

Senate Select Committee on Children and Youth with Special Needs
Information Hearing 12/1/2015
Item VIII. Education Services
California Department of Education, Special Education Division
Chris Drouin, Associate Director

1. Overview of services and care provided for children and youth with special needs, including but not limited to physical, developmental and mental health

Students with disabilities qualify for special education and related services if an Individualized Educational Program (IEP) team determines that they have a disability and that because of that disability have a need for special education or related services. Generally, this means that their disability affects their ability to access, and make progress in, the school curriculum. Some students with disabilities do not qualify for special education because their disability does not affect their academic access and progress. Under state and federal law there are thirteen categories of disabilities. They are listed in the table below.

Student counts by Disability for Students Aged 3-22		
Disability	Frequency	Percent
Autism	90,734	12.7%
Deaf Blindness	97	0.0%
Deafness	3,244	0.5%
Emotional Disturbance	24,214	3.4%
Established Medical Disability	478	0.1%
Hard of Hearing	8,837	1.2%
Intellectual Disability	43,284	6.1%
Multiple Disability	6,176	0.9%
Orthopedic Impairment	11,791	1.7%
Other Health Impairment	74,811	10.5%
Specific Learning Disability	284,191	39.9%
Speech or Language Impairment	158,778	22.3%
Traumatic Brain Injury	1,734	0.2%
Visual Impairment	3,603	0.5%
Total	711,972	100.0%

SOURCE: December 2014
CASEMIS

In 2014-15, 666,574 of California's 6,235,520 K-12 students are identified as receiving special education (10.7%).

Number and Percent of Students Served 2010 - 2015				
Year	General Education (K-12)	Special Education age 3-22	Special Education age 5-22	Special Education age 5-22 percent*
2014-15	6,235,520	711,972	666,574	10.7%
2013-14	6,236,672	699,617	654,711	10.5%
2012-13	6,226,989	688,982	644,115	10.3%
2011-12	6,220,993	679,889	635,970	10.2%
2010-11	6,217,002	672,710	629,457	10.1%
* Percent of students receiving special education. Percent is based on 5-22 as there is no general education data for all preschool age students				

SOURCE: General Education from Dataquest; Special Education from CASEMIS December 2014

This percentage has increased from 10.1% to 10.7% since 2010-11. Among the seven largest states, this compares to a high of 17.8% in New York and a low of 8.7% in Texas.

New York	17.18%
Pennsylvania	15.40%
Ohio	14.77%
Illinois	14.00%
Florida	12.95%
Texas	8.70%

Child Find. LEAs are responsible for having procedures to ensure that all students with disabilities who are in need of special education and related services are identified, located and evaluated. (20 USC §1412(a)(3))

Assessment. Students identified as potentially eligible for special education are entitled to an assessment to determine whether they have a disability negatively impacting their academic progress, and to identify how the disability is impacting their progress. Each student with an IEP must be re-assessed at least once every three years, unless the parent and other members of the IEP team determine that the re-assessment is not needed. (20 USC § 1414)

Individualized Educational Program (IEP). Based on the results of the assessment, students eligible for special education have an Individual Education Plan (IEP) developed for them by their IEP Team, which consists of the parent or guardian and a team of school staff and other individuals involved in the student’s education. The IEP Team identifies the appropriate educational placement for the student, the related services the student is to receive, and goals for the student to achieve during the term of the IEP. IEP-based related services are designed to support the student in making progress toward the IEP goals. Each IEP is to be reviewed annually to ensure that current placement, goals and services are working for the student, and if not, to make appropriate changes. (20 USC § 1414(d))

Free Appropriate Public Education (FAPE). Under state and federal law, Local Educational Agencies (LEAs) are responsible for making a free appropriate public education available to all students with disabilities, 3 to 21 years of age. “Appropriate” is generally defined as suited to meet the student’s specific needs, and reasonably planned to result in an educational benefit. (20 USC §1401(9))

Services provided to Students with Disabilities (SWD) ages 3-22		
Service	Count	Percent of SWD
Language and speech	343,440	48.24%
Occupational therapy	66,678	9.37%
Adapted physical education	41,901	5.89%
Individual counseling	34,810	4.89%
Behavior intervention services	31,754	4.46%
Counseling and guidance	26,338	3.70%
Psychological services	18,847	2.65%
Physical therapy	8,777	1.23%
Parent counseling	8,405	1.18%
Health and nursing, other services	7,077	0.99%
Audiological services	6,630	0.93%
Health and nursing, specialized physical health care services	5,391	0.76%
Social work services	5,355	0.75%
Orientation and mobility	2,591	0.36%
Interpreter services	1,834	0.26%
Recreation services	946	0.13%
Residential treatment services	539	0.08%

SOURCE: December 2014 CASEMIS

Placement in the Least Restrictive Environment. State and federal law require that students with IEPs are placed in the least restrictive environment possible to effectively address their educational needs. This means that, to the maximum extent appropriate, children with disabilities must be educated with nondisabled children. As a general requirement, special classes, separate schooling, or other removal from the regular educational environment occurs only if the nature or severity of the student’s disability is such that education in regular classes (with the use of supplementary aids and services) cannot be achieved satisfactorily. LEAs are required to have a continuum of alternative placements to address the needs of students with disabilities. (20 USC 1412(a)(5))

Related Services. Related services include a variety of services that may be required to assist the student to benefit from special education. These can include transportation and services to address the student’s physical needs, academic support that assists the student toward reaching IEP academic goals, and/or mental health services to address social or behavioral needs. The Individuals with Disabilities Education Act (IDEA) includes a list of related services, though the list is not considered exhaustive. The following table depicts the number of students who receive the services that, in California, most closely align to the federal list of related services. (This is not a complete list of related services provided to California students.)

2. Description of the funding sources and how funding is distributed to pay for services

California provides special education funding to LEAs from two primary sources: federal funding, and state funding. Within each category are several sources used to support the education of students with disabilities. Overall, federal funds have decreased and state general funds have increased.

**SPECIAL EDUCATION
Local Assistance Funding**

Year	Federal	State	Total Budgeted Authority
FY2015–16	\$1,206,087,000	\$3,257,426,000	\$4,463,513,000
FY2014–15	\$1,210,078,000	\$3,286,970,000	\$4,497,048,000
FY2013–14	\$1,226,194,000	\$3,171,317,000	\$4,397,511,000
FY2012–13	\$1,235,469,000	\$3,220,353,000	\$4,455,822,000
FY2011–12	\$1,229,085,000	\$3,117,119,000	\$4,346,204,000
FY2010–11	\$1,232,218,000	\$3,106,681,000	\$4,338,899,000

General Education Funding is Applicable to Students with Disabilities. It is important to recognize that students with disabilities are general education students first, and that their attendance in school generates general education funding. Therefore, general education funding provided for all students appropriately supports some of the cost of

educating students with disabilities. While the Local Control Funding Formula (LCFF) and Local Control Accountability Plan (LCAP) include students with disabilities as a target group, students with disabilities do not generate an LCFF allocation. The special education funding described below is intended to augment this base education funding to support additional costs incurred in providing special education and related services to which students with disabilities are entitled.

Special Education Funding is distributed through Special Education Local Plan Areas (SELPAs). California law has established an administrative structure for special education that involves Special Education Local Plan Areas (SELPAs). SELPAs serve a single LEA or consortium of LEAs in administering the special education system for their constituents. SELPA administrative units are either school districts or county offices of education. To be approved, SELPAs must demonstrate sufficient size, scope, and resources to successfully ensure the delivery of instruction and related services to all students entitled to receive special education in the SELPA's service area. Each SELPA develops a local plan for coordination and delivery of special education services by member LEAs.

SELPAs receive the special education funding on behalf of all of their member LEAs. Funds are distributed according to an allocation plan agreed upon by all of the member LEAs. SELPAs either 1) distribute funding to their member LEAs for the LEAs to pay for special education and related services, 2) retain the funding and provide the special education and related services directly, or 3) some combination of the two. Major funding mechanisms are described below.

The CDE allocates budgeted funding for each LEA based on a formula established by Congress or the Legislature, depending on the source of funding.

State General Funds

AB 602 (Prop 98). The AB 602 special education funding model was established in 1998-99. The AB 602 funding model provides funding to the SELPAs based on a rate per unit of Average Daily Attendance (ADA). Funds are paid through the Principal Apportionment. Principal Apportionment amounts are calculated three times for each fiscal year. SELPA rate per ADA receives annual adjustments for COLA and for growth (or decline) in SELPA ADA.

Educationally Related Mental Health Services. In addition to funds provided through the AB 602 principal apportionment, SELPAs are allocated funds for mental health services based on an ADA based calculation.

Other state general fund grants. Several grants programs were moved from federal funds to state general funds between 2004-2006. These grant programs include Project Workability, Infant Discretionary funds. Grant funds are provided to LEAs using a

different methodology for each program. (See <http://www.cde.ca.gov/sp/se/as/leagrnts.asp> for more information).

State General Funds		
Program Name	Allocation Method	2015-16 Amount
AB 602	ADA	\$2,743,893,000
Educationally Related Mental Health	ADA	\$361,910,000
Project Workability	Non-Competitive Application Process	\$39,738,000
Infant Discretionary	Per infant	\$2,324,000
Early Intervention Infants*	To Be Determined	\$30,000,000

*New Funding for FY 2015-16

Federal IDEA Funds

The federal IDEA requires the CDE to allocate a minimum amount of California's IDEA Section 611 (age 3 to 21) and IDEA Section 619 (Preschool) to funds to flow through to LEAs. The CDE allocates the IDEA funds to LEAs/SELPA's through a grant award. These grant awards are based on a three-part formula required by the IDEA: a base amount, a percentage of population, and a percentage of poverty. The base amount is the amount federal funds provided in 1999. Of the funds allocated in excess of the base amount, 85 percent are allocated on the basis of the relative number of children enrolled in public and private elementary and secondary schools within each SELPA's jurisdiction, and 15 percent on the basis of the relative number of children living in poverty using free and reduced price meal participation as the indicator of poverty. Federal IDEA grants include:

Federal IDEA Funds		
Program Name	Allocation Method	2015-16 Amount
IDEA 611 LEA Agency Entitlement	Federal Funding Formula	\$1,019,045,607
IDEA 611 Preschool Local Entitlement	Federal Funding Formula	\$65,528,395
IDEA 611 Other State Agencies	Federal Funding Formula	\$1,643,998
IDEA 619 Preschool	Federal Funding Formula	\$31,510,000
Family Empowerment Centers	Base of \$150,000, an additional amount based on their region's total school enrollment.	\$2,794,000
IDEA Mental Health	ADA	\$69,000,000
Accessible Instructional Materials	Non-Competitive Application process	\$3,861,000

State Special Schools Transportation	Student Transportation Allowances	\$3,894,000
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The LEA Medi-Cal Billing Option

Strictly speaking, this is not a special education funding source. It is however, a significant source of funds for services for students with disabilities. The LEA Medi-Cal Billing Option Program provides the federal share of reimbursement for health assessment and treatment for Medi-Cal eligible children and family members within the school environment. A LEA provider (generally a school district or county office of education) employs or contracts with qualified medical practitioners to render certain eligible health services. This is a voluntary program and not all LEAs elect to participate. Approximately \$136,143,337 in federal funds were claimed in 2013-14.

2. What strategy and programs do you have underway to coordinate with other agencies and programs, and if not how would you like to see coordination occur?

The needs of students with disabilities are complex and students often need services that are provided across service sectors involving multiple agencies. School personnel regularly work with staff of other local agencies to coordinate educational, therapeutic and medical services. In recognition of the importance of coordination, both federal and state policymakers have sought to ensure this coordination at the state and local levels. In California there are two legal sources that guide coordination of services among agencies. The first is derived from the IDEA, which requires the Chief Executive Officer of the state to ensure that an interagency agreement or other mechanism for coordination of services is in place between the CDE and any other public agency that is obligated under state or federal law to provide special education or related services. Second, the CDE has relied on the interagency provisions of Chapter 26.5 of the Government Code, which were significantly altered through AB114 in 2011.

Based on these requirements, the CDE coordinates with several other state agencies on activities related to special education. The CDE currently coordinates with the Department of Developmental Services (DDS) in providing services to children with disabilities from birth to age 3. The CDE is working with the DDS and the Department of Rehabilitation (DOR) on a Memorandum of Understanding to increase coordination and opportunities for competitive integrated employment for students with disabilities who are 16 years of age and older. The CDE also works with the Department of Health Care Services (DHCS) in their administration of the LEA Medi-Cal Billing Option program, which allows for reimbursement to LEAs for the cost of some services for some eligible students. Interagency provisions of the Government code were eliminated under AB 114, leaving considerable uncertainty about first payer responsibilities for mental health services to Medi-Cal eligible students, which had been clear under Chapter 26.5. The CDE been working with the DHCS to create an agreement to address these issues.

