



LOS ANGELES UNIFIED SCHOOL DISTRICT

Board of Education Report

Report Number:	149-10/11
Date:	January 04, 2011
Subject:	Special Education Local Plan Area (SELPA) Reorganization
Responsible Staff:	
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Office/Division	Division of Special Education
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BOARD REPORT

Action Proposed: The LAUSD Board of Education is requested to approve a reorganization of the LAUSD Special Education Local Plan Area (SELPA) which will provide charter schools with flexibility and autonomy in providing special education services while ensuring that students with disabilities within the LAUSD geographic boundaries are provided access to programs and services at both District-operated and Charter-operated schools in compliance with federal and state laws and the Modified Consent Decree. The intent of the reorganization is to put mechanisms in place that encourage all schools to enroll and support students with disabilities.

Background: The purpose of a SELPA is to assure that the necessary range of educational programs are available to students with disabilities within their service areas, and to support member Local Education Agencies (LEAs) in the implementation of legal requirements associated with the IDEA and state special education law. Each SELPA is required to submit a local plan to the State that includes a description of the required range of services available in the SELPA, describes the governance structure of the SELPA, and demonstrates that students with disabilities will have access to any of the services required in order to receive a free appropriate public education (FAPE).

In January 2010, the State Board of Education (SBE) approved the California Department of Education's (CDE) recommendations to expand options for charter schools to gain membership in SELPA regionalization models. Specifically, the SBE approved three SELPA models developed by a CDE task force including a "within county SELPA," an "outside county SELPA," and a "state/regionalized SELPA." It is the District's position that the SBE did not have the legal authority to change the State's SELPA organization.



LOS ANGELES UNIFIED SCHOOL DISTRICT Board of Education Report

During the 2010-2011 school year, the CDE approved twenty-one charter schools to be members of the El Dorado County Charter SELPA. The total includes eighteen Alliance schools and three Aspire Schools. In July 2010, approximately seventy additional charter-operated schools submitted written notice of their intent to exit the LAUSD SELPA in July 2011 to join an “out of District” SELPA. Many of the SELPAs that would potentially accept District-authorized charters are geographically distant from LAUSD. Membership in these other SELPAs requires that the charter school become an LEA for purposes of special education. As an LEA, the charter school is required to act as a public school district which requires it to assume the full responsibility for providing special education programs and services to students with disabilities and for providing those students a FAPE. The charter school must also demonstrate the program and fiscal capacity, experience base and infrastructure in order to be deemed an LEA. The SELPAs admitting charter schools as an LEA would act solely as an Administrative Unit and do not assume responsibility for providing services for students with disabilities attending a member charter school. In order to make this change in status, a charter school is required to provide the District with at least one year of notice and meet other transition requirements identified by CDE. (Ed. Code, § 56195.3; see also CDE guidance re charter participation in SELPA.)

The exodus of charter schools from the LAUSD SELPA has negative consequences for students, families, and the District. Families and students with disabilities will often be represented in areas of special education by a SELPA that may be a long distance from the families’ home school district. Therefore, parent interactions including trainings, parent meetings, and opportunities to interface directly with staff may be a challenge for many families. The charter school as an LEA will be responsible for all special education issues including services, placement, due process, related services, special education classes, and special education supports. The LAUSD SELPA and District personnel will no longer be involved with the IEP process or in the provision of services for the students attending these out of geographic area SELPA charter schools. The District will be responsible, however, for monitoring these charter school LEA’s progress on the MCD outcomes and compliance with federal and state laws as long as the schools are authorized by LAUSD. Although the District no longer has the ultimate responsibility for provision of FAPE to students enrolled in an LEA charter, as the authorizing agency, LAUSD is responsible for ensuring that a charter school designated as its own LEA meets all requirements of law in delivery of special education to any student with disabilities that attends a District authorized school.



LOS ANGELES UNIFIED SCHOOL DISTRICT Board of Education Report

Districts receive special education funds based on Average Daily Attendance (ADA) of all students. Special education funds are not allocated to school districts based on the students with disabilities served by the district. As general education students leave the District, the revenues generated to provide services to students with disabilities also decrease. This becomes significant if charter schools do not enroll and serve students with disabilities at the same level and with the same eligibilities as District schools while receiving both the general and special education funding through ADA. In order to ensure that students with disabilities have access to programs at all schools and programs authorized by the District, the District and charter school communities collaborated on the development of a new SELPA organization which would provide a viable option for charter schools to remain in the LAUSD SELPA.

The proposed reorganization would retain the single-District SELPA status of LAUSD as in the current structure but would create two subsets of schools (District-operated and charter-operated) under the administration of one single Administrative Unit. The charter-operated schools would not have LEA status but would function in a similar role in that each charter school would be responsible for all special education issues including services, placement, due process, related services, special education classes, and special education supports. Charter schools would apply for membership in the Charter-operated Program section of the SELPA. These schools would be required to meet a set of structured criteria including demonstrated capacity to serve students with disabilities prior to being admitted to the Charter-operated Program section of the SELPA. These schools would receive support from a Special Education Director for the Charter-operated Programs.

District-operated schools would continue to receive the supports and services that they currently receive from the Division of Special Education. Charter schools not meeting the criteria for admission to the Charter-operated Program section of the SELPA will remain under the District-operated Program section of the SELPA and will have two options for membership. These schools may act like a District-operated school for purposes of special education or they may chose to provide their own programs and services and be reimbursed for these services based on a percentage of their general fund contribution.

The reorganization of the SELPA would retain a central Administrative Unit to include Due Process, Fiscal/Program Accountability, Compliance, and Nonpublic Schools and Agencies. The reorganization would not create a



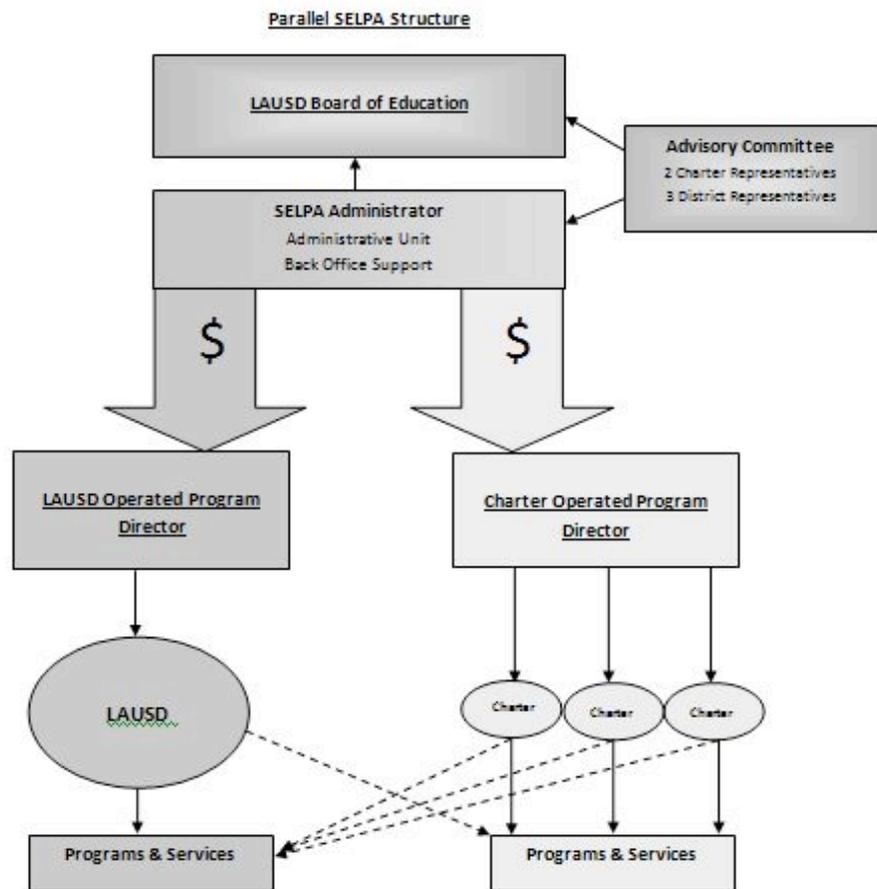
LOS ANGELES UNIFIED SCHOOL DISTRICT

Board of Education Report

new administrative branch of the Division of Special Education but would utilize existing resources.

An Advisory Board consisting of five members appointed by the Board of Education (3 recommended by the District-operated Programs; 2 recommended by the Charter-operated Programs) provides charter-operated schools with a voice in the governance of special education in LAUSD. This Advisory Board would provide input, guidance and support to the SELPA Administrator in the Administrative Unit in coordinating programs and services across both District and charter schools. This Advisory Board would also inform the Superintendent and Board of Education regarding special education issues.

The diagram below describes the structure of the proposed SELPA:





LOS ANGELES UNIFIED SCHOOL DISTRICT

Board of Education Report

Expected Outcomes:

The benefits to this reorganization include:

- Provides charter schools with the flexibility and autonomy to fully operate and be accountable for their special education programs;
- Provides charter schools with the opportunity to participate in SELPA-level decisions affecting their school;
- Provides LAUSD revenue from charter-operated schools to be applied toward administrative costs of special education;
- Allows charter and District-operated schools to mutually benefit from the programs, services and expertise available in both District-operated and charter-operated programs;
- Builds capacity for charter and District-operated schools to serve all students with disabilities regardless of eligibility;
- Ensures that families of students with disabilities are provided access to supports and services within their geographic area.

Board Options and Consequences:

This reorganization of the SELPA is simply a first step in a process of ensuring that students with disabilities have access to schools of choice and to the supports and services that they need to be successful. There are many factors still to be addressed such as the “fair share” contribution to the general fund for those charter schools that remain within the LAUSD District-operated Program section of the SELPA. Similarly, regulations, guidelines, and procedures must be established in the Charter-operated Program section of the SELPA to ensure that more students with disabilities receive the services that they need in order to access the programs. If options within the LAUSD SELPA are not available for charter schools, they will continue to seek to exit the SELPA and join an “out of district SELPA.” This will be detrimental to students with disabilities and to the District and creates potential liability in the light of the District’s concern that the geographically distant SELPA model is inconsistent with law which requires that local plans must assure access to special education and services for all individuals with exceptional needs residing in geographic area served by the plan” and “service area.”

Policy Implications:

The current Special Education Local Plan will need to be rewritten with input from the Community Advisory Committee (CAC) and Special Education Multicultural Advisory Committee (SEMAC) for submission to the Board of Education and SBE for approval. Guidelines will need to be developed and refined to ensure that the new SELPA organization equitably meets the needs of students with disabilities. It is recommended that data be analyzed annually over a three year period with a report submitted to the Board of Education annually to inform the Board regarding the successes and



LOS ANGELES UNIFIED SCHOOL DISTRICT Board of Education Report

challenges regarding this reorganization. During the 2013-2014 school year, a report will be provided to the Board of Education to assist the Board in determining whether this reorganization is producing the desired results for students with disabilities in an effective and cost efficient manner.

Budget Impact:

There is a significant fiscal impact on the District's capacity to fund special education programs due to the declining general education population. As charter schools leave the LAUSD SELPA, this fiscal impact increases.

Currently, the District withholds 27%, 30%, or 40% of the AB602 and IDEA funds from charter schools towards a fair share contribution for the District-wide costs of special education. Charter schools have not contributed from their general fund for District-wide special education costs although some charter schools have used their general fund for services for their students. With the proposed reorganization, this funding model (27%, 30%, 40%) would be extended through 2011-2012 fiscal year (FY) for those charter schools who indicate that they will remain on the District-operated Program section of the SELPA. A "fair share" contribution will be determined by the Board of Education during the 2011-2012 FY to be implemented in 2012-2013 FY. The additional year at this funding level will provide these schools with time to determine whether they wish to remain in the District-operated Program or move to the Charter-operated Program section of the LAUSD SELPA.

Charter schools that select to join the Charter-operated Program section of the SELPA will contribute 20% of their AB602 (rate includes Base, Supplement to Base, COLA, Growth/Decline, 1/3 of Program Specialist/Regionalized Services) and their Federal IDEA. In 2011-2012 FY, this is estimated to be \$148.39 per student. Of this amount, 10% (\$74.20) will be allocated to support the existing District-wide administration of special education supports and services including infants/preschooler students and 19-22 year old students with disabilities not currently served by charter schools. The other 10% (\$74.19) will be allocated as directed by the Advisory Board and members of the Charter-operated Program, with the leadership of the Charter-operated Program special education director. These funds will be used to support the personnel for the Charter-operated Program section of the SELPA; build management and operating procedures to create an infrastructure to support schools in meeting the needs of students with mild to severe disabilities; and, to create and implement new programs that serve students in charter schools.

District-operated schools do not receive AB602 or IDEA funding. These funds are used centrally to provide supports and services to approximately



LOS ANGELES UNIFIED SCHOOL DISTRICT Board of Education Report

78,000 students served in District-operated schools. Additionally, for 2009-2010 FY, the general fund contribution for District-operated schools was approximately \$1,071 per ADA. For 2010-2011 FY, it is projected to be \$1,166 per ADA.

In 2009-2010 FY, independent charter schools served approximately 4,772 students with disabilities out of a total of 82,533 students. Most of these students were students with mild to moderate disabilities. With a projected student base of 30,000 students in the Charter-operated Program, the anticipated loss in revenue from the current model will be approximately \$5M (based on 10% or \$74.20 being retained for District-wide costs). However, if the same 30,000 charter school students leave the LAUSD SELPA in 2011-2012 FY, the anticipated loss in revenue would be \$7M.

Annually, data will be analyzed in terms of numbers of students with disabilities enrolled, types of services provided, eligibilities of students served, increased capacity to serve students with moderate to severe disabilities, and compliance with federal and state laws as well as the Outcomes of the MCD to determine whether the reorganization model of the SELPA is effective and whether the funding model is appropriate.

Issues and Analysis:

Special education revenues are inadequate for funding the programs and services required by students with disabilities. Major determinates in a school's decision to become a charter school or to leave a SELPA revolve around autonomy and fiscal issues. As long as special education remains a largely underfunded mandate, it will be difficult to encourage schools to stay within the SELPA or to enroll and provide the necessary services for a student with moderate to severe disabilities.

This reorganization is an attempt to partially address these two issues while recognizing that legislation and funding regarding special education need to remain a priority for this District.

Attachments:

Informative

Desegregation
Impact
Statement



LOS ANGELES UNIFIED SCHOOL DISTRICT

Board of Education Report

APPROVED BY:

Respectfully submitted,

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