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| Board Agenda Item # | IV C: Action Item   |
| Date:               | April 7, 2022   |
| To:                 | Magnolia Public Schools - Board of Directors  |
| From:               | Alfredo Rubalcava, CEO & Superintendent   |
| Staff Lead:         | Dr. Artis Callaham, Director of Special Education<br>Erdinc Acar, Chief Academic Officer  |
| RE:                 | Approval of Magnolia Science Academy 5's Assurance of Compliance for 2022 Significant Disproportionality Comprehensive Coordinated Early Intervening Services for MSA-5 |

**Proposed Board Recommendation**

Staff recommends the MPS Board approve the Assurance of Compliance for the 2022 Significant Disproportionality Comprehensive Coordinated Early Intervening Services for MSA-5 and for the MPS Board Chair to sign.

**Background**

Under the Federal Individuals with Disabilities Education Act (IDEA) requirements, if an LEA is identified as significantly disproportionate, the LEA must reserve 15 percent of its 611 and 619 IDEA grant funds to provide CCEIS to students in the LEA. These services are for children from age 3 through grade 12, particularly, but not exclusively, children in those groups that were significantly overidentified who need additional academic and behavioral supports.

CCEIS activities will:

- Address the factors contributing to the significant disproportionality.
- Focus on academic and behavioral instructional services and professional development.
- Consider age three through twelfth grade instructional activities with a primary focus on students age three through third grade.
- Occur within the allowable CCEIS budget period of 27 months.

IDEA also requires that LEAs provide for the review and, if applicable, revision of the policies, procedures, and practices it identifies as contributing to the significant disproportionality, including a policy, practice or procedure that results from a failure to identify, or the inappropriate identification of, a racial or ethnic group (or groups); and publicly report any revision of policies, practices, and procedures.

On March 15, per CDE's Special Education Division (SED), the monitoring level of MSA-5 has been identified as Significant Disproportionality. Within 30 days upon receipt of notification of Significant Disproportionality, the attached Assurance of Compliance must be signed and emailed to SigDisp@cde.ca.gov. The school and home office team will attend a series of technical assistance webinars and work with a technical assistance facilitator to develop a CCEIS plan. The plan requires board notification and approval.

### **More on CDE's Compliance and Improvement Monitoring (CIM) Process**

This year, the CDE is introducing the Compliance and Improvement Monitoring (CIM) Process to replace previous monitoring activities such as the Special Education Plan. LEAs in Targeted Level 2, and Intensive Levels 1 through 3 will participate in the CIM. LEAs in Targeted Level 3 will conduct a review of policies, procedures and practices. LEAs in Significant Disproportionality will be required to complete a Comprehensive Coordinated Early Intervening Services Plan (CCEIS).

The CIM Process is designed to help LEAs identify systemic issues in the LEA that lead to poor student outcomes, create a plan that prioritizes high leverage activities, and implement the plan with fidelity. The CIM Process is a four-step process that walks the LEA through the necessary activities that lead to a cohesive and comprehensive plan. The CDE will provide templates and guidance for activities aligned to each step, listed below.

- **Step 1: Gather and Inquire.** The LEA gathers, reviews and synthesizes data and information to determine the current issues and problems that exist in the LEA.
- **Step 2: Investigate.** The LEA examines the problems identified in order to determine the causes of those problems, prioritizes the concerns and develops a theory of action to address the root cause.
- **Step 3: Plan.** The LEA identifies the highest leverage activity and develops a detailed plan for implementation including a timeline and milestones. This can be an independent plan or part of other improvement plans, including the Local Control and Accountability Plan (LCAP), developed by the LEA.
- **Step 4: Implement.** LEAs, technical assistance providers, and CDE monitor the implementation of the plan over time to determine if the LEA is meeting the timelines or milestones and to ensure appropriate supports are provided. If the LEA is not meeting timelines or milestones, the CDE will engage with the LEA to assist in efforts to implement the plan. The CDE will also determine if, at any time, the LEA needs to revisit and update the plan.

The CDE will provide a detailed introduction to LEAs in each Level three part webinar series.

### **Budget Implication**

MSA-5 will reserve 15 percent of its upcoming years' 611 and 619 IDEA grant funds to provide CCEIS to students in the LEA until designated otherwise.

### **Attachments**

Assurance of Compliance: 2022 Significant Disproportionality Comprehensive Coordinated Early Intervening Services

## **ASSURANCE OF COMPLIANCE**

### **2022 Significant Disproportionality Comprehensive Coordinated Early Intervening Services**

#### **Individuals with Disabilities Education Act of 2004, Part B Grant**

**Within 30 days upon receipt of notification of Significant Disproportionality, the Assurance of Compliance must be signed and emailed to [SigDisp@cde.ca.gov](mailto:SigDisp@cde.ca.gov).**

As a special condition for receipt of the federal fiscal year (FFY) 2021 Individuals with Disabilities Education Act (IDEA) Part B grant funds, the local educational agency (LEA) must meet the following:

Part 1: The LEA shall comply with 34 *Code of Federal Regulations (CFR)* Section 300.646, which requires an LEA to: (1) reserve exactly 15 percent of the Part B IDEA sections 611 and 619 funds received for Comprehensive Coordinated Early Intervening Services (CCEIS). The LEA cannot reduce its state and/or local expenditures for the maintenance of effort by the allowable 50 percent adjustment of the new IDEA funds received in FFY 2022–23; (2) provide for the review and, if applicable, revise the policies, procedures, and practices used for the identification or placement of students into special education that comply with IDEA requirements; and (3) publicly report any revision of policies, procedures, and practices in Part 1(b).

Part 2: Any LEA that uses 15 percent of IDEA Part B funds for CCEIS must report annually to the California Department of Education (CDE), the state education agency, on (1) the number of students who receive CCEIS; and (2) the number of students who received early intervening services, and who subsequently receive special education and related services within two years after receiving CCEIS.

Part 3: The LEA shall comply with the provisions of IDEA (20 *United States Code* Section 1413[f]) and the regulations in 34 *CFR* Section 300.226 which define and describe CCEIS. Specifically, CCEIS funds may be used to supplement, but not supplant, services aligned with, and activities funded by, and implemented with a federally funded project; most notably, the Elementary and Secondary Education Act which includes Title I services. There is not a requirement to “supplement not supplant” for state or local funds (34 *CFR* Section 208 [a]). CCEIS 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 or universal activities designed to provide high quality instruction to all students in a grade, school, or LEA.

Part 4: The LEA shall report to the Special Education Division the FFY 2022–23 Part B IDEA section 611 grant amounts for Resource 3310 allocation and Subgrant 619 grant amounts for Resource 3315 allocation. Similarly, the LEA agrees to provide the FFY 2022–23 Part B IDEA Subgrant 611 grant amounts for Resource 3310 and Subgrant 619 grant amount for Resource 3315 allocation.

Part 5: For FFY 2022–23, the LEA shall provide a budget allocation and allowable costs budget to the California Department of Education (CDE) for the 15 percent of Part B

IDEA funds used for CCEIS. LEAs are permitted to use IDEA Part B funds to develop and provide CCEIS within the allowable budget period, July 1, 2022, through September 30, 2024. The allowable cost budget shall detail how and for whom these funds will be spent to implement and/or improve the LEAs CCEIS Programmatic Improvement Process. All of the allowable budget items MUST be part of CCEIS for students ages three to grade twelve. The LEA is required to obtain ten hours of technical assistance (TA) for each indicator identified. The TA facilitator(s) must be a CDE approved TA facilitator.

Part 6: The LEA shall implement CCEIS as described in the Essential Questions and Answers document by the Office of Special Education Programs, Office of Special Education and Rehabilitations Services, U.S. Department of Education (ED) on the ED Web page at <https://sites.ed.gov/idea/files/significant-disproportionality-qa-03-08-17.pdf>. (Enclosure 7)

Part 7: The LEA shall comply with the guidance and monitoring provided by the CDE 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 Significant Disproportionality CCEIS Programmatic Improvement Process, any addendums, fiscal information, and quarterly reports.

**Complete the required information for the identified LEA:**

|                   |                       |
|-------------------|-----------------------|
| LEA Name:         | County District Code: |
| LEA Contact Name: | LEA Contact Email:    |
| SELPA Name:       | SELPA Contact Email:  |

**The following signatures convey agreement with the above seven parts:**

|   |                |
|---|----------------|
| LEA Superintendent (Print Name & Signature)             | Date Signed:   |
|   | Contact Phone: |
| LEA Special Education Director (Print Name & Signature) | Date Signed:   |
|   | Contact Phone: |
| School Board Chairperson (Print Name & Signature)       | Date Signed:   |
|   | Contact Phone: |
| SELPA Director (Print Name & Signature)                 | Date Signed:   |
|   | Contact Phone: |