



MENDOCINO COUNTY SELPA
SUPERINTENDENTS' SPECIAL EDUCATION POLICY COUNCIL

RESPONSE TO CIVIL GRAND JURY REPORT

The Mendocino Unified School District Special Education Program (dated 7/10/2022)

INTRODUCTION

The Mendocino County Special Education Local Plan Area (SELPA) comprises twelve local educational agencies (LEAs) within Mendocino County, most of which are school districts. The SELPA establishes a cooperative plan to provide special education services for individuals with disabilities from birth to age 22 who are enrolled in Mendocino County LEAs.

The Superintendents' Special Education Policy Council governs the Mendocino County SELPA. Members include the superintendent of each participating LEA, the chairperson of the Community Advisory Committee (CAC), and the SELPA executive director (non-voting member).¹

The Policy Council has reviewed the report issued by the Mendocino County Civil Grand Jury on July 10, 2022, titled *The Mendocino Unified School District Special Education Program*, and provides the following response to findings and recommendations directed towards the SELPA.

RESPONSE TO FINDINGS:

***Finding F1:** The SELPA cost pools used to defray legal costs effectively hold school districts harmless because unbudgeted legal costs are back-filled from these SELPA carve-offs.*

Response to F1: The Policy Council disagrees in part with this finding. The SELPA's annual budget includes a cost pool for LEA legal costs. LEAs in the SELPA can submit their own legal costs for reimbursement from this fund. This includes legal costs that respond to due process complaints or legal costs that are preventative in nature. This pooling of legal costs lowers legal costs for all SELPA members, which benefits students who reside in Mendocino County. In order to be eligible for this reimbursement, legal

¹ This information can be found in the SELPA's current local plan, Section B, publicly available here: <https://www.mendoselpa.us/district/Portal/selpa-local-plan>.

fees must relate to the provisions of a free and appropriate public education or dispute concerns related to qualification for special education services. The set aside amount of this cost pool does not exceed \$72,000 annually. Each LEA can submit a request to access the cost pool at the end of the school year. It may be that, due to needs identified during the year, this pool does not fund 100% of the requests. If the amount requested exceeds the amount set aside, the funds are distributed on a prorated basis.

Finding F2: *The GJ could find no evidence that the policies and procedures of the SELPA effectively monitor or analyze how well their legal settlement cost pool policies positively or negatively affect the learning outcomes of the students in our county school districts.*

Response to F2: The Policy Council disagrees with this finding. The Policy Council reviews the budget at several meetings every year and engages in extensive discussion on how to best use funds to maximize learning outcomes for students in the SELPA. This budget review includes a review of all of the cost pools, including the legal cost pool. The Policy Council's meetings are governed by the Ralph M. Brown Act, and all meetings are public. Agendas and minutes are available on the Policy Council website or by contacting the SELPA.

Finding F3: *The SELPA governing board pays attention to budgets but there are no apparent professional repercussions or consequences for school district superintendents who overuse SELPA legal fee cost-pool set aside funds.*

Response to F3: The Policy Council disagrees with this finding. Firstly, it is not the Policy Council's role to provide "professional repercussions or consequences for school district superintendents," but rather, to oversee and amend funding allocations. Secondly, there is no evidence that any school district is overusing any of the SELPA's cost pools.

Finding F4: *There is no CAC parental representative on the SELPA Governing Board, as required in the SELPA bylaws. The SELPA has failed to fill this vital role for the past two years.*

Response to F4: The Policy Council disagrees in part with this finding. The Policy Council agrees that it has not been able to replace the former parent representative on the CAC since January of 2022; however, it is not for lack of trying.

Every SELPA is required to establish a CAC where the majority of members are parents of students with disabilities. Additional members might include teachers, school personnel, and/or adults with disabilities. The CAC members can be appointed through several methods: selected by their peers, nominated through their district, or chosen after participating in an application or voting process.

The CAC advises the Policy Council and SELPA executive director regarding the development, amendment, and review of the Mendocino County Special Education Local Plan. It is within the scope of the CAC to recommend priorities or changes to be addressed by the Local Plan.

The Mendocino County SELPA has been without a parent representative since January 2022, when the then-current representative passed away. No parent representative has been appointed since then as there are no active parent members in the CAC. To address this, the SELPA has engaged in extensive efforts to get parent representatives on the CAC, including:

- Emails to parents and community partners (who have signed up to receive emails) expressing the need for representatives, including an at-large member to serve as a voting member for the SELPA's Steering Committee and Policy Council;
- Emails to the same group announcing CAC member meetings throughout the year;
- Posting of CAC meeting flyers on the Mendocino County SELPA CAC site;
- Asking the SELPA's special education directors to encourage parents to participate in CAC; and
- Posting CAC meeting flyers and reminders on pages associated with Facebook Groups made up of parents of students with special needs.

RESPONSE TO GRAND JURY RECOMMENDATIONS:

***Recommendation R1:** The SELPA shall analyze its legal fee cost-pool policy to make sure that it is not inadvertently causing districts to exercise policies and practices not in accordance with state or federal laws, or best academic practices. (F1-F3)*

Response to R1: This recommendation will not be implemented because it is not warranted or reasonable. The Policy Council does not share the Grand Jury's concerns regarding the SELPA's legal cost pool as noted above. LEAs are required to act in accordance with federal and state laws and are expected to adhere to best practices. Additional analysis of this policy would not change current practices in any way.

***Recommendation R2:** The SELPA shall annually track trends, identify strategies and challenges, and develop a plan to identify school districts with extraordinary legal settlement carve-offs. Those districts shall then receive extra SELPA training, attention, and support to decrease the need for legal actions of any kind related to special education. (F1-F3)*


Response to R2: This recommendation has been implemented: specifically, the SELPA already tracks trends related to special education disputes within the SELPA. The SELPA is cognizant of local, state, and national special education issues and suggests pertinent trainings for individual LEAs based on those concerns. Additionally, the SELPA seeks input from LEAs on trainings to address needs they have identified. For example, the SELPA recognized that non-English speaking parents were filing most of the complaints in one local district. In response, the SELPA coordinated interpreter training to address the language and cultural barriers of those families.

Recommendation R3: *The SELPA shall immediately offer a per diem, mileage reimbursements and health benefits to an eligible CAC parent to fill the vacant parent position on the SELPA governing board. (F4)*

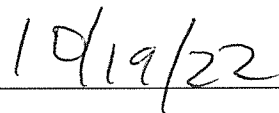
Response to R3: This recommendation will not be implemented because it is not warranted or reasonable. The SELPA has a budget of \$2,000 for its CAC, which it uses to send parents to Legislative Day in Sacramento. The SELPA was unable to identify any CAC in the state that provides payment for membership as recommended by the Grand Jury. Moreover, it is not clear whether payments for mileage reimbursement² or health benefits would be legal uses of SELPA funds.

If any member of the Grand Jury or the public has legally permissible ideas on how to encourage parent participation on the CAC other than those used currently, please contact the SELPA's executive director. The Policy Council would like more parent participation on the CAC and is open to suggestions on how to get such participation.

I declare under penalty of perjury that the above response reflects the desired response of the Mendocino County SELPA Policy Council.



Gina Danner



Date

Executive Director, Mendocino County SELPA

² CAC meetings are held virtually because of the large geographic scope of Mendocino County. Accordingly, there is no mileage reimbursement necessary.