Chair
SELPA Administrators of California
DATE: 11/7/2022
ITEM: 5.1
TOPIC: State SELPA Fiscal and Legislative Report
PURPOSE: Information
PRESENTER: Patrick McGrew
ATTACHMENTS: YES(X)   NO( )

FISCAL IMPACT: N/A

BACKGROUND: This report includes updates on legislative and fiscal issues in California that have an impact on, or are related to special education in Yolo County.

DIRECTOR RECOMMENDATION: N/A

JOINT PAC/CBO REVIEW DATE AND RECOMMENDATION: N/A
October 18, 2022

The Honorable Gavin Newsom, Governor
1021 O Street, Suite 9000
Sacramento, California 95814

Tony Thurmond, Superintendent of Public Instruction
1430 N Street
Sacramento, California 95814-5901

RE: Immediate Relief for Severe Staffing Crisis Impacting Students with Disabilities

On behalf of the SELPA Administrators of California and the Coalition for Adequate Funding for Special Education, we want to communicate our significant concerns about the current, severe special education staffing crisis coming out of the COVID-19 pandemic. We recommend urgent action to address the realities in the field and remove barriers to the employment of special educators in particular. As we write this letter, more special education classrooms than ever before are without qualified teachers, related services providers, and paraprofessional staff, jeopardizing student safety and access to essential early intervention and high-quality instruction. Additionally, veteran educators are experiencing high levels of stress and burnout as they are serving many more students due to staff vacancies and a lack of substitute staff.

Local educational agencies and SELPAs across California have been forced to find increasingly creative solutions to the current staffing emergency, such as:

- offering hiring incentives in the form of attractive signing and retention bonuses, while continuing to give competitive raises
- paying substitute teachers to serve as paraprofessionals
- giving stipends to incentivize general education teachers to enter special education teaching programs
- partnering with colleges and universities to access every potential candidate
- increasing daily hours for paraprofessionals to compete with full-time employment offered by the fast food industry
- convening strategic planning meetings to address regional recruitment and retention issues
- hiring staff from overseas, incurring additional expenses for travel, relocation costs, and personnel support related to clearing visa status

The mission of the SELPA Administrators of California is to champion educational access and opportunities for students with disabilities, and to accomplish our mission, we frequently collaborate with our sister association, the Coalition for Adequate Funding for Special Education. We respectfully request immediate action on the following identified barriers to employment of special education staff and proposed solutions to provide relief to students, parents, and educators across California.
1. Through Executive Order, reinstate the prior exemption for retired credentialed teachers to enable them to return to the classroom at least on a temporary basis during this staffing crisis without penalty to their vested benefits.

2. Through Executive Order, remove any restriction on the ability of an LEA or SELPA to contract with already credentialed special education teachers from a non-public agency to provide specialized academic instruction. Currently, Education Code requires that students must be under the immediate supervision and control of a certificated employee of the school district, and agency special education teachers, while credentialed by the State of California, are not technically “employees” of the school district for funding purposes.

3. Remove any and all barriers at the California Commission on Teacher Credentialing to the immediate processing of all special education credentials, permits, and authorizations, whether through directive or hiring of additional credentialing staff at the Commission. This should include direction to the Department of Justice related to timely processing of fingerprinting clearances.

4. Temporarily increase the current 60-day limit for substitute teachers to reduce impacts to student learning.

5. Temporarily grant flexibility to higher education programs and LEAs to allow students in concurrent general education and special education credentialing programs to be deemed intern-eligible and therefore available for employment.

6. Provide official guidance from the CDE Special Education Division that an LEA with significant and provable staffing shortages may utilize temporary distance or remote learning under an IEP amendment and cite “emergency conditions,” with the understanding that affected students will require compensatory education.

7. Provide additional funding for these LEAs and SELPAs to provide said compensatory education and to resolve disputes related to staffing shortages, by extending learning recovery and dispute prevention and resolution funds, or granting flexibility in the use of these funds to address severe staffing shortages.

8. Broaden current funding provided through the Golden State Teacher Grant to allow special education candidates in teacher preparation programs, particularly paraprofessionals, to pursue special education credentials with financial support while employed in their current positions, with a commitment to work in high priority areas (special education) instead of just high priority schools.

9. Actively partner with military and Veterans Affairs transition and employment specialists to identify military personnel transitioning out of the service with a bachelor’s degree to inform them of the opportunities available for credentialing/internships to teach in California classrooms.

As practitioners and employers, we can confirm this grim new staffing environment is as unprecedented as the pandemic schooling we are just now emerging from. And, while some of the ideas above may provide immediate relief, there is also an urgent need for a statewide strategy that can help us identify longer-term solutions. Preserving and enhancing the educator workforce will require collaboration to create affordable pathways and apprenticeships, and it will demand that we pay educators competitively, as recommended in the Dear Colleague Letter issued August 31, 2022, by Martin J. Walsh, U.S. Secretary of Labor and Miguel A. Cardona, U.S. Secretary of Education.

We must act quickly and intentionally to ensure a stable educator workforce and promote the continued desirability of education as a profession. Our agencies stand ready to provide expert consultation toward these efforts, and collaborate with other agencies, to design a proactive set of strategies for a problem that is likely to be with us for some time. To engage further with SELPA Administrators or the Coalition on these issues, please contact us.
Sincerely,

Patty Metheny, Ed.D.
Patty Metheny, Ed.D, Chair
SELPA Administrators of California
patty.metheny@sbcss.net

Anthony Rebelo, Ph.D, Chair
Coalition for Adequate Funding for Special Education
arebelo@tcoek12.org

Cc:  Connie Leyva, Chair, Senate Education Committee
     Rosilicie Ochoa Bogh, Vice-Chair, Senate Education Committee
     Patrick O’Donnell, Chair, Assembly Education Committee
     Megan Dahle, Vice-Chair, Assembly Education Committee
     Distinguished Members, California State Board of Education
     Distinguished Members, Advisory Commission on Special Education
     Mr. E. Toby Boyd, President, California Teachers Association
     Mr. Edgar Zazueta, Executive Director, Association of California School Administrators
     Ms. Karen Stapf-Walters, Executive Director, California County Superintendents