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OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To The Board of Education
From Tony Smith, Ph.D., Superintendent
 By: Maria Santos, Deputy Superintendent, Instruction, Leadership & Equity-in-Action
 Vernon Hal, Deputy Superintendent, Business & Operations

Board Meeting Date 12/12/12
(To be completed by Procurement)

Subject Coordinated Early Intervention Services (CEIS) Plan Approval of Assurances

Action Requested Approval of Assurances

Background
A one paragraph explanation of why an amendment is needed.
 Under the Individuals with Disabilities Education ACT (EDEA) and instructions from the U.S Department of Education, Office of the Special Education Programs (OSEP), the California Department of Education (CDE) is required to make annual calculations to identify districts that may have significant disproportionality. Under these requirements, a local education agency (LEA) is considered significantly disproportionate based on the calculations of a particular year and the CDE is required to direct the LEA to use 15% of their IDEA funds for that year to address the disproportionality by providing coordinated early intervening services (CEIS). A LEA would be considered to have met its responsibilities when two conditions are met: 1) calculations for a fiscal year do not identify the LEA as significantly disproportionate and 2) the LEA has expended 15% of its IDEA funds for the year it was identified as significantly disproportionate.

Discussion
One paragraph summary of the amended scope of work.
 Implementation will include development of a CEIS Plan, a creation of a budget and plan to spend 15% of ARRA funds, and assuring the state that we will comply with 34 CFR Section 300.646 that requires an LEA to a) Reserve the maximum amount (15 percent) of the Part B IDEA sections 611 and 619, and ARRA IDEA sections 611 and 619 funds received for comprehensive CEIS. In accordance with these regulations, the LEA agrees that it cannot reduce its state and local and/or local expenditures for its maintenance of effort by the allowable 60 percent adjustment of the new funds received in 2011-2012 fiscal year. B) Provide for the review and if appropriate, revision of the policies, procedures, practices used for the identification or placement of students into special education that complies with IDEA requirements.

Recommendation Approval by the Governing Board of Oakland Unified School of Coordinated Early Intervention Services (CEIS) Plan Approval of Assurances as submitted by Programs for Exceptional Children for the period September 2012 through June 2013.

Fiscal Impact

Attachments



Local Educational Agency and Special Education Local Plan Area Assurance of Compliance with the Individuals with Disabilities Education Act of 2004

Regarding Implementation of Coordinated Early Intervening Services

Local Educational Agencies (LEA) identified as significantly disproportionate for the 2010–2011 school year must, as a special condition for receipt of the fiscal year (FY) 2012 Individuals with Disabilities Act (IDEA) funds, meet the following requirements:

Part 1: The LEA shall comply with 34 *Code of Federal Regulations (CFR)* Section 300.646 that requires an LEA to:

(a) Reserve the maximum amount (15 percent) of the Part B IDEA sections 611 and 619 funds received for comprehensive Coordinated Early Intervening Services (CEIS). In accordance with these regulations, the LEA agrees that it cannot reduce its state and local and/or local expenditures for its maintenance of effort by the allowable 50 percent adjustment of the new funds received in the 2012–13 fiscal year.

(b) Provide for the review and, if appropriate, revision of the policies, procedures, and practices used for the identification or placement of students into special education that complies with IDEA requirements.

(c) Publicly report on the revision of policies, procedures, and practices discussed in Part 1 (b).

Part 2: Any LEA that uses up to 15 percent of IDEA Part B funds for CEIS must annually report to the state education agency on:

- The number of students who receive CEIS
- The number of students who received early intervening services, who subsequently receive special education and related services within two years after receiving CEIS

Part 3: The LEA shall comply with the provisions of section 613(f) of the IDEA (20 U.S.C. Section 1413(f)) and the regulations in 34 CFR Section 300.226 that define and describe CEIS. IDEA funds for CEIS may be used to supplement but not supplant services aligned with and activities funded by and carried out under any federally funded project (most notably the Elementary and Secondary Education Act (ESEA) which includes Title I services). There is no "supplement not supplant" requirement for state or local funds [34 CFR 208 (a)]. CEIS funds may be used to develop and support a multi-tiered system of prevention and intervention options, but may not be used to support the implementation of core (universal) activities designed to provide high quality instruction to all students in a grade, school, or LEA.

Part 4: The LEA shall identify to the Special Education Division the FY 2011–12 Part B IDEA section 611 grant amounts for Resources 3310, Resource 3320, and section 619 grant amounts for Resource 3315 that the SELPA allocated to the LEA. Similar, the LEA agrees to provide the FY 2012–13 Part B IDEA section 611 grant amounts for Resources 3310, Resource 3320, and

section 619 grant amount for Resource 3315 that the SELPA allocated to the LEA and/or the methodology used by the SELPA to determine the estimated amount of special education funds the LEA will be allocated for FY 2012-13.

Part 5: For FY 2012-13, if applicable, for FY 2013-14, the LEA shall provide a budget to the Special Education Division for the 15 percent set-aside for CEIS. This budget shall provide how and on whom these funds will be spent to implement and/or improve the LEA's comprehensive CEIS activities. The LEA shall report quarterly expenditures on the CEIS-Quarterly Summary Expenditure Tracking Report. All of the allowable budget items MUST be part of CEIS for students in kindergarten through grade 12 who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.

Part 6: The LEA shall implement funds as described in the guidance contained in the U.S. Department of Education Memorandum entitled "Coordinated Early Intervening Services (CEIS) Under Part B of the Individuals with Disabilities Education Act." The guidance is located in the document "Office of Special Education Programs Memorandum" (Enclosure 3), specifically questions one through eight, on pages 3 through 5.

Part 7: The LEA shall comply with the guidance and monitoring provided by the California Department of Education, Special Education Division, including making records, data and reports available through a knowledgeable and accountable contact person. The SELPA director must certify their involvement in the development of the SD-CEIS Plan, any addendums, and quarterly reports.

The signatures to follow convey agreement with the above seven Parts.



LEA Superintendent Date




SELPA Director Date

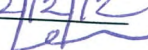


LEA Special Education Director Date



School Board Chairperson Date


Edgar Rakestraw, Jr., Secretary
Board of Education 12/12/12

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By: 



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

July 19, 2012

Anthony Smith, Superintendent
Oakland Unified
1025 Second Avenue
Oakland, CA 94606-2212

Dear Superintendent Smith:

Subject: Significant Disproportionality for 2010–2011

The California Department of Education (CDE) has identified the Oakland Unified as having significant disproportionality for 2010–2011 pursuant to the requirements of the Individuals with Disabilities Education Act (IDEA).

Under Section 300.646 of the IDEA, the CDE is responsible for collecting and examining data to determine if significant disproportionality is occurring in local educational agencies (LEAs) in the state. The CDE must look at data related to the over representation of students by race and ethnicity with respect to:

- 1) Identification as children with disabilities
- 2) Identification in various disability categories
- 3) Placement in educational settings
- 4) Disciplinary actions including suspension and expulsion

Calculations for your district were released earlier to the Director of your Special Education Local Plan Area (SELPA) so that the SELPA could review the CDE's findings. The CDE has received and responded to a number of questions about the data and calculation methodologies. Enclosed is a copy of the data and calculations that were used to make the determination (Enclosure 1), and a description of the calculation methodology (Enclosure 2).

Your district was found significantly disproportionate because of a failure to meet the established criteria for one or more areas of significant over-representation using the alternate risk ratio and e-formula in the four areas listed above.

Under federal requirements, if a district is determined to have significant disproportion in any one of the four areas identified above, the CDE must:

- Require the LEA to review its policies, procedures, and practices to ensure compliance with the requirements of the IDEA

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- Require the LEA to publicly report on the revision of policies, procedures, and practices
- Require the LEA to reserve 15 percent of its IDEA grant funds to provide comprehensive coordinated early intervening services to children in the LEA (including, but not exclusively for, those children in the groups that were identified as significantly disproportionate)

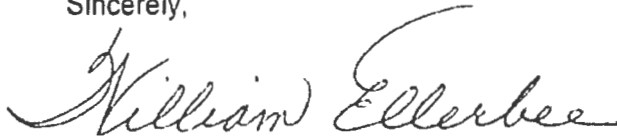
LEAs that are identified as significantly disproportionate in one or more areas may **not** take advantage of the opportunity to reduce its Maintenance of Effort (MOE) by 50 percent should there be an increase in federal funds. Enclosed is a copy of a memo from the Office of Special Education Programs entitled "Coordinated Early Intervening Services (CEIS) Under Part B of the Individuals with Disabilities Education Act" (Enclosure 3). This memo contains a summary of federal requirements related to significant disproportionality and CEIS.

Lastly, as a result of the determination of significant disproportionality, the CDE is placing special conditions on the district's IDEA grants for 2012–13. Enclosed is a document of Assurances that must be submitted to the CDE within 30 days of receipt of this letter in order to continue the flow of IDEA funds (Enclosure 4). The signed Assurances document should be faxed to the Administrative Services Unit at 916-445-4108.

You will receive an additional resource packet under separate cover that will explain the CDE's specific expectations. The packet will include instructions for updating the review of policies, procedures, timelines, and practices; developing action and budget plans; fiscal documentation; and reporting.

If you have any questions regarding this subject, please contact Patricia Skelton, Education Administrator, Assessment, Evaluation, and Support Unit by phone at 916-327-3547 or by e-mail at pskelton@cde.ca.gov.

Sincerely,



William J. Ellerbee, Jr., Deputy Superintendent
Student Support and Special Services Branch

WE:ps
Enclosures