



Santa Clara County Office of Education

Management Review

June 1, 2007

Joel D. Montero
Chief Executive Officer



CSIS California School Information Services

June 1, 2007

Colleen B. Wilcox, Ph.D., Superintendent
Santa Clara County Office of Education
1290 Ridder Park Drive
San Jose, CA 95131

Dear Dr. Wilcox:

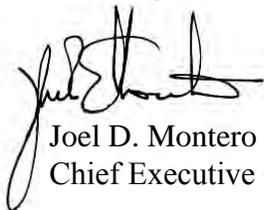
In January 2007, the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement with the Santa Clara County Office of Education for a special education review regarding Bullis Charter School. Specifically, the agreement asked FCMAT to perform the following:

1. Verify that the charter's use of funds and service delivery follows federal and state regulations and local agreements, including the budget allocation plan, SELPA I; local plan, SELPA I, charter school policy, SELPA I, and the memorandum of understanding (MOU) between the charter and the COE.
2. Verify/list the type and cost of special education services provided to students along with the number and federal classification of those receiving services.
3. Review proposed changes to the SELPA charter policy specifically regarding excess cost (or share of encroachment) for COE charter schools and return of unused funds to districts of residence within the SELPA.

FCMAT visited the district January 24 and 25, 2007. This report is the result of that effort.

It has been a pleasure to serve you, and please give our regards to all the staff of the Santa Clara County Office of Education.

Sincerely,



Joel D. Montero
Chief Executive Officer

FCMAT

Joel D. Montero, Chief Executive Officer

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Foreword

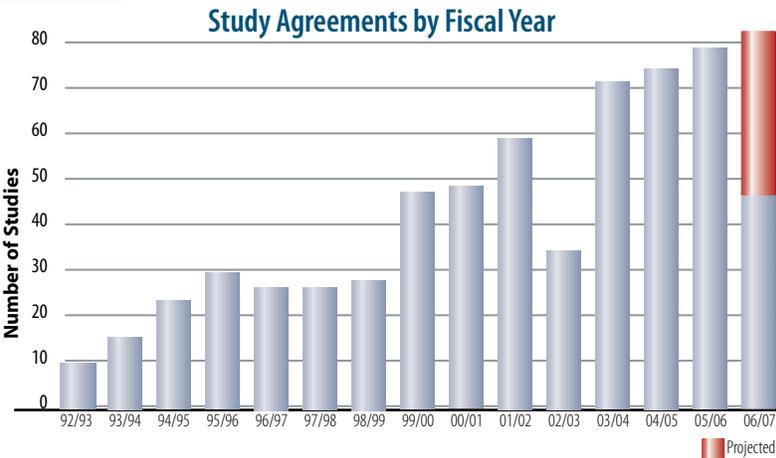
FCMAT Background

The Fiscal Crisis and Management Assistance Team (FCMAT) was created by legislation in accordance with Assembly Bill 1200 in 1992 as a service to assist local educational agencies in complying with fiscal accountability standards.

AB 1200 was established from a need to ensure that local educational agencies throughout California were adequately prepared to meet and sustain their financial obligations. AB 1200 is also a statewide plan for county offices of education and school districts to work together on a local level to improve fiscal procedures and accountability standards. The legislation expanded the role of the county office in monitoring school districts under certain fiscal constraints to ensure these districts could meet their financial commitments on a multiyear basis. AB 2756 provides specific responsibilities to FCMAT with regard to districts that have received emergency state loans. These include comprehensive assessments in five major operational areas and periodic reports that identify the district’s progress on the improvement plans

Since 1992, FCMAT has been engaged to perform more than 600 reviews for local educational agencies, including school districts, county offices of education, charter schools and community colleges. Services range from fiscal crisis intervention to management review and assistance. FCMAT also provides professional development training. The Kern County Superintendent of Schools is the administrative agent for FCMAT. The agency is guided under the leadership of Joel D. Montero, Chief Executive Officer, with funding derived through appropriations in the state budget and a modest fee schedule for charges to requesting agencies.

Total Number of Studies	628
Total Number of Districts in CA.....	982
● Management Assistance.....	594 (94.59%)
● Fiscal Crisis/Emergency	34 (5.41%)
Note: Some districts had multiple studies.	
● Districts (7) that have received emergency loans from the state.	
(Rev. 2/7/07)	



Introduction

Background

Located in Northern California, the Santa Clara County Office of Education provides instructional, administrative, human resources, business and technical support services to the county's 32 school districts. Instructional services provided by the county office include special education, Head Start, environmental education, regional occupational programs, alternative schools and migrant education.

The county office is also the chartering local educational agency for Bullis Charter School, which is located in the community of Los Altos and serves more than 250 students. The charter school operates as a public school of the county office rather than as a local educational agency.

In January 2007, the county office entered into an agreement with the Fiscal Crisis and Management Assistance Team to complete a management study that would perform the following:

1. Verify that the charter's use of funds and service delivery follow federal and state regulations and local agreements, including the budget allocation plan, SELPA I; local plan, SELPA, charter school policy, SELPA I, and the memorandum of understanding (MOU) between the charter and the COE.
2. Verify/list the type and cost of special education services provided to students along with the number and federal classification of those receiving services. (Based on the December 1, 2005 pupil count).
3. Review proposed changes to the SELPA I charter policy specifically regarding excess cost (or share of encroachment) for COE charter schools and return of unused funds to districts of residence within the SELPA I.

Study Team

The study team was composed of the following members:

William Gillaspie, Ed.D.
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Bakersfield, CA

James "Sarge" Kennedy
FCMAT Consultant
Red Bluff, CA

Leonel Martínez
FCMAT Public Information Specialist
Bakersfield, CA

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FCMAT Consultant
Auburn, CA

Study Guidelines

The study team visited the county office January 24-25, 2007 to interview employees, review documents and collect information. This report is the result of that effort and is divided into the following sections:

- I. Executive Summary
- II. Service Delivery and Expenditures
- III. Service Type and Cost
- IV. Local Agreements
- V. SELPA I Charter Policy

Executive Summary

Service Delivery and Expenditures

Expenditure of special education funding is guided by state and federal laws and regulations as referenced in the document attached as Appendix A to this report. State and federal funds to support special education are disbursed through Special Education Local Plan Areas (SELPA) to local education agencies (LEAs). The county office received such funds to help provide special education services in its charter schools.

The county office allows the charter schools to provide special education services and to submit claims for reimbursement. On August 30, 2006, Bullis Charter School submitted claims for special education reimbursement for the 2005-2006 fiscal year. FCMAT reviewed the claims and found that most are not valid claims under state and federal laws and regulations related to special education.

The county office should continue the reimbursement review that it has begun and, if appropriate, recover and return to the SELPA any excess special education funds that may have been previously distributed to Bullis Charter School. Training should be provided and safeguards should be established to prevent inappropriate disbursement of special education funds.

Service Type and Cost

On December 1, 2005, Bullis Charter School identified six students as needing special education services. In reviewing the students' individual education plans (IEPs) and the services they received, FCMAT found that the school's IEP process had the following shortcomings:

- Some IEPs contained entire assessment reports.
- Some IEP teams did not include all necessary participants, including parents, county office staff members, and a school nurse.
- Some important IEP elements were missing, including information on student academic achievement and functional performance.

Staff training and increased support should be provided for the IEP process. Designated instructional services (DIS) should be provided by a service provider that meets state and federal criteria and is contracted and overseen by the county office.

SELPA I Charter School Policy

FCMAT reviewed the draft policy and believes the document should incorporate the following provisions:

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- It should apply to all charter schools in the SELPAs.
- It should allow for the county office to represent the needs of students with disabilities.
- It should state that unused SELPA funds are returned to the SELPAs from which they came.
- It should avoid regulating internal matters between charter schools and the county office in dealing with encroachment.

Findings and Recommendations

Service Delivery and Expenditures

Expenditures of special education funds can be used only to comply with Part 30 of the Education Code (Section 56000, et. seq.), meet the requirements of the Individuals with Disabilities Education Act (Title 20, USC Section 1400, et. seq.), implement federal regulations, and carry out SELPA policies. These funds must be used to ensure the provision of a free appropriate public education (FAPE), resulting in beneficial access to educational opportunities. Students who are not disabled may incidentally benefit from special education expenditures intended to provide FAPE to one or more students with a disability. However, special education funds may not be expended primarily on general education programs that may benefit a student with a disability. The pertinent sections of the law are as follows (Further details are provided in the document attached as Appendix A to this report):

EC 56836.04. (a) The superintendent shall continuously monitor and review all special education programs approved under this part to assure that all funds appropriated to special education local plan areas under this part are expended for the purposes intended.

(b) Funds apportioned to special education local plan areas pursuant to this chapter shall be expended exclusively for programs operated under this part.

35 CFR §300.202 Use of amounts.

(a) General. Amounts provided to the LEA under Part B of the Act

(1) Must be expended in accordance with the applicable provisions of this part;

(2) Must be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with paragraph (b) of this section; and

(3) Must be used to supplement State, local, and other Federal funds and not to supplant those funds.

35 CFR§ 300.208 Permissive use of funds.

(a) Uses. Notwithstanding §§ 300.202,300.203(a), and 300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities:

(1) Services and aids that also benefit nondisabled children. For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.

FCMAT compared the backup data supplied to the Santa Clara County Office of Education by Bullis Charter School with its request for reimbursement of special education related expenditures (More information is provided in the document attached as Appendix B to this report).

As submitted to the county office on August 30, 2006, the Bullis Charter School special education program's expenditure reimbursement report for 2005-2006 showed a total of \$133,294 in expenses. The county office Assistant Superintendent for Student Services reviewed the expenditures and questioned them. He referred the expenditure request claim to the county office's Controller for an opinion. The Controller reviewed the special education expenditure claims and concluded that approximately 75% of the expenditures should not be paid with state and/or federal special education funds.

State and federal special education funds are distributed through SELPA I to the county office, and the county office uses these funds to reimburse charter schools that are operating as schools in the county office for the purpose of special education. Funds are disbursed to the charter schools in three installments throughout the year, with the final installment coming after the end of the fiscal year, when a review of expenditure claims is completed. As a result of reviews of Bullis Charter School's expenditure claims by the Assistant Superintendent and the Controller, the county office did not distribute the final installment. Based on the Controller's conclusion that approximately 75% of the claims should not be paid with special education funds, it was determined that the charter school may have already received more in special education funds than it was entitled to receive. Before calculating the amount of overdisbursement to Bullis Charter School and seeking to have the overdisbursement returned, the county office contracted with FCMAT as an outside source to review the expenditure claim and determine whether the claimed expenditures should be paid with special education funds.

FCMAT believes that the county office Controller's assessment is correct and that Bullis Charter School should not be reimbursed for the bulk of its claimed special education expenditures. Any special education funds that were disbursed to the charter school in excess of the allowable claims should be returned from the charter school to the county office and from the county office to SELPA I. FCMAT bases this conclusion on the following findings.

Bullis' special education expenditures submitted to the county office did not reflect the actual special education services the school provided to the six students at the school with IEPs.

Some direct service expenditures for special education assessment, speech and language therapy, and occupational therapy appear to be valid expenditures of special education funds since those services were specified in students' IEPs. Payments for direct services for counseling and psychological services (other than special education assessment) did

not appear to be valid expenditures because those services were not identified in the IEPs of students with disabilities. Following is a summary of these expenditures, with more detail attached to the appendix section of this report.

**Overview of Special Education Direct Service Expenditures
Reviewed for 2005-2006**

<u>Special Education Expenditures</u>	<u>Object</u>	<u>Total</u>
Teachers' salary	1100	\$19,209
Instructional aides' salaries	2100	28,655
Employee benefits	3101 – 3901	7,438
Speech and language services		\$19,033
Occupational therapy		6,825
Psychological services		6,819
Counseling (resource specialist teacher)		1,555
Community health awareness		<u>6,118</u>
Direct Services subtotal		\$40,350

According to the December 1, 2005 pupil count, the cost of providing services for students is as follows:

1. \$40,350 divided by six students equals \$6,725 per student.
2. \$19,033 divided by six students equals \$2,172 per student for speech.
3. \$ 6,825 divided by one student equals \$6,825 per student for occupational therapy.

No IEPs identified counseling or psychological services as services to be provided. Psychological assessment would be a valid special education expenditure.

No appropriately credentialed special education teacher was involved with the six students. All six students received speech and language services, and one also received occupational therapy. These services were provided by contracted personnel.

Instructional aide time was claimed, however, none of the six students had aide time reflected on his or her IEP. Consequently, certificated and classified salary and employee benefits are not valid expenditures of special education funds by Bullis Charter School.

It is difficult to determine the cost of special education services for the school's six identified students with IEPs. Ongoing county office oversight or review of the billings and reimbursements were not provided until the final claim was received. Little or no backup information was submitted. The information on invoices from vendors of

psychological services, speech and language services, occupational therapy and other services was not specific enough to identify the specific service provided, the recipient, and the length of time each service was provided.

Some invoices included inappropriate charges such as those for participating in student study teams (which is not a special education function), providing instruction on handwriting to general education students, and providing counseling services for general education students, which may incidentally benefit one or more students with a disability.

The cost of occupational therapy at the school for the school year was \$6,825, and claims were fully charged to special education. However, most of the activity seemed to be related to providing services to the general education population. Only one student received occupational therapy services as identified on the IEP.

Psychological services for general education students were also being charged to special education. The billing process did not provide for sufficient detail to make meaningful determinations on these expenditures.

Additional invoices stated that students were receiving counseling services, however, none of the special education students' IEPs included counseling services as of the December 1, 2005 pupil count.

The school's practices and processes for providing special education services have raised many concerns. The special education services provided at Bullis Charter School were primarily for designated instruction and services (DIS). These services are to be provided by an employee, a certified nonpublic nonsectarian agency, or employees, vendors, or contractors of a public health or mental health agency (5 CCR 3051). Yet the DIS providers at Bullis Charter School are not employees of the school. They are not employees, vendors, or contractors of a public health or mental health agency that are responsible for providing these services to the students. Based on the most recent CDE database, none of the providers are certified nonpublic nonsectarian agencies. Therefore, payment for their services with special education funds may be inappropriate.

Bullis is a charter school operating as a public school of the county office. It is not operating as a local educational agency (LEA) and SELPA member for the purpose of providing special education. Since state laws and regulations permit only school districts, special education local plan areas, county offices of education, and local educational agencies to contract with certified nonpublic nonsectarian agencies, it is impermissible for Bullis Charter School to contract with these agencies to provide these services. These contracts should be between the certified nonpublic nonsectarian agency and the county office.

**Overview of Expenditures for Travel and Conference
Reviewed for 2005-06**

Special Education Expenditures	Object	Total
Travel and Conferences	5200	\$21,718
Professional/Consult Services	5800	<u>46,963</u>
	Total	\$68,681

Bullis submitted expenditure claims for travel and conferences for \$21,718, and claims for professional/consultant services for \$46,963. These claims for special education funding are inappropriate. Expenditure claims were submitted for school staff attending the State Charter School Conference in Sacramento, but there was no basis to justify these costs as being for the purposes of special education. Expenditure claims were made for the principal and two staff members to visit programs in Finland, however, the programs in Finland were related to students with severe developmental disabilities. No students at Bullis had these disabilities, and there were no plans to target this population in the near future. Expending special education funds for these purposes would be inappropriate. General legal fees also should not be claimed against special education.

Two sizeable travel expenditures did not appear to have been made primarily to ensure that students with disabilities were provided with FAPE. The entire school staff apparently attended the State Charter School Conference in Sacramento, but there was no basis to justify these costs as being for the purposes of special education. At most, special education funds should have been used only to the extent that the conference focused on providing services to students with disabilities.

The director and two key staff members visited programs in Finland because these programs are “considered among the best in the world for educating students with disabilities in general education settings.” This trip raises serious concerns. It is unclear how the methods and strategies observed by the participants could be used to improve the programming opportunities provided to the charter school’s students with disabilities. Five of these students were speech and language impaired, and one student had autism spectrum disorder. Information about the Finnish programs indicated that it focuses on children with more severe developmental disabilities. Since no students with these disabilities are enrolled at Bullis Charter School, and there are no plans to target this population in the near future, the value of the trip is questionable.

Reimbursements for travel and mileage were based on very little documentation, and no per diem standards were utilized. Meal reimbursements varied widely. Lodging reimbursements suggested that no effort was made to implement reasonable controls such as room sharing. Mileage reimbursement rates appeared to vary instead of being based on a standard mileage rate. There was little emphasis on car pooling when several individuals traveled. Little information was provided on the time and location of travel.

FCMAT reviewed a credit card statement in the name of the school. Almost every item included the object code, indicating where the expenditure should be charged. Among these items were numerous charges for what appeared to be meals at area restaurants. No explanation was provided on why these meals were considered appropriate special education expenditures.

FCMAT was also provided with an expenditure report and a very simplified budget. The budget included \$120,000 as special education revenue, but contained no specified expenditures for special education. The expenditure report shows the expenditures spread in equal amounts over four quarters. A transmittal letter sent with the expenditure report states the following: “Finally, the report evenly allocates the totals by object code into the four quarters of the fiscal year. We believe this is a reasonable estimate for the timing of these expenditures since our accounting practice is not to differentiate fiscal year expenses by quarter.” The reasoning behind the expenditure reimbursement request was that even if \$10,000 of the request was found not to be reimbursable, the balance would still put expenditures at about the same level as estimated revenues.

Recommendations

The charter school and county office should:

1. Compare the expenditure claim submitted by Bullis Charter School on August 30, 2006 with state and federal standards as was done by the county office Assistant Superintendent and the county office Controller and FCMAT. The county office should reimburse for valid claims, and not reimburse for invalid claims. If more special education funds were distributed to Bullis Charter School than were justified by valid expenditure claims, the county office should collect the excess funds from the charter school and return them to SELPA I.
2. Ensure that Bullis staff, directors, and contractors who handle fiscal matters for the school are fully trained in appropriate fiscal procedures for school finance, and especially state and federal requirements for expenditures of special education funds. The county office may want to consider providing this type of training, or assist in finding such training.
3. Plan for the 2007-08 school year by performing the following:
 - Determining the special education services to be provided and the entity that is responsible for providing them.
 - Identifying the level of funding that will be available for the school to provide special education services and to support the special education program.

- Developing an annual budget of revenues and expenditures for the special education program at the school to be revised, as appropriate, at interim periods throughout the year.
- Developing standards for travel/conference reimbursements and appropriate expenditures to be charged to special education funds.
- Agreeing on a fiscal accounting system that facilitates the identification of expenditures charged to special education resources.
- Establishing an ongoing fiscal reporting system and a schedule for transmitting funds to the school.

The county office should:

4. Cease the practice of making initial disbursement of SELPA funds before receiving expense claims from the charter schools operating as schools in the county office for special education purposes.
5. Provide the school staff with professional development on special education finance, budgetary processes, the correct and contemporaneous coding of revenues and expenditures, the determination of appropriate uses of special education funds, and the effective use of standards for travel and conference reimbursement.
6. Assign a business office staff member in the county office, such as the special education Fiscal Analyst or the Controller, to function as the school contact person. This person must be knowledgeable in areas such as contracts and expense claims.
7. Provide the school with detailed information on its expectations regarding requests for reimbursement for special education expenditures. Invoices provided by DIS providers lack important information, for example, the actual services provided. These invoices also should include information such as dates, time, the student's name, and the activity provided. When referring to attendance at IEP meetings, the invoice should specify the provider's purpose for being at the meeting. Invoices for staff training should reflect the purpose of the training and the names of the people who attended.
8. Work closely with the school staff regarding fiscal controls and the timely reporting of fiscal matters. The school should either use the county office's travel policies and forms or develop its own with the approval of the county office.
9. Require the school to provide sufficient information to prevent inappropriate services from being charged to special education such as prereferral, instruction, curriculum, and prevention activities. A manual or handbook should be reviewed with the school staff to emphasize appropriate expenditures for special education.

10. Require documents to be properly reviewed for possible math errors and the presence of backup data (such as invoices for services) and to ensure all necessary details are included before they are forwarded to the county office. The Business Services Department should establish checks and balances so that the schools have benchmarks to follow. The division also needs to work with the school regarding appropriate forms, use of credit cards, travel reimbursement and prior approval for travel. Monthly meetings should be held to discuss these topics.
11. Require the school to provide sufficient information to tie current expenditures of federal and state special education dollars to special education student services. The following statement, which is from the conditions on grants made to county offices of education to reimburse mental health agencies that provide special education services, seems applicable in this situation: “Invoices or other documents must provide sufficient detail to enable the COE to establish a link between the services claimed and the individual student’s IEP.”
12. Review and discuss the current business services provided for the school and identify options such as contracting with the county office or a school district for these services.

Service Type and Cost

The following information is from the IEPs of Bullis Charter School students identified in the December 1, 2005 CASEMIS report.

Student Information – Bullis Charter December 1, 2005

1. Six students were identified as needing special education services.
2. Four of the students were identified as meeting the eligibility criteria in accordance with California Code of Regulations – Title 5 – Education, 3030c, which covers a language or speech disorder (CASEMIS identification is 040 and Education Code 56333).
3. One student did not meet the eligibility criteria for language or speech disorder; however, the IEP team recommended speech and language services in accordance with Education Code 56323.
4. One student was determined to be eligible to receive services as autistic. (CASEMIS identification is 120 and California Code of Regulations – Title 5 – Education 3030 (g)).
5. One IEP provided for “In class specialist assistance when appropriate,” but this was not indicated in the specific section regarding services to be provided.

Numerous federal and state code sections on special education describe the intent and purpose of providing these services. The intent is to ensure beneficial access to a free appropriate public education (FAPE) to a student who requires special education as a result of a disability. Special education is defined as follows:

“Special education” means specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs, whose educational needs cannot be met with modification of the regular instruction program, and related services, at no cost to the parent, that may be needed to assist these individuals to benefit from specially designed instruction.” EC Section 56031

Assessing students is a critical aspect of the IEP process. During these assessments, an IEP team determines the student’s eligibility. If special education services are deemed appropriate, the team also determines what specially designed instruction and related services a student needs to benefit from his or her educational program. Not all students with a disability need specially designed instruction since some may need only technology services, differential instruction, accommodations pursuant to Section 504 of the Rehabilitation Act of 1973, or other alternatives. It is critical for IEP teams to be clear and accurate in determining eligibility and service needs. One of the services that may

be specified in a student's IEP is DIS, which shall be made available when the instruction and services are necessary for the pupil to benefit educationally. Other services an IEP team could determine as necessary include a resource specialist program or special day class services. All these services are clearly delineated in the Education Code, the SELPA's local plan, handbooks, etc. Bullis Charter School is providing only DIS services.

**Delivery of Special Education DIS services at Bullis Charter School
as of December 1, 2005**

1. All six students receive speech and language services twice a week.
2. All six students receive individualized speech and language services.
3. Four students also receive speech and language services in the classroom.
4. Four students received services for 30 minutes, twice a week.
5. One student received services for 60 minutes, twice a week.
6. One student received services 120 minutes, twice a week.
7. All students were in grades kindergarten through third.
8. One of the six students receives occupational therapy.
9. None of the students are receiving counseling.
10. None of the students receives services in a resource specialists program or special day class.

FCMAT found that identified students were eligible for special education services pursuant to state and federal statutes and implementing regulations.

The school's special education IEP process has some shortcomings. IEPs must contain specific items, and the services required should be based on specific assessment. The assessment report and the resulting IEP are two of the most important elements of special education. The assessment is intended to identify the reasons a student may not be performing as well as he/she should educationally, help identify strategies and services that may improve his/her educational performance, and if a disability is the causative factor, determine whether the student requires special education. Based on the assessment information, the IEP specifies the types and levels of services to be provided and sets expectations for improved educational performance as a result of those services. The team that conducts the assessment must be multidisciplinary and must conduct a multifaceted assessment. The members of the IEP team must include the parent, the child's special education provider, a general education teacher and an administrator or designee who can supervise the provision of special education services and who has the authority to commit the resources of the local educational agency to implement the IEP.

Bullis Charter School's special education procedures do not include the participation of a school nurse or other individual with the ability and authorization to conduct vision and hearing screenings. This is a potential deficiency since screenings are generally accepted

elements of most assessments and are specifically required for students suspected of having a specific learning disability, a very likely disabling condition among the school's general population.

The school was also inconsistent in fully using the SELPA's IEP forms. Important elements were missing in some IEPs, which raises concerns about their specificity, effectiveness, and potential for legal proceedings. While IEPs must contain "A statement of the individual's present levels of academic achievement and functional performance," it is generally inadvisable to include the full assessment report in the IEP itself.

Recommendations

The county office should:

1. Communicate to the school that assessment reports should not be part of a student's IEP. This is a separate document and should not be attached to the IEP.
2. Provide, or arrange through the SELPA, training for the school staff on how to write legal and effective IEPs. The county office also should provide the school's special education providers with training on the IEP process, including laws and regulations.
3. Discuss with the school, and possibly provide, hearing and vision screening for students initially referred to special education and for their three-year reviews.
4. Provide the required DIS to the school directly or through contracts with certified nonpublic agency providers. The current providers of speech and language services, occupational therapy, and counseling are not nonpublic school agency certificated. In accordance with Education Code 56365, these services need to be under contract with a district, a special education local plan area or a county office of education if no appropriate public education program is available. The school and the county office should work cooperatively in providing these services in accordance with the Education Code.
5. Work with the SELPA to ensure all IEP forms are the most current forms available and comply with all special education laws and regulations.
6. Review IEP forms regularly for compliance purposes.
7. Ensure that a county office administrative representative participates in all IEP meetings conducted by the school as a required member of the IEP team. Training in conducting IEP meetings should also be provided to the school staff.

8. Invite DIS service providers to attend county-sponsored meetings on topics such as student assessment, writing goals and objectives, exit criteria and other important areas.
9. Provide the school's Speech and Language Therapist with speech and language scales and other resources related to the best practices used by California therapists. One example is the North Inland Special Education Region Communication Severity Scale.
10. Include the school's administrator in all county office meetings on special education.
11. Provide the school administrator with a copy of the Santa Clara SELPA 1 Local Plan, Policies and Procedures and other pertinent information regarding special education and services.
12. Ensure that the school's staff receives announcements on professional development activities regarding special education.
13. Provide the school administrator with a copy of the CDE publication, Technical Assistance for California Charter Schools on Implementing Special Education Service Requirements.
14. Develop, with the collaboration of the school staff, a plan(s) to improve lines of communication between the school and the county office. This plan(s) should be shared with the school board and the County Superintendent.

SELPA Charter Policy

FCMAT reviewed a draft of the proposed charter school policy being considered for adoption by Santa Clara County SELPAs.

The first sentence states that this policy applies to “all independent Charter Schools.” Although the term “independent charter school” is used colloquially, California Education Code recognizes no distinction between “dependent” and “independent” charter schools. The SELPAs should have a policy that applies to all charter schools. If there is a need to specify anything in the policy for charters that are operated by local school boards, private nonprofit boards, or for-profit corporations (common criteria by which charter schools are termed “dependent” or “independent”), those specific areas should be clearly identified.

The first paragraph states that the policy applies to charter schools chartered by educational entities that are members of the Santa Clara County SELPAs I, II, III, IV, VII, and the Southeast Consortium and to charter schools chartered by the State Board of Education. However, charter schools can seek to become members of a different SELPA than their chartering entities. Therefore, the policy should also apply to any charter school that seeks to become a member of one of the Santa Clara County SELPAs as an LEA, regardless of the chartering entity.

The second sentence of the third paragraph states: “Students enrolled in Charter Schools, **chartered by member LEAs**, shall receive services in a manner similar to other students.” Since this limiting statement could exempt charter school LEA members chartered by other entities, the bolded phrase should be replaced with “**operating within SELPAs I, II, III, IV, VII.**”

The first sentence of the first paragraph on the second page reads: “Funding for special education services, participation for provision of services shall be based on the categorization of the individual Charter School (**chartered by a LEA** or functioning as a LEA). The phrase in boldface should read “**operating as a public school of its chartering entity.**”

In the first sentence of the third paragraph on the second page, the word “to” should be inserted after the word “prior.”

Distinctions are being made between charter schools operating as public schools of school districts and charter schools operating as public schools of the county office. In one instance the policy states, “The chartering entity will represent the needs of students with disabilities attending Charter Schools in the same manner as it does for its other schools.” Similar wording should be included that enables the county office to “represent the needs of students with disabilities attending charter schools” in the county office.

FCMAT concurs with the idea of returning unused funds to the SELPAs. However, the term “of residence” raises concern. This would require the county office to track all funding on a per-individual basis to return any unused funds for “each individual” to the SELPA of residence. “Unused funds” should be returned to the SELPAs in the same proportion in which they were received.

It would not be viable for the county office to enter into agreements to bill charter schools for excess costs based on the statewide average encroachment. Districts have special education costs that exceed the funds disbursed to them through the SELPAs, and therefore collect “encroachment” costs from their charter schools to cover such costs. County offices of education have no such costs. Any special education costs that exceed the funds disbursed to them through the SELPAs are charged by the county office to the charter school, or handled through whatever other arrangement the county office may make with the charter school through mutual agreement. There is no need for a SELPA policy to deal with the agreement between the county office and its charter schools any differently than how a school district would deal with its charter school.

On page five, the policy addresses funds that were not used to reimburse expenditures but that charter school LEAs have made on behalf of students with disabilities. This differential treatment of charter schools may contradict statute and should be reviewed carefully with legal counsel. If such a provision is included in the policy, the SELPA should develop appropriate policies, procedures, and forms for implementing the provision. Sufficient criteria for appropriate expenditures would need to be established beforehand.

Since there is a specific provision for charter schools to have access to an appropriate share of federal funds, it is important to clearly delineate the state and federal revenue used to reimburse charter school LEAs.

Appendices

- A. Proposed SELPA Charter Policy
- B. Billing Data
- C. Relevant State and Federal Law
- D. Study Agreement

SANTA CLARA COUNTY SELPAS I, II, III, IV, & VII

CHARTER SCHOOLS POLICY

PURPOSE AND SCOPE

This policy applies to all Charter Schools that are chartered by educational entities that are members of the Santa Clara County SELPAs I, II, III, IV & VII *and to any charter school that seeks to become a member of one of the Santa Clara County SELPAs as a LEA, regardless of the chartering entity.* This policy also applies to any Charter School petition granted by the State Board of Education (SBE) in which oversight responsibilities have been assigned to a member entity, *however, this policy shall not apply to any Charter School which was converted from a public school to a Charter School, or that was initiated by a School District or a charter that is accepted as a LEA in another SELPA outside of Santa Clara County.* This same policy has been adopted by the Southeast Consortium for Special Education in Santa Clara County, thus offering continuity across the county.

Students enrolled in Charter Schools are entitled to special education services provided in a manner similar to students enrolled in other public schools. Charter Schools must comply with all requirements of State and Federal law regarding the provision of special education services (EC 56000 et seq. and the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Chapter 33)). Children with disabilities enrolled in Charter Schools, and their parents, shall retain all rights under the IDEA.

INTRODUCTION

Special education and related services shall be provided to all eligible individuals within the jurisdiction of Santa Clara County SELPAs I, II, III, IV & VII in accordance with each SELPA's Local Plan. Students enrolled in Charter Schools, ~~chartered by member LEAs,~~ *operating with SELPAs I, II, III, IV & VII* shall receive services in a manner similar to other students. No governing board shall grant a charter unless the charter includes assurances that special education instruction and/or services shall be provided to all eligible students with disabilities enrolled in the Charter School in accordance with the SELPA Local Plan. A LEA reviewing the petition for the establishment or renewal of a Charter School may not refuse to grant the petition because the charter school might enroll students with disabilities who reside in a SELPA other than the one in

which the LEA is a member. The Charter or the Memorandum of Understanding (MOU) must delineate the entity responsible for providing special education instruction and services to students enrolled in the Charter School. The document should reference any anticipated transfer of special education funds between the granting entity and the Charter School and any provisions for sharing funding deficits.

Funding for special education services, participation in the governance structure and responsibility for provision of services shall be based on the categorization of the individual Charter School (~~chartered by a LEA operating as a public school of its chartering entity~~ or functioning as a LEA). Schools chartered by a LEA shall negotiate their charter and MOU with the school district from which they are seeking the charter. Charter schools may also elect to be deemed a Local Education Agency (LEA) by providing verifiable written assurances that the Charter School will participate as a LEA in a SELPA for purposes of the provision of special education services.

Charter Schools that are deemed LEAs for special education purposes will only be admitted as a member of a SELPA if the Charter School has provided all assurances required by this policy and the admission is approved by a majority vote of the Executive Council of Superintendents of that SELPA. In compliance with State law the respective SELPA will treat the review and approval of a Charter School's request to be a LEA in the same manner as a request from another school district to join the SELPA.

SELPA INVOLVEMENT

Prior to the approval of a new charter or renewal of an existing charter or MOU, the Superintendent or designee of the chartering entity shall consult with the SELPA Director regarding the provision of special education services to students enrolled by the Charter School. The petitioner must provide adequate assurances that all eligible students enrolled in the Charter School will receive appropriate special education services in accordance with the Local Plan. The charter must provide assurances that no student will be denied enrollment in the Charter School due to a disability or the Charter School's inability to serve the student. The SELPA will be available to provide consultation on the potential fiscal impact and benefit that may be associated with granting the requested charter.

An approved charter must delineate the entity responsible for providing special education instruction and services, any anticipated transfer of special education funds between the granting entity and the Charter School and any provisions for sharing deficits in funding. These provisions may be included in a

Memorandum of Understanding.

CATEGORIES OF CHARTER SCHOOLS

For the purposes of provision of special education services, Charter Schools may be deemed either a public school within the chartering district/ county office or a Local Education Agency (LEA). A Charter School shall be deemed a public school within a chartering district/county office unless the Charter School provides written verifiable assurances that the Charter School will participate as a LEA in a SELPA approved by the State Board of Education (Note - EC 47642 clarifies that the Charter School will only receive special education funding through the SELPA Budget Allocation Plan.)

Public School within a District

Charter Schools that are deemed to be public schools within a district will participate in the State and Federal funding in the same manner as other schools within the chartering district. The chartering district will be responsible for ensuring that all children with disabilities enrolled in the Charter School receive special education and related services in a manner that is consistent with all applicable provisions of State and Federal law. The District will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the Charter School in the same manner as students in the general education program.

The chartering entity will receive and *appropriately distribute* all applicable special education funds, as outlined in the SELPA Budget Allocation Plan. The chartering entity will represent the needs of students with disabilities attending Charter Schools in the same manner as it does for its other schools. The chartering district will be responsible for ensuring that all eligible students are appropriately served. The district will be responsible for funding appropriate special education services in the Charter School, even though the student may live any where in the State of California. The district may contract for these services with public or private educational entities. When a student lives outside the boundaries of the chartering district, the district in which the child lives will have no responsibility to provide services or pay excess costs.

The district and Charter School may enter into agreements whereby the Charter School is billed for excess costs associated with providing special education services to identified students, including the administration of special education programs. The Charter School may also be held fiscally responsible through the MOU for a fair share of any encroachment on the district's general fund that is created by the provision of special education services throughout the district.

Public School within the County Office

Charter Schools that are deemed to be public schools within the Santa Clara County Office of Education (SCCOE) will participate in the State and Federal special education funding in the following manner: (1) the SELPA where the charter school is located will distribute special education funding to the SCCOE pursuant to the SELPA Budget Allocation Plan; (2) the SCCOE will use these funds to fund the actual cost of special education services provided by the Charter School up to the total amount generated; (3) any unused funds will be returned to the SELPAs *in the same proportion in which they were received.* of residence. The SCCOE will be responsible for ensuring that all children with disabilities enrolled in the Charter School receive special education and related services in a manner that is consistent with all applicable provisions of State and Federal law. The SCCOE will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in the Charter School in the same manner as students in the general education program.

The chartering entity will receive and *appropriately distribute* all applicable special education funds, as outlined above. The chartering entity will represent the needs of students with disabilities attending Charter Schools in the same manner as it does for its other programs. The SCCOE will be responsible for ensuring that all eligible students are appropriately served. The SCCOE will be responsible for funding appropriate special education services in the Charter School, even though the student may live any where in the State of California. The SCCOE may contract for these services with public or private educational entities. When a student lives outside the boundaries of the SCCOE, the district in which the child lives will have no responsibility to provide services or pay excess costs.

The SCCOE and the Charter School may enter into agreements whereby the Charter School is billed for excess costs, based on the SELPA-Wide average *rate of local support per ADA encroachment*, associated with the provision of special education services to identified students, including the administration of special education programs.

Charter School as a LEA within the SELPA

A Charter School may apply to become a LEA for the provision of special education services. Application must be made to the respective SELPA by February first of the school year preceding the school year in which the Charter School anticipates operating as a LEA within the SELPA. The Executive Council of Superintendents will determine whether the Charter School has provided the

requisite assurances.

The Charter School seeking to become a LEA must provide written, *verifiable* assurances of its capacity to:

Meet the terms of the Local Plan *and State and Federal Law* regarding: Identification, Referral and Placement.

Provide assurances of adequate staffing to meet Federal and State mandates.

Provide assurances that the Charter School will use SELPA approved forms and provide requested data in a timely manner.

Meet the terms of the Local Plan regarding Procedural Safeguards.

Meet the terms of the Local Plan regarding Regionalized Services.

Meet the terms of the Local Plan regarding Hospitals, Licensed Children's Institutions, and Juvenile Court/Community Schools.

Meet the terms of the Local Plan regarding costs of Programs and Services, including Transportation.

Meet the needs of all enrolled students eligible for special education services.

Once deemed a LEA, the Charter School, like all other members of the SELPA, will be responsible for and entitled to the following:

Participate in the governance of the SELPA in the same manner as other districts within the SELPA.

Participate in and receive regionalized services in the same manner as other districts in the SELPA.

Receive State and Federal funding for special education in the same manner as other districts within the SELPA.

~~Provide the SELPA with an accounting of annual expenditures pursuant to the requirements of each student's IEP. These expenditures will be reimbursed up to the total amount generated through the respective SELPA Budget Allocation Plan. Any funds not expended will be redistributed to the respective SELPA member districts, including LEA Charter Schools, in the next fiscal year.~~

Be responsible for all costs incurred in the provision of special education services. These costs may include, but are not limited to, instruction, transportation, County Office special education placements, non-public school/agency placements, inter/intra SELPA placements, due process proceedings, complaints and attorney fees.

Document that all State and Federal special education funds apportioned to the Charter School are used for the sole purpose of providing special education instruction and/or services to identified students with disabilities. Such funds shall be used to supplement and not supplant other sources of Federal, State and local funds apportioned to Charter Schools.

Issues requiring conflict resolution related to governance and administration will be reviewed by the SELPA Director of Special Education Operations Committee and referred to the Executive Council of Superintendents, if necessary.

Approved by:

SELPA I Executive Council (Date)

SELPA II Executive Council (Date)

SELPA III Executive Council (Date)

SELPA IV Executive Council (Date)

SELPA VII Executive Council (Date)

Counseling			Sp/Lang		Psych Serv/Assess			
	<u>Hours</u>	<u>Bill</u>	<u>Hours</u>	<u>Bill</u>	<u>Hours</u>	<u>Bill</u>		
CHAC	1st Sem	\$ 3,059	Comm Wonders	8.50 \$ 357	Lisa Walton	18.25 \$ 1,368.75	MSC	
CHAC	2nd Sem	\$ 3,059	Comm Wonders	40.25 \$ 1,701	Lisa Walton	15.5 \$ 1,200.00	MSC	
			Comm Wonders	49.50 \$ 2,037	Lisa Walton	16 \$ 1,200.00		
			Comm Wonders	80.00 \$ 3,360	Lisa Walton	18 \$ 1,350.00		
			Comm Wonders	47.00 \$ 1,974	Lisa Walton	finng prnt \$ 50.00		
			Comm Wonders	35.00 \$ 1,470	Lisa Walton	22 \$ 1,650.00		
			Comm Wonders	64.50 \$ 2,701				
			Comm Wonders	48.50 \$ 2,037				
			Comm Wonders	81.00 \$ 3,396				
				454.25 \$ 19,033		89.75 \$ 6,819		
	-	\$ 6,118		6.00		0		
No. of St	0							
Per Stud	N/A			\$ 3,172		N/A		

RSP ???

<u>Hours</u>	<u>Bill</u>
6 \$	450
17 \$	1,105

23.00	<u>\$ 1,555</u>
???	N/A

Occupational Therapy

	<u>Hours</u>	<u>Bill</u>	
Linda Ma	10.50	\$ 630	
	16.75	\$ 1,005	
	16.75	\$ 1,005	
	11.25	\$ 675	
	25.50	\$ 1,530	
	3.25	\$ 195	
	7.50	\$ 450	
	11.50	\$ 690	
	10.75	\$ 645	
	113.75	<u>\$ 6,825</u>	<u>\$ 40,350</u>
	1.00		
		\$ 6,825	\$ 6,725

6

<u>Activity or Staff Person</u>	<u>Amount</u>	<u>Relationship to Special Education</u>
CHC Schools Attuned to Generalst Path	\$ 340.00	Unclear
CHC Schools Attuned to Generalst Path	\$ 340.00	"
Step Up to Writing Cupertino	\$ 368.56	Tenuous
Step Up to Writing - Supplies	\$ 220.90	"
Step Up to Writing Garden Grove	\$ 368.59	"
Step Up to Writing Unknown	\$ 367.48	"
Step Up to Writing - Supplies	\$ 220.90	"
Subscription to Time for Kids	\$ 132.50	Unclear
Calif Charter Schools Conference		
18 Staff to CA Charter Schools Conf	\$ 4,570.00	Minimal, if any. Should be Implementation Grant?
Staff Mileage to CA Chart School Conf	\$ 113.74	at .885 Should be Implementation Grant?
Staff Reimbursement Supplies	\$ 29.21	Unclear
Staff Mileage to CA Chart School Conf	\$ 121.04	at .445. Should be Implementation Grant?
Staff Mileage to CA Chart School Conf	\$ 121.04	at .445. Should be Implementation Grant?
Staff Mileage to CA Chart School Conf	\$ 121.04	at .445. Should be Implementation Grant?
Staff Lodging at CA Chart School Conf	\$ 208.18	Includes Parking Should be Implementation Grant?
Staff Lodging at CA Chart School Conf	\$ 208.18	Includes Parking Should be Implementation Grant?
Staff Lodging at CA Chart School Conf	\$ 208.18	Includes Parking Should be Implementation Grant?
Staff Mileage to CA Chart School Conf	\$ 103.58	at .445. Should be Implementation Grant?
Staff Parking at CA Chart School Conf	\$ 32.00	should be Implementation Grant?
Staff Mileage to CA Chart School Conf	\$ 121.04	at .445. Should be Implementation Grant?
Hyatt Lodging	\$ 192.18	
Hyatt Lodging	\$ 208.18	
Hyatt Lodging	\$ 190.00	
Hyatt Lodging	\$ 192.18	
Hyatt Lodging	\$ 192.18	
Hyatt Lodging	\$ 208.18	
Hyatt Lodging	\$ 416.36	
Hyatt Lodging	\$ 757.28	
Hyatt Lodging Credit	\$ (32.00)	
Hyatt Internet Access	\$ 29.95	
Spataro's	\$ 81.15	
Sub-Total	\$ 8,392.87	
Staff Reimbursement "Costa Rica"	\$ 200.00	Totally Unclear what it is, why spec ed?

Reg for 2 Staff at Strategic Planning Prg \$ 4,390.00 Totally Unclear why Spec Ed. Moore Grant?

Reimb Staff for Overseas Travel		
Flight Tickets for 3 Staff (Organizational Dev.	\$ 3,011.85	It is not clear how this visit was to
Lodging in Mellville, New York	\$ 1,195.67	benefit the students receiving
Unknow at Marriott in New York	\$ 20.26	special education currently
Ibahn's in S. Jordan UT	\$ 2.95	attending Bullis. While it was shown
Connolly's in New York	\$ 47.50	that they did witness some programs
Legal Sea Food in New York	\$ 69.26	involving the full inclusion of severely
Spectacular Limo Link in New York	\$ 95.50	disabled students, there was only
Super Shttle in CA	\$ 94.40	one such student enrolled in Bullis
Taxi in Finland	\$ 36.55	
Havis in Helsinki	\$ 229.51	
Taxi in Finland	\$ 20.24	
Raddison SAS Plaza in Finland	\$ 157.17	
Raddison SAS Plaza in Finland	\$ 136.57	
Taxi in Finland	\$ 24.12	
Java Café in Finland	\$ 8.97	
VR Helsinki VR	\$ 79.26	
MamaRosa Ravintola in Finland	\$ 111.50	
Taxi in Finland	\$ 14.77	
Taxi in Finland	\$ 16.74	
Taksi KL Salo Toivo & Kum	\$ 43.44	
La Bodega Ravintola	\$ 112.61	
La Famiglia	\$ 95.78	
Alepa Asematnneli	\$ 40.51	
Taxi in Finland	\$ 48.98	
Raddison SAS Plaza in Finland	\$ 1,257.76	
Taxi in Finland	\$ 41.65	
Raddison SAS Plaza in Finland	\$ 996.79	
Raddison SAS Plaza in Finland	\$ 1,529.36	
Taxi in Finland	\$ 12.83	
Cell Phone	\$ 57.57	
Sub-Total	\$ 9,610.07	
Hong Kong Rest in Mtn.View	\$ 24.75	
Le Boulanger in Los Altos	\$ 85.52	

Drager's Sprket in Los Altos	\$	239.58
Execucar/SSLA	\$	103.84
Chef Chu's in Los Altos	\$	170.54
Edible Arrangements	\$	60.50
A Matter of Thai	\$	109.56
Amazon	\$	24.99
Amazon	\$	14.86
Amazon	\$	140.00
Chili's Mtn View	\$	62.02
Total Billings Reviewed	\$	25,988.03

COUNTY SUPERINTENDENT

1241.5.

(c) At any time during a fiscal year, the county superintendent may review or audit the expenditures and internal controls of any charter school in his or her county if he or she has reason to believe that fraud, misappropriation of funds, or other illegal fiscal practices have occurred that merit examination. The review or audit conducted by the county superintendent shall be focused on the alleged fraud, misappropriation of funds, or other illegal fiscal practices and shall be conducted in a timely and efficient manner. The county superintendent shall report the findings and recommendations to the governing board of the charter school at a regularly scheduled meeting, and provide a copy of the information to the chartering authority of the charter school, within 45 days of completing the review, audit, or examination. The governing board of the charter school shall, no later than 15 calendar days after receipt of the report, notify the county superintendent and its chartering authority of its proposed response to the recommendations.

1263. It is the intent of the Legislature that certificated personnel serving in the public schools have a responsible understanding of the nature and range of physical, mental, and emotional disabilities of children and youth and of the major implications of such disabilities. In furtherance of this intent, county superintendents of schools are encouraged, in cooperation with school districts, community college districts and colleges and universities, to sponsor workshops or similar activities for certificated personnel to provide opportunities to gain or increase these understandings.

It is not the intent of the Legislature that this section be interpreted as a requirement for the issuance or the renewal of any credential.

**STATE EDUCATION CODE
CHARTER SCHOOLS AND SPECIAL EDUCATION**

47604.33. (a) Each charter school shall annually prepare and submit the following reports to its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority:

(1) On or before July 1, a preliminary budget. For a charter school in its first year of operation, the information submitted pursuant to subdivision (g) of Section 47605 satisfies this requirement.

(2) On or before December 15, an interim financial report. This report shall reflect changes through October 31.

(3) On or before March 15, a second interim financial report. This report shall reflect changes through January 31.

(4) On or before September 15, a final unaudited report for the full prior year.

(b) The chartering authority shall use any financial information it obtains from the charter school, including, but not limited to, the reports required by this section, to assess the fiscal condition of the charter school pursuant to subdivision (d) of Section 47604.32.

(c) The cost of performing the duties required by this section shall be funded with supervisory oversight fees collected pursuant to Section 47613

47605

....(l) Teachers in charter schools shall hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold. These documents shall be maintained on file at the charter school and are subject to periodic inspection by the chartering authority. It is the intent of the Legislature that charter schools be given flexibility with regard to non-core, non-college preparatory courses.

(m) A charter school shall transmit a copy of its annual, independent, financial audit report for the preceding fiscal year, as described in subparagraph (I) of paragraph (5) of subdivision (b), to its chartering entity, the Controller, the county superintendent of schools of the county in which the charter school is sited, unless the county board of education of the county in which the charter school is sited is the chartering entity, and the department by December 15 of each year. This subdivision does not apply if the audit of the charter school is encompassed in the audit of the chartering entity pursuant to Section 41020.

47605.6.

....c) A county board of education that approves a petition for the operation of a county-wide charter may, as a condition of charter approval, enter into an agreement with a third party, at the expense of the charter school, to oversee, monitor, and report to the county board of education on the operations of the charter school. The county board of education may prescribe the aspects of the charter school's operations to be monitored by the third party and may prescribe appropriate requirements regarding the reporting of information concerning the operations of the charter school to the county board of education.

47605.6.

....(e) (1) In addition to any other requirement imposed under this part, a charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any pupil on the basis of ethnicity, national origin, gender, or disability. Except as provided in paragraph (2), admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state.

(2) (A) A charter school shall admit all pupils who wish to attend the school.

47613. (a) Except as set forth in subdivision (b), a chartering agency may charge for the actual costs of supervisory oversight of a charter school not to exceed 1 percent of the revenue of the charter school.

(b) A chartering agency may charge for the actual costs of supervisory oversight of a charter school not to exceed 3 percent of the revenue of the charter school if the charter school is able to obtain substantially rent free facilities from the chartering agency.

47613.

....(d) This section does not prevent the charter school from separately purchasing administrative or other services from the chartering agency or any other source.

47632. For purposes of this chapter, the following terms shall be defined as follows:

....(j) "Sponsoring local educational agency" means the following:

(1) If a charter school is granted by a school district, the sponsoring local educational agency is the school district.

(2) If a charter is granted by a county office of education after having been previously denied by a school district, the sponsoring local educational agency means the school district that initially denied the charter petition.

47642. Notwithstanding Section 47651, all state and federal funding for special education apportioned on behalf of pupils enrolled in a charter school shall be included in the allocation plan adopted pursuant to subdivision (i) of Section 56195.7 or Section 56836.05, or both, by the special education local plan area that includes the charter school.

47644. For each charter school deemed a local educational agency for the purposes of special education, an amount equal to the amount computed pursuant to Section 56836.08 for the special education local plan area in which the charter school is included shall be apportioned by the Superintendent of Public Instruction pursuant to the local allocation plan developed pursuant to subdivision (i) of Section 56195.7 or Section 56836.05, or both. If the charter school is a participant in a local plan that only includes other charter schools pursuant to subdivision (f) of Section 56195.1, the amount computed pursuant to Section 56836.11, as adjusted pursuant to the incidence multiplier set forth in Section 56836.155, shall be apportioned by the superintendent for each unit of average daily attendance reported pursuant to subdivision (a) of Section 56836.06.

47646. (a) A charter school that is deemed to be a public school of the local educational agency that granted the charter for purposes of special education shall participate in state and federal funding for special education in the same manner as any other public school of that local educational agency. A child with disabilities attending the charter school shall receive special education instruction or designated instruction and services, or both, in the same manner as a child with disabilities who attends another public school of that local educational agency. The agency that granted the charter shall ensure that all children with disabilities enrolled in the charter school receive special education and designated instruction and services in a manner that is consistent with their individualized education program and is in compliance with the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and implementing regulations.

(b) In administering the local operation of special education pursuant to the local plan established pursuant to Chapter 3 (commencing with Section 56205) of Part 30, in which the local educational agency that granted the charter participates, the local educational agency that granted the charter shall ensure that each charter school that is deemed a public school for purposes of special education receives an equitable share of special education funding and services consisting of either, or both, of the following:

(1) State and federal funding provided to support special education instruction or designated instruction and services, or both, provided or procured by the charter school that serves pupils enrolled in and attending the charter school. Notwithstanding any other provision of this chapter, a charter school may report average daily attendance to accommodate eligible pupils who require extended year services as part of an individualized education program.

(2) Any necessary special education services, including administrative and support services and itinerant services, that is provided by the local educational agency on behalf of pupils with disabilities enrolled in the charter school.

(c) In administering the local operation of special education pursuant to the local plan established pursuant to Chapter 3 (commencing with Section 56205) of Part 30, in which the local educational agency that granted the charter participates, the local educational agency that granted the charter shall ensure that each charter school that is deemed a public school for purposes of special education also contributes an equitable share of its charter school block grant funding to support districtwide special education instruction and services, including, but not limited to, special education instruction and services for pupils with disabilities enrolled in the charter school.

STATE EDUCATION CODE SPECIAL EDUCATION

56145. Individuals with exceptional needs attending charter schools pursuant to Part 26.8 (commencing with Section 47600) shall be served in the same manner as individuals with exceptional needs are served in other public schools.

56146. It is the intent of the Legislature that local plans for special education local plan areas, adopted pursuant to Chapter 2.5 (commencing with Section 56195), shall provide for federal funds available under Part B of the Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) to individuals with exceptional needs enrolled in charter schools.

56195.7. In addition to the provisions required to be included in the local plan pursuant to Chapter 3 (commencing with Section 56205), each special education local plan area that submits a local plan pursuant to subdivision (b) of Section 56195.1 and each county office that submits a local plan pursuant to subdivision (c) of Section 56195.1 shall develop written agreements to be entered into by entities participating in the plan. The agreements need not be submitted to the superintendent. These agreements shall include, but not be limited to, the following:

(a) A coordinated identification, referral, and placement system pursuant to Chapter 4 (commencing with Section 56300).

(b) Procedural safeguards pursuant to Chapter 5 (commencing with Section 56500).

(c) Regionalized services to local programs, including, but not limited to, all of the following:

(1) Program specialist service pursuant to Section 56368.

(2) Personnel development, including training for staff, parents, and members of the community advisory committee pursuant to Article 3 (commencing with Section 56240).

(3) Evaluation pursuant to Chapter 6 (commencing with Section 56600).

(4) Data collection and development of management information systems.

(5) Curriculum development.

(6) Provision for ongoing review of programs conducted, and procedures utilized, under the local plan, and a mechanism for correcting any identified problem.

(d) A description of the process for coordinating services with other local public agencies that are funded to serve individuals with exceptional needs.

(e) A description of the process for coordinating and providing services to individuals with exceptional needs placed in public hospitals, proprietary hospitals, and other residential medical facilities pursuant to Article 5.5 (commencing with Section 56167) of Chapter 2.

(f) A description of the process for coordinating and providing services to individuals with exceptional needs placed in licensed children's institutions and foster family homes pursuant to Article 5 (commencing with Section 56155) of Chapter 2.

(g) A description of the process for coordinating and providing services to individuals with exceptional needs placed in juvenile court schools or county community schools pursuant to Section 56150.

(h) A budget for special education and related services that shall be maintained by the special education local plan area and be open to the public covering the entities providing programs or services within the special education local plan area. The budget language shall be presented in a form that is understandable by the general public. For each local educational agency or other entity providing a program or service, the budget, at minimum, shall display the following:

(1) Expenditures by object code and classification for the previous fiscal year and the budget by the same object code classification for the current fiscal year.

(2) The number and type of certificated instructional and support personnel, including the type of class setting to which they are assigned, if appropriate.

(3) The number of instructional aides and other qualified classified personnel.

(4) The number of enrolled individuals with exceptional needs receiving each type of service provided.

(i) For multidistrict special education local plan areas, a description of the policymaking process that shall include a description of the local method used to distribute state and federal funds among the local educational agencies in the special education local plan area. The local method to distribute funds shall be approved according to the policymaking process established consistent with subdivision (f) of Section 56001 and pursuant to paragraph (3) of subdivision (b) of Section 56205.

(j) (1) In accordance with Section 1413 of Title 20 of the United States Code, each single-district special education local plan area established pursuant to Section 56195.1 shall have a written procedure for the ongoing review of programs conducted, and procedures utilized pursuant to Section 56205, under the local plan as defined pursuant to Section 56027 and administered pursuant to Section 56195, and a mechanism for correcting any identified problem pursuant to paragraph (6) of subdivision (c).

(2) Multidistrict special education local plan areas established pursuant to subdivision (b) of Section 56195.1 and a district or districts joined with the county office in accordance with subdivision (c) of Section 56195.1 shall have a written agreement entered into by entities participating in the local plan that includes a provision for ongoing review of programs conducted, and procedures utilized, under the local plan, and a mechanism for correcting any identified problem pursuant to paragraph (6) of subdivision (c).

(3) The written procedure referenced in paragraph (1) and the written agreement referenced in paragraph (2) need not be submitted to the superintendent but shall be available upon request by the department.

56205,

....(b) 2) An annual service plan shall be adopted at a public hearing held by the special education local plan area. Notice of this hearing shall be posted in each district in the special education local plan area at least 15 days prior to the hearing. The annual service plan may be revised during any fiscal year according to the policymaking process established pursuant to subparagraphs (D) and (E) of paragraph (12) of subdivision (a) and consistent with subdivision (f) of Section 56001 and with Section 56195.9. The annual service plan shall include a description of services to be provided by each district and county office, including the nature of the services and the physical location at which the services will be provided, including alternative schools, charter schools, opportunity schools and classes, community day schools operated by districts, community schools

operated by county offices, and juvenile court schools, regardless of whether the district or county office is participating in the local plan. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.

56363. (a) As used in this part, the term "designated instruction and services" means "related services" as that term is defined in paragraph (26) of Section 1401 of Title 20 of the United States Code and Section 300.24 of Title 34 of the Code of Federal Regulations. The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist an individual with exceptional needs to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

(b) These services may include, but are not limited to, the following:

(1) Language and speech development and remediation. The language and speech development and remediation services may be provided by a speech-language pathology assistant as defined in subdivision (f) of Section 2530.2 of the Business and Professions Code.

(2) Audiological services.

(3) Orientation and mobility services.

(4) Instruction in the home or hospital.

(5) Adapted physical education.

(6) Physical and occupational therapy.

(7) Vision services.

(8) Specialized driver training instruction.

(9) Counseling and guidance services, including rehabilitation counseling.

(10) Psychological services other than assessment and development of the individualized education program.

(11) Parent counseling and training.

(12) Health and nursing services, including school nurse services designed to enable an individual with exceptional needs to receive a free appropriate public education as described in the individualized education program.

(13) Social worker services.

(14) Specially designed vocational education and career development.

(15) Recreation services.

(16) Specialized services for low-incidence disabilities, such as readers, transcribers, and vision and hearing services.

(17) Interpreting services.

(c) The terms "designated instruction and services" and "related services" do not include a medical device that is surgically implanted, or the replacement of that device.

56365. (a) Services provided by nonpublic, nonsectarian schools, as defined pursuant to Section 56034, and nonpublic, nonsectarian agencies, as defined pursuant to Section 56035, shall be available. These services shall be provided pursuant to Section 56366, and in accordance with Section 300.401 of Title 34 of the Code of Federal Regulations, under contract with the district, special education local plan area, or county office to provide the appropriate special educational facilities, special education, or designated instruction and services required by the individual with exceptional needs if no appropriate public education program is available.

56366. It is the intent of the Legislature that the role of a nonpublic, nonsectarian school or agency shall be maintained and continued as an alternative special education service available to a local educational agency and parents.

(a) The master contract for nonpublic, nonsectarian school or agency services shall be developed in accordance with the following provisions:

(1) The master contract shall specify the general administrative and financial agreements, including teacher-to-pupil ratios, between the nonpublic, nonsectarian school or agency and the local educational agency to provide the special education and designated instruction and services, as well as transportation specified in each pupil's individualized education program. The administrative provisions of the contract also shall include procedures for recordkeeping and documentation, and the maintenance of school records by the contracting local educational agency to ensure that appropriate high school graduation credit is received by each pupil. The contract may allow for partial or full-time attendance at the nonpublic, nonsectarian school.

(2) (A) The master contract shall include an individual services agreement for each pupil placed by a local educational agency that will be negotiated for the length of time for which nonpublic, nonsectarian school or agency special education and designated instruction and services are specified in the pupil's individualized education program.

(B) The master contract shall include a description of the process being utilized by the local educational agency to oversee and evaluate placements in nonpublic, nonsectarian schools, as required by federal law. This description shall include a method for evaluating whether each pupil is making appropriate educational progress. At least once every year, the local educational agency shall do all of the following and, to the extent possible, the following shall be conducted as part of the development and provision of an individualized education program:

(i) Evaluate the educational progress of each pupil placed in a nonpublic, nonsectarian school, including all state assessment results pursuant to the requirements of Section 52052.

(ii) Consider whether or not the needs of the pupil continue to be best met at the nonpublic, nonsectarian school and whether changes to the individualized education program of the pupil are necessary, including whether the pupil may be transitioned to a public school setting. This consideration shall be made at the meeting required by subdivision (d) of Section 56343.

(C) In the case of a nonpublic, nonsectarian school that is owned, operated by, or associated with a licensed children's institution, the master contract shall include a method for evaluating whether the nonpublic, nonsectarian school is in compliance with the mandate

set forth in Section 56366.9 of this code and subdivision (b) of Section 1501.1 of the Health and Safety Code.

(3) Changes in educational instruction, services, or placement provided under contract may only be made on the basis of revisions to a pupil's individualized education program.

At any time during the term of the contract or individual services agreement, the parent, the nonpublic, nonsectarian school or agency, or the local educational agency may request a review of a pupil's individualized education program by the individualized education program team. Changes in the administrative or financial agreements of the master contract that do not alter the individual services agreement that outlines each pupil's educational instruction, services, or placement may be made at any time during the term of the contract as mutually agreed by the nonpublic, nonsectarian school or agency and the local educational agency.

(4) The master contract or individual services agreement may be terminated for cause. The cause shall not be the availability of a public class initiated during the period of the contract unless the parent agrees to the transfer of the pupil to a public school program. To terminate the contract either party shall give 20 days' notice.

(5) The nonpublic, nonsectarian school or agency shall provide all services specified in an individualized education program, unless the nonpublic, nonsectarian school or agency and the local educational agency agree otherwise in the contract or individual services agreement.

(6) Related services provided pursuant to a nonpublic, nonsectarian agency master contract shall only be provided during the period of a pupil's regular or extended school year program, or both, unless otherwise specified by the pupil's individualized education program.

(7) The nonpublic, nonsectarian school or agency shall report attendance of pupils receiving special education and designated instruction and services, as defined by Section 46307, for purposes of submitting a warrant for tuition to each contracting local educational agency.

(8) (A) A nonpublic, nonsectarian school is subject to the alternative accountability system developed pursuant to Section 52052 in the same manner as public schools and each pupil placed in the nonpublic, nonsectarian school by a local educational agency shall be tested by qualified staff of the nonpublic, nonsectarian school in accordance with that accountability program. The test results shall be reported by the nonpublic, nonsectarian school to the department.

(B) Beginning with the 2006-07 school year testing cycle, each nonpublic, nonsectarian school shall determine its STAR testing period subject to subdivisions (b) and (c) of Section 60640. The nonpublic, nonsectarian school shall determine this period based on completion of 85 percent of the instructional year at that nonpublic, nonsectarian school, plus and minus 10 days, resulting in a 21-day period. Each nonpublic, nonsectarian school shall notify the district of residence of a pupil enrolled in the school of its testing period. Staff at the nonpublic, nonsectarian school who administer the assessments shall attend the regular testing training sessions provided by the district of residence. If staff from a nonpublic, nonsectarian school have received training from one local educational agency, that training will be sufficient for all local educational agencies that send pupils to the nonpublic, nonsectarian school. The district of residence shall order testing materi-

als for its pupils that have been placed in the nonpublic, nonsectarian school. The board shall adopt regulations to facilitate the distribution of and collection of testing materials.

(9) With respect to a nonpublic, nonsectarian school, the school shall prepare a school accountability report card in accordance with Section 33126.

56836.04. (a) The superintendent shall continuously monitor and review all special education programs approved under this part to assure that all funds appropriated to special education local plan areas under this part are expended for the purposes intended.

(b) Funds apportioned to special education local plan areas pursuant to this chapter shall be expended exclusively for programs operated under this part.

FEDERAL REGULATIONS--CHARTER SCHOOLS AND SPECIAL EDUCATION

§ 300.2 Applicability of this part to State and local agencies.

(a) States. This part applies to each State that receives payments under Part B of the Act, as defined in § 300.4.

(b) Public agencies within the State.

The provisions of this part—

(1) Apply to all political subdivisions of the State that are involved in the education of children with disabilities, including:

(i) The State educational agency (SEA).

(ii) Local educational agencies (LEAs), educational service agencies (ESAs), and public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA.

§ 300.18 Highly qualified special education teachers.

(a) Requirements for special education teachers teaching core academic subjects. For any public elementary or secondary school special education teacher teaching core academic subjects, the term highly qualified has the meaning given the term in section 9101 of the ESEA and 34 CFR 200.56, except that the requirements for highly qualified also—

(1) Include the requirements described in paragraph (b) of this section; and

(2) Include the option for teachers to meet the requirements of section 9101 of the ESEA by meeting the requirements of paragraphs (c) and (d) of this section.

(b) Requirements for special education teachers in general.

(1) When used with respect to any public elementary school or secondary school special education teacher teaching in a State, highly qualified requires that—

(i) The teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter school, highly qualified means that the teacher meets the certification or licensing requirements, if any, set forth in the State's public charter school law;

§ 300.209 Treatment of charter schools and their students.

(a) Rights of children with disabilities. Children with disabilities who attend public charter schools and their parents retain all rights under this part.

(b) Charter schools that are public schools of the LEA.

(1) In carrying out Part B of the Act and these regulations with respect to charter schools that are public schools of the LEA, the LEA must—

(i) Serve children with disabilities attending those charter schools in the same manner as the LEA serves children with disabilities in its other schools, including providing supplementary and related services on site at the charter school to the same extent to which the LEA has a policy or practice of providing such services on the site to its other public schools; and

(ii) Provide funds under Part B of the Act to those charter schools—

(A) On the same basis as the LEA provides funds to the LEA's other public distribution based on relative enrollment of children with disabilities; and

(B) At the same time as the LEA distributes other Federal funds to the LEA's other public schools, consistent with the State's charter school law.

(2) If the public charter school is a school of an LEA that receives funding under § 300.705 and includes other public schools—

(i) The LEA is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity; and

(ii) The LEA must meet the requirements of paragraph (b)(1) of this section.

(c) Public charter schools that are LEAs. If the public charter school is an LEA, consistent with § 300.28, that receives funding under § 300.705, that charter school is responsible for ensuring that the requirements of this part are met, unless State law assigns that responsibility to some other entity.

(d) Public charter schools that are not an LEA or a school that is part of an LEA.

(1) If the public charter school is not an LEA receiving funding under § 300.705, or a school that is part of an LEA receiving funding under § 300.705, the SEA is responsible for ensuring that the requirements of this part are met.

(2) Paragraph (d)(1) of this section does not preclude a State from assigning initial responsibility for ensuring the requirements of this part are met to another entity. However, the SEA must maintain the ultimate responsibility for ensuring compliance with this part, consistent with § 300.149.

§ 300.208 Permissive use of funds.

(a) Uses. Notwithstanding §§ 300.202, 300.203(a), and 300.162(b), funds provided to an LEA under Part B of the Act may be used for the following activities:

(1) Services and aids that also benefit nondisabled children. For the costs of special education and related services, and supplementary aids and services, provided in a regular class or other education-related setting to a child with a disability in accordance with the IEP of the child, even if one or more nondisabled children benefit from these services.

(2) Early intervening services. To develop and implement coordinated, early intervening educational services in accordance with § 300.226.

(3) High cost special education and related services. To establish and implement cost or risk sharing funds, consortia, or cooperatives for the LEA itself, or for LEAs working in a consortium of which the LEA is a part, to pay for high cost special education and related services.

(b) Administrative case management. An LEA may use funds received under Part B of the Act to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities, that is needed for the implementation of those case management activities.

STATE REGULATIONS SPECIAL EDUCATION (DIS)

5 CCR 3051 - Standards for Designated Instruction and Services (DIS)

3051. (a) General Provisions.

(1) Designated instruction and services may be provided to individuals or to small groups in a specialized area of educational need, and throughout the full continuum of educational settings.

(2) Designated instruction and services, when needed as determined by the individualized education program, shall include frequency and duration of services.

(3) All entities and individuals providing designated instruction and services shall be qualified.

(4) **All entities and individuals providing designated instruction and services shall be:**

(A) Employees of the school district or county office, or

(B) Employed under contract pursuant to Education Code sections 56365-56366.7. Such persons shall be certified by the Department pursuant to Sections 3060-3064 of this Title, or

(C) Employees, vendors or contractors of the State Departments of Health Services or Mental Health, or any designated local public health or mental health agency.

5 CCR 3062. Contracts and Agreements.

(a) A master contract shall be used by a **local education agency** for entering into formal agreements with certified nonpublic schools or nonpublic agencies. The term of the contract shall not exceed one year. The contract shall specify the administrative and financial agreements between the local education agency and the nonpublic school or nonpublic agency.

(b) No master contract with the local education agency shall be contingent upon nonpublic school or nonpublic agency individual contracts or agreements with parents.

(c) The master contract shall, at a minimum, include:

(1) general provisions relating to modifications and amendments, notices, waivers, disputes, contractor's status, conflicts of interest, termination, inspection and audits, compliance with applicable state and federal laws and regulations, attendance, record-keeping, and reporting requirements;

(2) payment schedules to include, but not limited to payment amounts, payment demand, right to withhold and audit exceptions;

(3) indemnification and reasonable insurance requirements; and

(4) procedures and responsibilities for attendance and unexcused absences.

(d) All master contracts shall be re-negotiated prior to June 30.

(e) Services may be provided through dual enrollment in public and nonpublic school or nonpublic agency programs to meet the educational requirements specified in the individualized education program. The master contract or individual service agreement shall specify the provider of each service. The individual with exceptional needs shall be formally enrolled in both nonpublic and public school programs. The nonpublic school or nonpublic agency shall be reimbursed by the local education agency for services as

agreed upon in the contract.

(f) Substitute teachers shall be used consistent with the provisions of Education Code Section 56061.

(g) Nonpublic schools and nonpublic agencies shall provide contracting local education agencies with copies of current valid California credentials and licenses for staff providing services to individuals with exceptional needs.

(h) Nonpublic schools and agencies shall notify the Superintendent and contracting local education agencies in writing within forty-five (45) days of any credential or licensed personnel changes. Failure to provide properly qualified personnel to provide services as specified in the individualized education program shall be cause for the termination of all contracts between the local education agency and the nonpublic school or nonpublic agency.

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM
STUDY AGREEMENT
January 11, 2007

The FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM (FCMAT), hereinafter referred to as the Team, and the Santa Clara County Office of Education, hereinafter referred to as the COE, mutually agree as follows:

1. BASIS OF AGREEMENT

The Team provides a variety of services to school districts and county offices of education upon request. The COE has requested that the Team provide for the assignment of professionals to study specific aspects of the Bullis Charter School, hereinafter referred to as the Charter, Special Education operations. These professionals may include staff of the Team, County Offices of Education, the California State Department of Education, school districts, or private contractors. All work shall be performed in accordance with the terms and conditions of this Agreement.

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

The scope and objectives of this study are to:

- 1) Verify that the Charter's use of funds and service delivery follows federal and state regulations and local agreements, including the Budget Allocation Plan, SELPA I; Local Plan, SELPA I, Charter School Policy, SELPA I, and the Memorandum of Understanding (MOU) between the Charter and the COE.
- 2) Verify/list the type and cost of special education services provided to students along with the number and federal classification of those receiving services.
- 3) Review proposed changes to the SELPA Charter Policy specifically regarding excess cost (or share of encroachment) for COE Charter Schools and return of unused funds to districts of residence within the SELPA.

B. Services and Products to be Provided

- 1) Orientation Meeting - The Team will conduct an orientation session at the COE to brief COE/Charter management and supervisory personnel on the procedures of the Team and on the purpose and schedule of the study.
- 2) On-site Review - The Team will conduct an on-site review at the COE office and at school sites if necessary.
- 3) Progress Reports - The Team will hold an exit meeting at the conclusion of the on-site review to inform the COE/Charter of significant findings and recommendations to that point.

- 4) Exit Letter - The Team will issue an exit letter approximately 10 days after the exit meeting detailing significant findings and recommendations to date and memorializing the topics discussed in the exit meeting.
- 5) Draft Reports - Sufficient copies of a preliminary draft report will be delivered to the COE/Charter administration for review and comment.
- 6) Final Report - Sufficient copies of the final study report will be delivered to the COE/Charter following completion of the review.

3. PROJECT PERSONNEL

The study team will be supervised by Anthony L. Bridges, Deputy Executive Officer Fiscal Crisis and Management Assistance Team, Kern County Superintendent of Schools Office. The study team may also include:

- A. Dr. William Gillaspie, FCMAT Management Analyst
- B. James "Sarge" Kennedy, FCMAT Special Education Consultant
- C. Dorothy "Kay" Atchison, FCMAT Special Education Consultant

Other equally qualified consultants will be substituted in the event one of the above noted individuals is unable to participate in the study.

4. PROJECT COSTS

The cost for studies requested pursuant to E.C. 42127.8(d)(1) shall be:

- A. \$500.00 per day for each Team Member while on site, conducting fieldwork at other locations, preparing and presenting reports, or participating in meetings.
- B. All out-of-pocket expenses, including travel, meals, lodging, etc. Based on the scope of work identified in section 2 A, estimated total cost is \$6,000. The COE will be invoiced at actual costs, with 50% of the estimated cost due following the completion of the on-site review and the remaining amount due upon acceptance of the final report by the COE.
- C. Any change to the scope will affect the estimate of total cost.

Payments for FCMAT services are payable to Kern County Superintendent of Schools-Administrative Agent.

5. RESPONSIBILITIES OF THE COE

- A. The COE will provide office and conference room space while on-site reviews are in progress.
- B. The COE will provide the following (if requested):

- 1) A map of the local area
- 2) Existing policies, regulations and prior reports addressing the study request
- 3) Current organizational charts
- 4) Current and four (4) prior year's audit reports
- 5) Any documents requested on a supplemental listing

C. The COE Administration will review a preliminary draft copy of the study. Any comments regarding the accuracy of the data presented in the report or the practicability of the recommendations will be reviewed with the Team prior to completion of the final report.

Pursuant to EC 45125.1(c), representatives of FCMAT will have limited contact with COE pupils. The COE shall take appropriate steps to comply with EC 45125.1(c).

6. PROJECT SCHEDULE

The following schedule outlines the planned completion dates for key study milestones:

Orientation:	January 24, 2007
Staff Interviews:	January 24-25, 2007
Exit Interviews:	January 25, 2007
Preliminary Report Submitted:	March 8, 2007
Final Report Submitted:	To be determined
Board Presentation:	To be determined

7. CONTACT PERSON

Please print name of contact person: Joe Fimiani, Assistant Superintendent, Student Services

Telephone 408 453-6560 FAX 408 453-6656

Internet Address Joe_Fimiani@sccoe.org

Colleen Wilcox 1/16/07
 Dr. Colleen B. Wilcox, Superintendent Date
 Santa Clara County Office of Education

Barbara Dean Jan 11, 2007
 Barbara Dean, Deputy Administrative Officer Date
 Fiscal Crisis and Management Assistance Team