

SELPA Accountability Innovation & Design Necessary Next Steps to Improve Outcomes for Students with Disabilities in California Schools

SELPA Administrators of California
December 2021





SELPA Accountability, Innovation & Design

December 2021

The Contents

The Background	2
The Context	3
a) The Financial Picture	5
b) The Accountability Focus	5
c) Regionalized Services and Program Specialist Funding	6
d) The LCAP and the Annual Assurances Support Plan	7
e) The Diversity of SELPA Models in California	8
The Report	9
a) The “Opt Out” Idea is Cause for Alarm	10
b) The Dangers of Direct Funding	12
c) Parent Concerns	15
d) Nurturing Healthy Partnerships and Trusting Relationships	16
The Consensus	17
a) Inclusion. Is. Everything.	17
b) Alignment As Soon As Possible	17
The Design	19
a) A Word About The Association	19
b) Benefits of the Current SELPA Design	20
The Recommendations	23
Additional Resources	26

The Background

In the six years since the [“One System” Special Education Task Force](#) was commissioned in 2015, California has benefited from a consistent focus on improvements in special education finance, governance, and student outcomes. Members of the SELPA Administrators of California Association (hereinafter “Association”) have been leaders in responding to these new areas for focus. Over the same period, privately and publicly funded studies have recommended the direct funding of LEAs and removing the SELPA regional structures in California that have been in place for over four decades. Since 2016, members of the Association have spent considerable time and effort responding to report recommendations that are unworkable and even harmful to our most vulnerable students.

During this time, the Association has strongly advocated for an increase in, and equalization of, special education funding across California. These efforts have been productive. In 2018, the Governor enacted the first of a number of consequential increases in special education funding. To date, the increases have culminated in significant ongoing funding commitments and increased the special education base rate by almost fifteen percent. Equalizing funding rates across the state was a main focus of the Association. With the 2020-2021 school year, funding has been equalized to the 95th percentile. Of note, both of these successful actions have been accomplished through the existing special education finance model. In addition, funding has been substantially increased to support the needs of students with low incidence disabilities and for the first time to address preschool and early intervention programs. These welcome funding increases have prioritized equity, inclusive practices, targeted interventions, and improved outcomes for students with disabilities, adding to investments in the existing system.

As the state’s investments in special education began to increase, SELPAs implemented several state-mandated accountability systems and actions intended to achieve greater local control and transparency while improving outcomes for students with disabilities. For example, in the 2019-2020 and 2020-21 school years, all SELPAs updated their Local Plans which required significant parent and community member input as well as local governance approval. Starting in 2023, each SELPA will be required to develop and implement an Annual Assurances Support Plan pursuant to Education Code 56122(c) to provide for goal setting around statewide priorities and to provide even greater alignment and transparency. Additionally since 2018-2019, LEAs have been required to consult with SELPAs to ensure the needs of students with disabilities are appropriately addressed in the Local Control Accountability Plan (LCAP) of each LEA and moving forward to ensure they are consistent with the Annual Assurances Support Plan.

Since 2018, SELPAs have led extensive, high-quality technical assistance efforts in the [Statewide System of Support](#) through the work of System Improvement Leads and Content Leads. In collaboration with CDE and the California Collaborative for Educational Excellence (CCEE), the SELPA Leads design and implement statewide professional development and coaching activities as well as build high-powered, predictive data systems. This technical assistance is focused on improving outcomes for students with disabilities and addressing student needs in various specialty areas by strengthening SELPA support to LEAs while ensuring compliance with state

and federal regulations.

Continuing to focus on improvements in special education in California, the Legislature commissioned additional studies in 2019 (SB 75) and in 2020 (SB 74), including a study on special education governance and accountability, a statewide IEP template workgroup, an alternate pathways to diploma workgroup, a Medi-Cal for Students workgroup, and a Part C to Part B transitions workgroup, among others. Recommendations from these reports will no doubt expand the work of special education and require consultation and implementation support from every SELPA leader in the state due to the unique needs of students in each defined SELPA area.

This paper, therefore, brings forward the best ideas from the members of the SELPA Administrators of California Association, providing a grounded path for achieving the progress envisioned by leaders throughout the state. **We believe the surest way to improve outcomes for students with disabilities is to capitalize on this attention and momentum toward system improvement, to utilize the vast expertise of long time special education practitioner-leaders, and to strengthen rather than abandon the state-mandated SELPA structure that has successfully been in place for nearly 40 years.**

The Context

The SELPA Administrators of California Association is 100% committed to the Individuals with Disabilities Education Act's focus on improving outcomes for students with disabilities. Association members have been steadfast partners alongside the Special Education Division of CDE in supporting LEAs as they work to increase access, expectations, and outcomes for our students.

Formed in 1978 under the [Master Plan for Special Education](#) by the State of California, SELPAs have served their mandated functions of providing programs, services, and support to students and LEAs under local governance, including the successful implementation of a variety of federal and state education reform efforts. This well-established framework represents a huge investment of resources that are and should continue to be leveraged to support the current needs of the field, the state, and our students.

It is important to note that SELPA regional structures were not originally designed solely to support statewide priorities to improve student outcomes. SELPAs were designed and required to ensure equitable special education program and service delivery that was flexible enough to meet the unique, local needs of the students in their geographic regions while allowing LEAs to meet the 1978 state and federal mandates for compliance and accountability. It was not until the IDEA Reauthorization in 2004, in the era of No Child Left Behind, that the federal emphasis for students with disabilities more pointedly shifted its focus from “ensuring access and educational opportunity” to “improving educational outcomes.”

In recent years, the costs of special education programs and services have dramatically increased, pulling more and more resources from the general education fund, while the SELPA governance

and regional funding structure has remained relatively unchanged. An improved accountability system has brought new monitoring metrics, an intentional and public-facing focus on data and measurement, and increasingly ambitious performance targets. **As variables have changed, it has underscored the need for a corresponding commitment to support and strengthen the actual structure of special education (i.e., SELPAs) across California to truly improve student outcomes.**

The Local Control Funding Formula (LCFF) created a fundamental shift in the focus and delivery of public education in California. LEAs are empowered to drive local engagement and decision-making about how services are delivered and funds are allocated with a focus on improved educational outcomes for all students. Incorporating special education into the LCFF framework has proven challenging. **This paper concludes with a set of proposals that offer common sense solutions and a plan for alignment and inclusion for special education students.**

California's vision for special education is guided by the principles of equity, inclusion, early intervention, local decision-making, accountability, transparency and alignment. The focus is on high quality, local implementation of evidence-based and inclusive practices for educational improvement for all students with disabilities (SWDs). This vision has led to a re-evaluation of current systems and structures to identify alignment needs and propose changes that will bring about a truly integrated educational system, One System for All Students. **Special Education Local Plan Areas (SELPAs) are positioned to provide the improvement support needed to facilitate these changes and achieve this vision for special education.**

The vision of One System for All Students is bold. The scale of change required at this moment is significant. The economic, political, and social reality is that the SELPA framework must be leveraged to effectively bring about the necessary changes. Achieving alignment and inclusion for SWDs requires significant support from local special education experts, the 'boots on the ground,' and a corresponding commitment on the part of the state to ensure general education partners are also well-supported in responding to statewide priorities.

SELPA leaders possess the knowledge capital needed to champion new thinking within LEAs, the social capital and standing to deepen existing relationships and foster new relationships with key partners, and the ability to analyze data and report outcomes for SWDs. In their current format across the state, SELPAs provide trusted, effective and high-quality expertise to LEAs in meeting the needs of students with disabilities. **By working together, we can ensure that all students emerge as informed citizens, drivers of the state's economic growth and prosperity, and essential contributors to our society.**

Conceptualizing the role of SELPAs for the present day and beyond will require a unity of purpose and action by the Legislature and educational partners at all levels. To achieve the vision of One System for All Students, the SELPA Administrators of California offers **FOUR** overarching recommendations to re-engineer the role of SELPAs as agents of strategic change in partnership with the state and LEAs. Acting on these recommendations starts with a shared recognition of the vital role SELPAs play and a willingness to engage them in the work ahead. Understanding the myriad complexities of special education in California is important to fully understanding and

appreciating the recommendations. This also provides a lens through which to address the recent publicly funded Special Education Governance and Accountability Report.

The Financial Picture

Despite a fiscal commitment identified in IDEA, the federal contribution to special education has been far less than the 40% promise, and in just the last decade has decreased another 4%, with the federal funds averaging only 7.92% of the cost of educating SWDs in California. Despite increases in overall Proposition 98 funding, the percentage of total expenditures for special education from state funds has also declined by 10% over the same period, with the state funds averaging approximately 24% of the total cost of educating SWDs. As of the 2018-19 school year, the average local general fund contribution necessary to ensure a quality education for SWDs was over 67%. In other words, for every dollar spent on necessary special education programs and services, 67 cents of that is funded via the LCFF entitlement of each LEA.

[Special Education funding](#) has been included in the improvements and commitments by the Legislature and Administration, especially in the last three years, with substantial increases allowing us to achieve base rate equalization of \$715 per ADA; multi-year commitments to system improvement design, training, and coaching in improvement science, root cause analysis, and high-leverage practices; a rebenchmarking of the state's commitment to students with low incidence disabilities; and funding commitments for early childhood intervention. Transformational levels of funding, along with COVID relief packages, and a recent commitment of \$550 million in [dispute prevention and resolution and learning recovery dollars](#) related to the pandemic are also available to LEAs for the next two years.

Even with heroic efforts on the part of Legislators who supported historic increases in AB 602 base rates, LEAs continue to bear the costs of special education in the form of increasing local general fund contributions. Unfortunately, LEA leaders have had to make difficult choices when there is clearly not enough money to cover the costs of providing needed programs and services. As a result, LEAs are not always able to allocate sufficient special education funding toward statewide goals and priorities.

The Accountability Focus

In the area of [accountability](#), California has moved from a four-year special education self-review cycle to more frequent, involved, and direct monitoring processes. In the mid 2000's, SELPAs independently began to utilize electronic IEP-generating software systems to save time and effort, which have now morphed into a means of direct data mining requiring more focused attention and continuous training. Over time, more indicators and elements have become "live," performance targets have become more ambitious, and federal requirements and ongoing court monitoring have placed additional pressures on CDE and the accountability system. With all this and the transition from CASEMIS to CALPADS, activities related to selection and monitoring have grown significantly statewide.

Embracing the value of data to drive decision-making, SELPA leaders have responded in key ways. The heightened focus on data has allowed SELPAs to build and maintain teams that are highly qualified and motivated to engage in the work. Additionally, the work is highly fluid, requiring

substantial effort to stay apprised of requirements and changes, while working closely with LEA partners to remain compliant and focus on improving programs and outcomes for SWDs. Additionally, we balance this increased focus on data and compliance with other SELPA responsibilities including governance, professional development, interagency collaborations, non-public schools monitoring, dispute resolution and compliance complaint activities, finance, and responding to new legislative priorities.

In the last few years, new requirements have been added to the scope of SELPA work by the CDE Special Education Division and Legislature, including but not limited to:

- Meaningful consultation with each LEA on Local Control Accountability Plans
- Differentiated Assistance collaboration and support to districts
- Annual Performance Indicator Reviews and Special Education Plans
- Non-public school visits, reviews, and behavior training monitoring as required by SB 1172
- New Local Plan Governance, Budget, and Service plan templates, consistent with Education Code [56195.1](#) & [56205](#) and as required by AB 1808
- SELPA Annual Assurance Support Plans to be implemented by 2023
- CALPADS implementation at the SELPA level and technical assistance to LEAs

None of this additional accountability has come with an increase in funding directly earmarked for SELPA-level support.

Regionalized Services and Program Specialist Funding

The regionalized services and program specialist (RS/PS) funding allocations were initiated with the implementation of the original J-50 special education funding system. There were two separate funding streams that were allocated to the SELPA administrative unit for two different purposes. The SELPA average of the December and April special education pupil counts (minus the non-severe three-and four-year-old pupil counts) were compared to ten percent of the total SELPA CBEDS K-12 enrollment. The lesser of the December and April counts was used in the calculation. The rate of \$77.30 was multiplied times the lesser count to determine the program specialist (PS) allocation. The rate of \$43.92 was multiplied times the lesser count to determine the regionalized services (RS) allocation.

With implementation of the AB 602 funding plan in 1998-99, the two separate “PS” and “RS” allocations were combined into one RS/PS allocation. The total combined 1997-98 allocations were divided by the total combined SELPA ADA to determine the new SELPA RS/PS rate per ADA. In addition, a “Necessary Small SELPA” (NSS) calculation was implemented using 15,000 ADA to establish a minimum funding level. The allowance was established based on the assumption that a minimum amount of funding was necessary to provide the required services in those small SELPA areas. The NSS SELPA rate received a COLA in all school years in which a COLA was provided to SELPA base rates.

In 2013-14, there was a recommendation by the Legislative Analyst’s Office to “simplify” the AB 602 calculation by rolling the RS/PS funding into the SELPA base allocation. The NSS calculation did not get added to the SELPA base. The NSS rate for RS/PS was set at \$15.00 per ADA. In 2018-19, RS/PS funding was removed from the SELPA base allocation and re-established as a separate calculation using the single state rate per current school year ADA. Beginning in

2020-21, it was established that 2019-20 ADA would be used to determine RS/PS funding in future school years. The state rate per ADA would be increased if a COLA was provided in a given school year. For specific language on the purpose of these funds, see [EC 56836.23](#) and [EC 56836.24](#) in the references.

SELPA governing boards determine how to allocate all AB 602 funds, which includes RS/PS funds, to meet the local needs within their regional SELPA structure. Given that special education is largely funded using general fund resources, Superintendents and other educational leaders who comprise SELPA governing boards are undoubtedly faced with tough decisions about how to best allocate limited resources. If the SELPA governing board decides that RS/PS funds should be distributed to LEAs, there may be few to no remaining centralized SELPA staff available to focus on statewide priorities (e.g. to address data quality, provide compliance monitoring plan support, LCAP consultations, and especially to carry out localized professional development and coaching necessary to scale up high-leverage practices). **As the state wishes to see progress made in priority areas like equity and inclusive practices, it should consider creating a new and distinct funding stream for these types of activities in alignment with each SELPA’s Annual Assurances Support Plan.** By ensuring these funds are restricted to the implementation of SELPA Annual Assurances Support Plans, the state will reasonably be able to hold each SELPA more directly accountable for the progress of its LEAs in achieving statewide targets.

The LCAP and the Annual Assurances Support Plan

In June of 2018, AB 1808 was enacted and a new LCAP consultation requirement for each LEA and SELPA was codified in [Education Code 52062\(a\)\(5\)](#), which states in part:

“The superintendent of the school district shall consult with its special education local plan area administrator or administrators **to determine that specific actions for individuals with exceptional needs are included in the local control and accountability plan or annual update to the local control and accountability plan, and are consistent with strategies included in the annual assurances support plan** for the education of individuals with exceptional needs.”

AB 1808 required that a new portion of each [SELPA Local Plan](#), Section C, be developed by July 1, 2019. While LCAP consultation between LEAs and SELPAs has been occurring since the enactment of this legislation, the template for the Annual Assurances Support Plan was not developed within the original timeline set for CDE. CDE’s timeline for the development of the Annual Assurances Support Plan (Section C of the Local Plan Template) was extended through education trailer bills, with SB 98 (2020) most recently extending full implementation from July 1, 2021 to July 1, 2023.

Under SB 98, Sec. 62, commencing no later than July 1, 2023, each SELPA must submit a local plan which includes **an Annual Assurances Support Plan “to demonstrate how the special education local plan area and its participating agencies are coordinating for purposes of assuring effective outcomes for pupils with disabilities.** The department shall develop a template for the Annual Assurance Support Plan by July 1, 2022.” Per [Education Code 56122 \(c\)](#), the SELPA Annual Assurances Support Plan shall include all of the following elements:

1. A description of how the governing board of the SELPA has determined that the SELPA will support participating agencies in achieving the goals, actions, and services identified in their LCAPs.
2. A description of how the governing board of the SELPA has determined that the SELPA will connect its participating agencies in need of technical assistance to the Statewide System of Support.
3. A brief description of the services, technical assistance, and support the governing board of the SELPA has determined that it will provide in meeting the requirements under Education Code 56205(a), see references.

The Local Plan Committee of the SELPA Administrators of California has been in communication with the CDE on the development of the Annual Assurances Support Plan anticipated to be released by the SB 98-established timeline. Upon the release of the template later this school year, all SELPAs will be positioned to solicit input from various groups, including their Community Advisory Committees, to submit updated Local Plans inclusive of all required sections and in adherence with any public hearing requirements and SELPA governing board approval by the end of the 2022-2023 school year.

The completed Annual Assurances Support Plan, or “Section C” of each local plan, will help drive the LCAP consultation process between SELPAs and their participating LEAs, with best practices and guidance to be shared by the SELPA Administrators of California and System Improvement Leads (SIL) through the Statewide System of Support. The SELPA Administrators of California are confident that the Annual Assurances Support Plan will better align each SELPA’s local plan with the activities of each participating LEA’s LCAP, with a focus on improving outcomes for students with disabilities. **These efforts will have a direct positive impact on students with disabilities and will help us realize another priority from the 2015 California Special Education One System Task Force: to create “One Coherent Educational System.”**

The Diversity of SELPA Models in California

SELPAs vary widely in their governance and budget allocation plans. **While each SELPA abides by the local decision-making of its Governing Board, typically made up of superintendents, charter school leaders, or boards of education, they differ in the manner in which they are organized, and receive and distribute special education dollars.** Because of this design, additional special education funds that come in the form of the base rate or categoricals are allocated according to locally-identified priorities. There may be many competing interests for limited dollars which may require hard choices. The first consideration for governing boards is meeting the needs of students with disabilities. This “students first” approach to providing needed high-quality services at times may impact the level of funding and resources provided by a SELPA governing board to focus on statewide goals and priorities.

From the single-district SELPA with a board of perhaps five members, to the smaller multi-district SELPA with three LEAs and a governing board made up of its three superintendents, to the large multi-district LEA with 30 or more superintendents, SELPA decision-making and levels of cooperation can also vary. SELPA administrators are unique in that they must possess the requisite special education expertise, but they must also work effectively with a governing board,

sometimes very large boards, in addition to their Community Advisory Committees (CACs) and any other governance or advisory groups determined through their Local Plan such as program and fiscal operations councils. Facilitating collaboration amongst the various groups requires immense leadership and communication skills. It is not always possible to please everyone or explain the value of the economies of scale that SELPAs provide, and because of this, SELPA administrators are frequently balancing many diverse demands which are increased when there are changes in LEA leadership.

“Size and scope” and appeals to the State Board have occurred over the years and are at times contentious. Interestingly, out of 1,015 school districts, 105 are arguably large enough to become a single district SELPA, however only 44 districts hold that status. Using the most conservative threshold of 15,000 total ADA to be one’s own SELPA, and disregarding rules about non-metropolitan areas, 910 out of 1,015 school districts are not large enough to become their own SELPA, and 424 school districts have less than 1,000 total ADA. [\[See raw data.\]](#) **Out of the 136 SELPAs in the state, 68% of them are multi-district SELPAs that together serve students with disabilities in the remaining 971 school districts.**

The Governor’s Administration and Legislature has, to their credit, placed a moratorium on LEA appeals to become their own SELPA until further notice. In a [March 2019 CDE Memorandum](#) from the Superintendent of Public Instruction to the State Board of Education (see references), additional historical background is provided to explain why SELPAs are necessary and the extent of CDE’s reliance on SELPAs to provide a sufficient, equitable continuum of program and service options to students with disabilities across large geographic areas.

SELPAs can also vary in the administrative support they employ to carry out the wide variety of work in which they must engage. Some SELPA offices consist of multiple administrative assistants, programs specialists, and other specialists for mental health, behavior, and low incidence who provide a variety of programs and services. Others employ only an administrator and an administrative assistant to complete the same state-required fiscal and accountability activities.

SELPAs vary in their level of interaction with general education. Single-district SELPAs are part of a single LEA leadership team, where there is one district mission and vision along with established priorities. Multi-district SELPA administrators sometimes interact with anywhere from two to 30 or more individual LEAs and are therefore more removed from interaction with general education initiatives. Providing more regular collaboration and interaction with general educators in these larger multi-district SELPAs often requires significant additional local commitments to centralized SELPA staffing.

The Report

While the intent of this paper is to ultimately provide the reader with a proactive set of **FOUR** overarching recommendations that have a high probability of bringing about the kind of change the state expects, we would be remiss if we did not pause here to review and give comment on the more concerning recommendations in the WestEd Special Education Governance and

Accountability (SEGA) Report released in December 2021. We strongly believe, if adopted, the recommendations of the SEGA Report will have serious real-life consequences for thousands of students with disabilities and their families, and will confuse and frustrate LEAs and educational leaders across the state.

The WestEd Special Education Governance and Accountability (SEGA) Report was commissioned by the Legislature and funded pursuant to SB 74 (2020) for the purposes of examining the state's current governance and accountability structures for students with exceptional needs in the areas of: (1) delivering special education services and supports in the **least restrictive environment**; (2) improving student **outcomes**, including those measured by state and federal accountability systems; (3) ensuring an **equitable distribution** of special education supports and services to LEAs; (4) ensuring **transparency** in decision-making and distribution of state special education funding; (5) ensuring **parent family and community input** in local decision-making; (6) ensuring that **small LEAs** have access to fiscal and administrative resources necessary to serve pupils with exceptional needs; (7) **aligning** state and federal accountability, compliance, and support systems as related to pupils with disabilities; and (8) identifying **strategies and challenges for funding** and supports in the current model and any recommended models.

The "Opt Out" Idea is Cause for Alarm

The SEGA Report recommends LEAs be allowed to opt in or out of being part of a consortium like a SELPA, which is problematic on many levels, and foreseeably creates statewide *inequity* and *instability*.

Special education is a team enterprise. From the collaboration that happens at IEP meetings to the group decision-making at the SELPA Governing Board level, special education requires that people come together to navigate the complex work of educating and serving students with disabilities. This is a concept that was understood by the authors of the model back in 1978. They knew that districts, if left to themselves as they had been prior to the introduction of SELPA models, would have difficulty in carrying out the complex and highly technical work of special education. They would be challenged in forming, coordinating, and sustaining the necessary partnerships to provide special education in an efficient, stable, and cost-effective manner. And, they knew that without systems and protections, many students with disabilities would be left behind.

First, it is important to understand that the mandate to be a member of a SELPA and the accompanying [size and scope requirements](#) were designed to ensure equitable and flexible local decision-making across geographical areas, so that no matter a student's zip code, there would be adequate programs and services available to meet their needs under IDEA. Robert McEntire of School Services of California, Inc. describes this shared decision-making:

“... One of the two best outcomes of participating in a SELPA is the reality that you can generate economies of scale, both in finance and operations. I have to say the time I've spent in these collaborative superintendent meetings, talking through individual student issues where you have 12, 13, 15, 20 superintendents talking about an individual student, not just a program, but the student, the individual student,

and you see just the weight of resource and thought and collaboration that goes into enhancing the outcome for that individual. So not just system-wide, but down to the individual student level, you just can't imagine from a typical business perspective that that kind of outcome would ever be possible. But that's what the SELPA structure brings ...” [Making It Happen! SELPA Podcast Series “Special Education Finance” episode](#)

Size and scope rules were established as thresholds, ranges of total ADA and by type of area (rural vs. metropolitan) to help the state determine how large an LEA would have to be in order to ensure all SWDs had access to the full continuum of services. These categories were established decades ago when the percentage of SWDs in the state was significantly lower than it is today. This requirement is even more relevant today with our growing numbers of students becoming eligible for special education services. And, size and scope thresholds were established prior to the added programmatic, accountability, and fiscal requirements of SELPAs in the current times.

Today, out of 1,015 LEAs, a total of 971 school districts belong to a multi-district SELPA to provide a continuum of program and service options for students with disabilities, which represents 96% of the LEAs statewide. Of the total 1,015 LEAs only 105 could arguably meet the lowest threshold of 15,000 ADA to become one's own SELPA and of this 105 only 44 currently have single-district SELPA status. While they could do so, the majority of LEAs eligible for single-district SELPA status choose not to provide for students with disabilities outside of a multi-district SELPA. **If the state were to require the almost 1,000 school districts to try to go out on their own to form new consortia without the mandate to do so and with the knowledge these LEAs are too small and not funded well enough to do so, the results would be disastrous.**

Second, the recommendation creates an ability for LEAs to segregate themselves from certain other LEAs as they begin to “opt out” or form consortia based on local factors which could include socioeconomic disadvantage, racial or ethnic composition, funding levels, and compliance history. **Providing this choice will have unintended, undesirable discriminatory, racist, ableist, and/or classist effects that are antithetical to federal law and California law.** Allowing LEAs to opt in or opt out will undoubtedly produce uneven, inequitable outcomes for students with disabilities based on zip code. Although SELPA membership is a mandate, it is intended to provide protection to students and access to high quality services without regard to the demographics or purchasing power of the district where they happen to live.

Third, a whole host of other issues is created by huge shifts in SELPA membership, including instability in the continuation of services and programs based on new consortia agreements. If superintendent or other leadership changes occur at the LEA level, then agreements, staffing, service quality, and costs could change suddenly based on preferences of the new leadership. As mandated, school districts of sufficient size and scope have the ability to leave a SELPA consortium provided they will not do harm to their own students with disabilities or the students remaining in the consortium by creating any inability to provide a full continuum of programs and services. This stability is built into the SELPA mandate with applications and appeals requiring review by the State Board of Education.

While not considered or mentioned in the SEGA Report, it is likely that this recommendation violates [Education Code 56207](#) on Program Transfer, in effect since 1998, which provides protection to students and staff against abrupt changes in program and service provision for SWDs. This law reads:

“No education programs and services already in operation in school districts or a county office of education shall be transferred to another school district or a county office of education or from a county office of education to a school district unless the SELPA has developed a plan for the transfer which addresses, at a minimum, all of the following: (1) Pupil needs; (2) The availability of the full continuum of services to affected pupils; (3) The functional continuation of the current individualized education programs of all affected pupils; (4) The provision of services in the least restrictive environment from which affected pupils can benefit; (5) The maintenance of all appropriate support services; (6) The assurance that there will be compliance with all federal and state laws and regulations and special education local plan area policies; (7) The means through which parents and staff were represented in the planning process.” It continues by explaining that the change cannot take place until the first day of the second fiscal year after unanimous approval by the SELPA governing board, and that if there is a disagreement, it is resolved through SELPA-level alternative dispute resolution.”

Mandates already exist to (1) be part of a SELPA; (2) to be big enough to even be a SELPA, and (3) to provide adequate time in planning and obtaining all appropriate input and approval before making any changes to regionalized programs and services. **They serve as a set of expectations for how we treat students with disabilities and their families in California, and they provide much needed stability and support to all LEAs in terms of program availability and cost.**

The Dangers of Direct Funding

The SEGA Report recommends sending special education dollars directly to LEAs and not to SELPAs. The main impacts of this recommendation include *isolation* for small LEAs that make up the vast majority of LEAs in the state, and *insolvency* for many of the 424 school districts with less than 1,000 ADA. A corresponding recommendation removes any language from Education Code that gives special education responsibility to a special education local plan area (SELPA). Therefore, each LEA, big or small, will need to use their direct allocation of dollars to assume *all* accountability for their own compliance monitoring, professional development, improved student outcomes, grant applications and fiscal reporting, rate negotiations, and more. Each LEA will need to determine if they want to be part of a consortium, which LEAs they want to partner with, what types of services or programs they want to create, and from there make the agreements necessary to properly fund and operate the new consortium.

The report suggests outcomes for students with disabilities will improve if funding flows directly to LEAs, solely an assumption on the authors' parts. This recommendation is not wholly supported by the report's findings or through evidence or analysis of other models. While there is discussion in the Report about the issues of inclusion in the least restrictive environment for SWDs in California, there does not appear to be a clear nexus to that data and the SELPA governance

structure. For example, the report does not substantiate any findings related to the performance of students with disabilities in single-district SELPAs in comparison to students in LEAs belonging to multi-district SELPAs. Instead, it curiously finds, “Neither type nor size of LEA or special education local plan area (SELPA) were associated with improved academic growth for students with an IEP or with these students spending more time in general education settings. That is to say that student success or lack thereof and different rates of inclusion in general education existed across LEA and SELPA sizes and configurations.”

The report used a survey of 31 LEAs and their County Office of Education (COE) and SELPA, but does not offer the questions or results beyond demographic information, instead producing several graphs of “connection clusters” in an attempt to show that LEAs more frequently interact with their county offices of education rather than their SELPAs for purposes of special education, without clarifying that in many instances, staff and parents whose SELPA administrative unit is the COE sometimes use these terms interchangeably. Referenced as an “unknown” piece of information in the SEGA report, many SELPAs facilitate or broker the majority of arrangements among LEAs for services. It is hard to imagine what these clusters would look like when LEAs are isolated, operating autonomously but having to make countless more connections than before just to understand how to do the work in the right way. The report later discusses focus interviews conducted with staff and parents from 5 “high performing” LEAs (who are all currently members of multi-district SELPAs) and provides narrative summaries and some “word clouds.”

The nation, including California, is in the midst of a staffing shortage crisis. The current mandated SELPA structure ensures LEAs work together to share services and staff members, which in turn ensures access to highly qualified providers of specialized services for SWDs. Without a mandate to participate in shared coordination of regionalized services, LEAs will, in addition to the other responsibilities, now have to compete with one another for these highly specialized staff, perpetuating instability and inequity, but also increasing demand and therefore cost. Dr. Michele Bowers, Superintendent of Lancaster School District, explains it like this:

“When I think about leveraging our district, and we’re 15,000, we don’t have the capacity financially – we’re already underfunded. So, we don’t have the capacity to do everything that we should and must do for our students to be successful on our own. So, we can’t go buy all the equipment. We can’t hire each and every itinerant ourselves, and carry that burden and make sure that they all are highly qualified and that they have the experience and the capacity and the expertise... Each and every one of us trying to have our own set of everything just does not make sense. I liken it to Amazon. I am not going to shop in 10 different places when I can go to one place and have access to everything I need. That has blown up, and it’s not going anywhere anytime soon. Why? Because it makes sense. So, I liken SELPAs to that, they take care of us in a lot of different capacities.” [Making It Happen! SELPA Podcast Series. “Shared Service Models” episode](#)

The recommendations have enormous consequences for small and rural LEAs (including many small charter school LEAs), which make up the vast majority of LEAs in the state. Even if they did directly receive their funding, these small LEAs would likely be unable to develop effective consortia or provide a continuum of legally-defensible services and programs, increasing

exposure to litigation. Small LEAs with one or more students in need of higher cost programs or services will, without regionally-facilitated efficiencies and economies of scale, quickly be placed at risk for insolvency and non-compliance with IDEA mandates.

One of the most concerning recommendations would remove existing, stable funding for low incidence disabilities and out of home care from AB 602 and place it in a massive statewide extraordinary cost pool, requiring LEAs to submit countless (8,000-10,000 estimated in the SEGA Report) individual reimbursement claims, significantly enlarging fiscal reporting requirements. The need to do this is not examined or explained, and the report does not adequately answer questions about the capacity of the state or LEAs for expanded fiscal or auditing responsibilities, expansion of such a cost pool to keep pace with the level of need, or what exactly would qualify as a high cost expenditure or high cost service.

To compound the difficulties, in this post-SELPA scenario, each LEA would apparently now work individually with the CDE regarding most special education matters big and small, and the CDE would have to work with over 1500 LEAs, including independent LEA charter schools, for all its communications as opposed to the 136 SELPA administrators it currently relies on to assist with communications and problem-solving for the field. While the report suggests CDE could communicate to all its LEAs by improving its website and sending out a quarterly email, we see this as a real impediment to two-way communication, timely technical assistance, and other supports LEAs are accustomed to receiving in the SELPA model.

The SEGA Report also suggests that the operation of the SELPA structure is somehow not in accordance with federal IDEA implementation regarding Educational Services Agencies (ESAs) per OSEP's *Letter to Hokenson* from 2009. **This interpretation of the OSEP guidance, however, is flawed in that they incorrectly label SELPAs as Educational Services Agencies.** A SELPA is nothing more than a single LEA or a group of LEAs that join together to ensure that students within each LEA can receive special education and related services. ESAs exist in most states, and while California's SELPAs have significant accountability through Education Code including the requirements within their local plans ([56195.1](#) & [56205](#)), individual LEAs have the ultimate responsibility for carrying out child find activities, ensuring procedural safeguards, and providing services. Even assuming SELPAs meet the federal definition of an ESA, *Hokenson* supports and justifies the use of ESAs to receive and distribute funds based upon their local Board actions. And, the SEGA Report recommendation that money should flow to districts directly as subgrantees will undo the financial accountability system in California and give the State well over 1,500 subgrantees, needlessly duplicating effort and creating a bureaucratic morass. [See [SELPA-provided Legal Opinions](#) on this topic.]

This paper began by talking about the original design of the SELPA and some of its genius must be acknowledged. The authors of the SELPA model understood that in order to truly provide regionalized programs and services, there would need to be shared decision-making and local control, along with shared accountability. The special education dollars that come to the SELPA are the means by which all the necessary partners are brought to the table to discuss how to do right by students with disabilities, in accordance with law and best practices, facilitated by expert SELPA practitioners, and upon consultation with governance and advisory groups determined in

their Local Plan, including the Community Advisory Committee (CAC), program and fiscal operations councils, before approvals from their governing board (e.g. Superintendents' Council).

Similar to discussions around funding for traditionally underserved student groups in the LCFF and LCAP process, the SELPA Administrators of California are concerned about the potential that special education dollars may not be used for their intended purposes, to meet the needs of students with disabilities. We believe that the SELPA model exists in part to ensure that LEAs are not alone in their decision-making processes, to avoid situations where LEAs either do not know what they are required to provide or they choose to do something not in compliance with IDEA. The SELPA structure has provided the layer of expertise and oversight needed to truly support and protect LEAs in this complex area of education.

Parent Concerns

While the SEGA Report was partly intended to explore new means to incorporate parent family and community input into local decision-making, the report leads with a finding that, "Community Advisory Committees are not required by IDEA." Accordingly, the report recommends removing the required Community Advisory Committee (CAC) from Education Code and to establish instead a proportional representation of parents of students with disabilities to serve on the Local Control Accountability Plan (LCAP) parent advisory committee. The attempt to align and reduce duplication may be well intentioned, but it ignores that the primary function of the CAC is to improve outcomes for students with disabilities within each LEA.

Per Education Code, each [SELPA Community Advisory Committee](#) is made up of a majority of parents of students with disabilities, but is often also made up of educators and community agency partners who come together specifically to create a network of support for students and families and to plan opportunities for learning and discussion *on issues of importance to them*. This includes extensive parent workshops and presentations from providers in the community, engagement with our Parent Training and Information Networks, Family Empowerment Center/Family Resource Center partners, Regional Centers, and more. It includes advocacy for students with disabilities at the school, district, SELPA, regional, and state levels. Additionally, CAC is a means for parents to help each other navigate how to meet their child's needs, how best to connect with their school districts and IEP teams, and how to proceed when disagreements occur. Many parents describe involvement with their SELPA CAC as having found an extended family of sorts. Angelika Markes, Baldwin Park USD's Parent Representative to the East San Gabriel Valley CAC, recently said:

"I received support through a Family Empowerment Center and two parents who are members of the CAC. Having access helped me through the IEP process which I normally find very stressful. This last IEP was the most productive, the goals we created are so much more meaningful and relevant to my daughter's needs. But most importantly, SELPA allows parents to make connections with other parents and people who value our children as productive members of our society."

While greater representation of parents of students with disabilities in the LCAP advisory process is certainly welcome, it is hard to imagine the type of value she describes could be provided solely through participation in district LCAP parent advisory committee meetings.

Nurturing Healthy Partnerships and Trusting Relationships

SELPA currently function as objective agencies that provide information and support to students, families, community partners, and school district staff and to ensure compliance with special education's multitude of requirements. This objectivity works to the benefit of the SELPA itself and of LEAs and families who often need support in navigating conflict in special education matters. Objectivity is crucial to ensure that students are provided with the programs and services needed, and that disputes are investigated and resolved in a fair, equitable manner. Because disagreements are inevitable, the SELPA provides alternative dispute resolution (ADR) for conflict that arises through the interaction of LEAs between each other or with the COE, or even with their SELPA pursuant to [Education Code 56205\(b\)\(6\)](#). In most multi-district SELPAs, the objectivity of the SELPA ensures that decisions are truly based on the best interests of students across the entire SELPA and not favoring particular LEAs or the county office of education.

Under the SEGA Report recommendations, not only would LEAs lose the objective advocacy the SELPA provides, but families would no longer have access to Community Advisory Committees (CACs), and would no longer receive the neutral dispute resolution provided through SELPAs across the state, as the report suggests that function should instead transition to the county office of education. Shifting this level of expertise to the COE is easier said than done and it would take years of training for COEs to become not only proficient but trusted by their communities. Katie Castruita, proud parent and CAC Chair for the East Valley Consortium SELPA, explains the power of alternative dispute resolution like this:

“For a lot of parents, with due process, once those bridges are burned, they can't get it back together. And if you have that problem when your child is three or four and they're staying until age 22, that's a long time to fight with people. With ADR, you guys can still keep working together, keep the communication flowing. And you know, the SELPA comes in with the ADR as this neutral third party. They're not pro-parent, they're not pro-school district. They're pro-your child and they want what is in your child's best interest.” [Making It Happen! SELPA Podcast Series “ADR” episode](#)

In conclusion, the combined recommendations above make it harder for us to achieve the statewide goals of increasing equity and improving student outcomes. Through the opt-out provision and direct funding of LEAs, we would be dismantling the regional structures that enable LEAs to meet student needs. *We cannot even begin to talk about equity or improving student outcomes if we know we will no longer be able to meet basic student needs.* **These recommendations will increase costs of providing special education programs and services and exacerbate staffing shortages. They ask us to risk allowing limited special education dollars to be used for alternative purposes. They prioritize isolationism and competition over collaboration and teamwork, creating a “Me” vs. “We” culture in what is already a highly complex and litigious environment.**

The Consensus

The SEGA Report *is* supportive of many things that SELPA Administrators of California have actively advocated for over many years, such as the prioritization of inclusive practices to move the needle on student outcomes, and the alignment of general education and special education.

Inclusion. Is. Everything.

The concept of inclusion is an issue of civil rights for students with disabilities, akin to all other prior civil rights movements in the U.S. In addressing this ongoing civil rights issue, the SELPA Administrators of California clearly understand it is the intent of IDEA that students with disabilities be educated in the [least restrictive environment](#) to the maximum extent possible. Our members have worked tirelessly to make this a reality, whether through the creation of inclusive preschools, learning center and co-teaching models, or in-district alternative programs that keep students at their home schools or on comprehensive campuses. We know the research absolutely bears out that greater time in general education is a strong predictor of improved outcomes, and we know that related indicators of student achievement such as graduation rate, drop-out rate, attendance, and discipline are also improved when students with disabilities are more fully included in general education. Specific proposals in the most recent budget related to expansion of the Supporting Inclusive Practices (SIP) project, for example, are essential first steps in this effort.

SELPA Administrators of California support proposals to identify and work intentionally to discontinue past practices and fiscal structures that are currently barriers to equitable access and inclusive practices, such as the removal of references in California law to the Resource Specialist Program (RSP) vs. Special Day Class (SDC) nomenclature that has perpetuated stereotypes, lowered expectations, and supported segregated educational environments. We believe that to be successful with implementation of inclusive practices, a focus on teacher and administrator preparation for general education and special education teachers is imperative. It must be a clear expectation that special education students are general education students first and foremost.

The role of SELPAs must be to apply our expertise in this area to support district and school site leaders, teachers, providers, and families with this transition and accelerate the provision of meaningful access to general education for students with disabilities. We must help all educators learn to speak a common vocabulary of equity and compassion when it comes to explaining the “why” of Multi-Tiered System of Supports (MTSS) for behavior and academics, PBIS, and Universal Design for Learning (UDL). This focused message must permeate all aspects of our work as SELPAs and in working with our LEAs.

Alignment As Soon As Possible

We generally agree with the SEGA Report recommendation regarding the need for increased transparency and alignment of the state’s general and special education accountability, monitoring, and technical assistance structure, and with regard to general and special education accountability activities. We also generally agree with the following SEGA recommendations:

- a. Continue to provide Statewide System of Support resources and to support inclusive practices for students with an IEP, for both general education and special education audiences.
- b. Collect data on technical assistance access by LEAs and distribution by technical assistance providers. Provide guidance on making supports available to the LEAs based on need and to LEAs on how to access resources and supports;
- c. Encourage inclusion of special education expertise and support in LCAP improvement planning and differentiated assistance. Build expertise of local leaders to plan for and direct inclusive preschool and transitional kindergarten programs.

The integration and alignment of continuous improvement efforts between county offices and SELPAs as best practice is long overdue. There is currently a considerable amount of duplication of effort and redundancy in the work SELPAs and COEs undertake that could be streamlined and improved. Lack of alignment has a direct impact on the ability of general and special educators to speak a common accountability vocabulary, prioritize improvement processes and actions, and truly collaborate to improve outcomes for all students including those with disabilities.

SELPA Administrators of California provides technical assistance and training to their LEAs for Special Education Plans (Targeted Review, Intensive Review, Preschool Intensive Review, Disproportionality Review, and Significant Disproportionality CCEIS Plans), Data-Identified Non-Compliance (DINC), and Data Verification Reviews. SELPA supports the work of LEAs and COEs with differentiated assistance for SWDs. Additionally, each LEA is now required by Education Code to consult with its SELPA on their Local Control and Accountability Plan (LCAP) specific to how the plans appropriately address the needs of students with disabilities.

True improvements for students with disabilities can only happen when the hard work is done to align currently competing accountability systems and plans. The CDE, including its Special Education Division, should work to ensure accountability activities are "congruent, efficient, non-duplicative, and integrated." [[One System Special Education Task Force Report, 2015.](#)] We believe the state should convene a think tank for the purpose of thoughtfully integrating selection, monitoring, and actionable improvement plan requirements for Special Education Plans and Local Control and Accountability Plans, and focused on making concrete recommendations and action plans to bring us closer to the State's vision of "One System." The integration of accountability systems should by design facilitate engagement in regular, meaningful collaboration between general education and special education. The efficiencies and competencies that stem from greater integration will inspire new understandings between general education and special education about equity and inclusive practices, which will in turn improve the services offered through the IEP process and enhance the educational experience of all students.

The CDE Special Education Division should intentionally expand collaboration and alignment with its grant-funded partners in technical assistance, such as the [System Improvement Leads \(SIL\)](#), SELPA Content Leads, [SPP-TAP](#), [CCEE](#), and [Supporting Inclusive Practices \(SIP\)](#). This collaboration can only improve the design and effectiveness of the overall accountability system, especially when it comes to meeting the needs of students with disabilities. Alex Gonzalez, Executive Director of

Special Education in San Jacinto Unified School District is already seeing a difference in supports provided through the Statewide System of Support:

“I can see a shift in the work that they’re asking districts to do when we’re identified for these accountability measures. And what we’ve done in our district to address differentiated assistance or items that are part of our quality assurance process indicators for the state performance plan is use improvement science to engage in addressing those areas of need. I’m really excited to approach the items that are still going to be required for us to address, but in a different way. And through the System Improvement Leads grant, the messaging is getting to our superintendents, to our school boards and we see more of a focus on actually improving our practice rather than improving a score.” [Making It Happen! SELPA Podcast Series, “Statewide System of Support” episode](#)

The CDE Special Education Division should actively partner with divisions across the entire Department to increase alignment and reduce duplication of efforts. The entire Department must create space for and an expectation that all of its various grant partners, including, but not limited to the California Collaborative for Educational Excellence (CCEE), SIL, SELPA Content Leads, and CCSESA Geographic Leads collaborate regularly to align their work, their messaging, and their resources to the field. Greater alignment and collaboration will result in more coherent and high-quality technical assistance and promote the State’s focus on a single statewide system of support.

The Design

A Word About The Association

SELPA structures range from single-district to multi-district to those designated as small and sparse, and still others operate as cooperatives under joint powers agreements. The type of support needed by each type of SELPA is currently almost solely provided by the SELPA Administrators of California Association, through monthly meetings and an active listserv for members. This is also the only body that provides the necessary onboarding for new SELPA administrators. Membership in the [SELPA Administrators of California](#) is completely voluntary, with minimal fees paid by each participating SELPA, however virtually all SELPAs choose to become members.

Unlike other major associations in the state, SELPA Administrators of California employs zero staff and it operates on the sheer volunteer power of its members, many of whom serve on multiple committees. Due to the complex and litigious nature of SELPA work, the Association boasts a wide [variety of committees](#) whose chairs and members must interact regularly with numerous state agencies to ensure members are informed on best practices, current issues, and trends in the field; that they maintain compliance with changes in special education law and fiscal requirements; and that they are included in conversations that will have an impact on students with disabilities in their SELPAs. Most often, SELPA administrators assist each other in determining the best way to interpret or implement new mandates, laws impacting students with disabilities, as well as case law.

To meet our current challenges, SELPA Administrators of California has identified several efficiencies and essential functions that could be part of a larger redesign of the SELPA support structure. For example, there is an identified need to formalize statewide structures and leadership in the area of [Alternate Dispute Resolution and Prevention](#) in a coordinated way to support LEAs, SELPAs, the CDE Complaints Division, and the Office of Administrative Hearings, utilizing current SELPA models and best practices from other states.

As an Association of volunteers, we acknowledge the occasional need for support in working through disagreements between LEAs or between LEAs and SELPAs related to governance and allocation. This support could include expert consultants and an intermediary to the CDE and State Board regarding size and scope appeals. While each SELPA is required to provide for dispute resolution in the event of disagreements between LEAs, or between LEAs and their SELPA, pursuant to Education Code, there is a need for a more well-defined process for LEAs to go through prior to appealing their SELPA status to the State Board of Education.

There is a definite need for a comprehensive SELPA technical assistance network to ensure the effective functioning of SELPA regional structures including [coordinated support, training, mentorship, and coaching for new SELPA administrators](#) and staff, including job-alike networks for all SELPA types, and with access to experts who can guide them in handling issues related to governance, allocation, and program pieces. Technical assistance providers would also give consistent attention, advocacy, and consultative support to Charter Schools, Charter SELPAs and Small and Sparse SELPAs to address their specific needs for fiscal and programmatic solutions in and other issues that will help them improve outcomes for their SWDs. Our Association also feels that a more intentional focus on strengthening SELPA could include development of some standardized processes for all SELPAs, and for particular SELPA types, to reduce duplication of effort and create a reasonable level of uniformity and efficiency.

There is a need to provide coordinated professional learning, marketing, and branding that will ensure parents, educational partners, superintendents, business officials, and the broader community understand how the SELPA functions to provide equity and improved outcomes for students with disabilities. SELPA Administrators should logically serve as the lead for referrals on any special education-related research and study questions posed by the Legislature, and utilizing the SELPA team of expert practitioners will ensure the most logical, practical solutions and recommendations are brought forward, and in a timely and cost-effective manner.

Benefits of the Current SELPA Design

The 2015 California Special Education “One System” Task Force report envisioned a unified and coherent educational system, recognizing that improvements in special education will improve education for *all* students. With this target in mind, the state should leverage SELPAs to provide both direct support to schools to help align multiple school-based improvement efforts into a cohesive, sustainable plan for LEA improvements. We know from experience that no two schools are alike. SELPAs have a strong track record of delivering high-quality services to help LEAs make progress along their unique improvement journeys, aiming to reach one destination.

SELPAs have significant knowledge and social capital. Because of their significant experience, SELPAs have accumulated knowledge about what works and can respond quickly to requests for services from LEAs. SELPAs are responsive and resourceful, and act as a resource for research and information on evidence-based models and best practices. They can also rapidly gear up to deliver services and customize the type of support and services based on local needs. SELPAs help to identify challenges or opportunities the LEA may not have recognized or acknowledged independently. Because of their work at multiple sites, SELPAs can also share what is happening in other LEAs to help create a better understanding for the need to sustain a commitment to improvement and effective implementation.

SELPAs are effective connectors and collaborators. SELPAs bring people and organizations together, and design more effective solutions to meeting academic and non-academic needs of students. Many SELPAs have connections to local public and private entities. They can be effective liaisons and brokers of community services. SELPAs support LEAs in ways that go beyond their own capacity by collaborating with one another. The network of all SELPAs offers unparalleled experience and skill, and shared knowledge and resources across the state.

SELPAs oversee efficient and effective operations while giving focused attention to students with disabilities. By acting as a shared service provider, SELPAs create economies of scale and contribute to the efficient use of resources between and among LEAs. SELPAs demonstrate their efficacy by saving LEAs time and money. The work of SELPAs is focused on providing specialized services and support to LEAs that address the needs of special populations. They already have significant assets in place to do this work. Some SELPAs also provide services to LEAs in hard-to-fill services positions such as occupational therapists, physical therapists, psychologists, preschool and special education teachers, among others.

SELPAs lead the work of data analysis to drive improvement. SELPAs recognize that all their member LEAs review and analyze data. SELPAs support and grow this capacity and provide additional assistance in facilitating data-driven insights and making conclusions actionable for special education students and programs. SELPA System Improvement Leads have created cutting edge data tools that allow LEAs and SELPAs to harness trend data for all students for the benefit of teams working on root cause analysis and using improvement science to develop the most effective monitoring plans possible.

SELPAs facilitate necessary engagement with educational partners and families. SELPAs regularly help LEAs with engagement of educational partners and can use their existing communications structures to help the state do the same. SELPAs provide the necessary objectivity to ensure parent voice is heard and disagreements can be resolved at the lowest level and at the lowest cost through dispute prevention and resolution. The SELPA structure provides inherent neutrality to resolve disputes and provide support to families. Given their presence in every corner of the state, SELPAs are an efficient mechanism for gathering partner input and feedback through their Community Advisory Committees (CAC), and for sharing critical information in partnership with families, regional centers, family empowerment centers, and parent training and information networks.

SELPA provide teacher and leader professional development. SELPAs have long provided leadership, planning and coordination to support beginning teachers and administrators with mentors. They understand how to provide effective professional development that is job-embedded, sustained and impactful. The depth and breadth of knowledge that SELPAs offer meet the needs among teachers and leaders for high quality professional development in all components of special education and effective interventions for struggling learners.

SELPA should be involved in the development and implementation of the State Systemic Improvement Plan and its broader vision for educational improvement. SELPAs can provide CDE with concepts, feedback and resources to ensure effective, efficient implementation of strategies within the state's plan. SELPAs should be tasked with serving as the locus for supports and initiatives designed to have impact at the local level. SELPAs have the capacity to advance the components of California's strategic plan and vision consistent with state priorities.

The Recommendations

Working for the best possible outcomes for students with disabilities, their families, and the staff who serve them, the SELPA Administrators of California has carefully analyzed the challenges and possibilities presented in this moment. We believe this is a real opportunity to transform the SELPA regional model to meet student needs for 2022 and in the future, and that the state would benefit from having a set of alternative proposals that soundly address **accountability**, demand **innovation** and engagement, and re-engineer the **design** of special education in California.

1. Clarify the role of SELPA in Education Code

Clearly state in Education Code and in the State Systemic Improvement Plan that, in addition to ensuring the provision of equitable, efficient sustainable programs and services across all regions of California through local decision-making, Special Education Local Plan Areas (SELPAs) are accountable for implementing local plans that focus on statewide priorities of equity, inclusive practices in the least restrictive environment, providing technical assistance, and improved outcomes for students with disabilities.

In formalizing the expanding role of SELPAs, additional language should include the following:

- SELPAs are accountable and answerable to the CDE, the Superintendent of Public Instruction, the Legislature, the State Board of Education, their SELPA Governing Boards, parents and community partners, and educational and agency partners.
- The development and adoption of a flexible, but meaningful, system of SELPA accountability through partnership and collaboration with the CDE and the SELPA Administrators of California, to include Annual Assurances Support Plan development and reporting, pursuant to Education Code 56122(c), on SELPA and LEA implementation and effectiveness on a range of standards and multiple indicators of progress.
- Each SELPA is part of a larger **“System Improvement Network”** whereby collaboration and alignment occurs between CDE, SELPAs, LEAs, and other Statewide Agencies (i.e., CCEE, COEs, Statewide System of Support) to (a) remove the silos that exist between general education and special education, and (b) accelerate the delivery of the direct technical assistance necessary to improve outcomes for students with disabilities. Designate the SELPA System Improvement Network as the state’s primary provider of special education support and technical assistance for all LEAs in California, a role that should be reflected in the State Systemic Improvement Plan.

2. Expand investments in the System Improvement Network

Legislatively commit funds for the structural, fiscal, and human resources necessary to speed and strengthen implementation of statewide priorities within LEAs and SELPAs across California, in collaboration with the CDE and partner agencies within the Statewide System of Support and beyond via the System Improvement Network.

As a means to achieve statewide priorities, fund the System Improvement Network to:

- Provide the long-term funding required not just to sustain, but to scale up with greater urgency, the support of SELPA System Improvement Leads and Content Leads in collaboration with the CDE and CCEE, in alignment with “One System” state priorities of improving outcomes for students with disabilities and related compliance monitoring.
- Provide support to CDE in identifying and monitoring those SELPAs in need of additional technical assistance or support that could be accessed through the **System Improvement Network** in order to prevent the need for more intensive monitoring, and to ensure students with disabilities are meaningfully provided for within each LCAP.
- Identify and work intentionally to discontinue past practices and fiscal structures that are currently barriers to equitable access and inclusive practices.
- Operate statewide Alternate Dispute Resolution activities, including professional development, and low- or no-cost mediation services, facilitated by SELPA leadership.
- Create other necessary consultative units to address governance and allocation issues; SELPA administrator coaching and professional development; Charter Schools, Charter SELPA, and Small and Sparse issues; lead research efforts on statewide special education studies; and provide professional development about the SELPA structure.

3. Provide SELPA-specific funding in AB 602

Establish a new and distinct AB 602 allocation for “Regionalized Services/Statewide Priorities,” to directly support the alignment of SELPA structures within the System Improvement Network to improve outcomes for SWDs according to statewide priorities.

In funding the expanded role of each SELPA, include:

- A new and distinct AB 602 allocation for “Regionalized Services/Statewide Priorities,” using an allocation calculation similar to “Regionalized Services/Program Specialists,” and restricted to activities and supports identified through the Annual Assurance Support Plan.
- A requirement that each SELPA assures it will provide the requisite core SELPA staffing to meet monitoring plan requirements and CDE mandates and expectations, and to engage more fully with the **System Improvement Network** in other activities aligned with the vision of the 2015 “One System” Task Force.
- Prioritized development and implementation of effective SELPA Annual Assurance Support Plans, pursuant to Education Code 56122(c), with increased SELPA support to LEAs in creating Local Control Accountability Plans that meaningfully address the needs and supports to be provided to students with disabilities.
- Flexibility for SELPAs to utilize these funds to support not only the completion of the SELPA Annual Assurances Support Plans as mandated in Education Code 56122(c), but also for additional program specialist-specific work (technical assistance, compliance, professional development and coaching), as well as essential data quality, compliance monitoring, and fiscal activities provided by other certificated and/or classified staff.

4. Remove barriers to Inclusion and build inclusive supportive practices

Remove Education Code nomenclature that contributes to segregated student placements, assure key teacher and administrator credentialing faculty are trained in inclusive practices, and provide that future legislation related to educational practice promotes inclusive practices.

- Identify and work intentionally to discontinue past practices and fiscal structures that are current barriers to equitable access and inclusive practices, such as the removal of references in California law to the Resource Specialist Program and Special Day Class nomenclature that has perpetuated stereotypes, lowered expectations, and segregated educational environments.
- Assure that all administrative services credential candidates complete fifteen hours of instruction in inclusive practices for general education as part of the credentialing process.
- Assure that all faculty at Institutes of Higher Education and other teacher and administrator general education credentialing programs be trained in Universal Design for Learning and other inclusive practices so they can support all of their credential candidates in understanding the essential need for these practices, and assure that these faculty demonstrate that they are working directly with schools that are implementing model inclusive practices.
- Provide that all bills mandating educational policy and practice include relevant elements of inclusive practices, especially giving direction to general education administrators and teachers on how to support students with disabilities in general education classrooms using evidence based practices.
- Fund model sites for demonstrating UDL and inclusive practices through the Supporting Inclusive Practices (SIP) and SIL (System Improvement Leads) projects, requiring that those funded publish their data and act as technical assistance providers to other LEAs.

Additional Resources

General

[SELPA Administrators of California](#) website
[The Formation of SELPAs](#) background information
[Master Plan for Special Education - Annual Evaluation Report](#), 1980-81
[CDE 2019 Memorandum to the State Board of Education](#)
[The Local Plan Explained](#) with sample local plans
[Supporting New Directors](#)
[SELPA Student Stories Brochure](#)
**** ALL NEW - [SELPA Making It Happen Podcast Series](#)** (*Episodes on Finance, Statewide System of Support, ADR, Equity, and Shared Service Models*)

Alignment and Statewide Priorities

[SELPAs Within A Changing Educational Landscape White Paper](#), September 2017
[Statewide System of Support](#)
[Compliance Monitoring](#)
[Equity and Disproportionality](#)
[SELPA Compliance Monitoring White Paper](#), July 2021

Alternate Dispute Resolution

[Alternate Dispute Resolution](#), including ADR Conference and Pepperdine Partnership

Fiscal Information

[Overview of Special Education Funding Models](#), Legislative Analyst's Office, December 2021
[Fiscal Historical Background](#)
[Fiscal Resources and Support](#)
[Transformational Funding for Transformational Action](#), *ACSA Leadership Magazine*, Nov 2021

Education Code and Other Legal References

[Legal Opinions on OSEP letters re: ESAs](#), courtesy of Fresno County SELPA and Butte SELPA
[OSEP Verification Visit \(2010\)](#)
[AB 130 Trailer Bill language](#)
[Education Code 52062\(a\)\(5\)](#) (LCAP meaningful consultation)
[Education Code 56122 \(c\)](#) (seen also in SB 98, Sec 62; and AB 1808)
[Education Code 56195.1](#) (Local Plans)
[Education Code 56205](#) (Elements of the Local Plan: State Requirements)
[Education Code 56207](#) (Program Transfer)
[Education Code 56836.23](#) (Regionalized Services/Program Specialists)
[Education Code 56836.24](#) (Regionalized Services/Program Specialists)
[Summary of all references to "SELPA" or "Special Education Local Plan Area" in Ed Code](#)
[Summary of all references to "RSP" and "SDC" nomenclature in Ed Code](#)

For further information, please contact:

Alice Kessler, Governmental Relations Consultant, kesslera@gtlaw.com
Erin Evans-Fudem, Governmental Relations Consultant, erin@lh-pa.com