

TILTING AT WINDMILLS

THE DISCONNECT BETWEEN SANTA BARBARA SCHOOL DISTRICTS AND THE SPECIAL EDUCATION LOCAL PLAN AREA

Don Quixote, a seventeenth century literary figure, mistakenly believes that windmills are giants, and attacks them. His squire, Sancho Panza, sees things realistically and leads the nobleman away.

Introduction

In the 1970's the state of California passed legislation requiring each school district to become part of a Special Education Local Plan Area (SELPA) in order to provide for the special education service needs of children. The local SELPA is made up of the twenty-three school districts in Santa Barbara County. This regional entity is governed by a Joint Powers Agency (JPA). The committees for both SELPA and the JPA meet monthly in the Santa Ynez Valley, often characterized by the windmills in the area, because it is considered equidistant for all the school districts in the local SELPA. Santa Barbara School Districts ("the Districts" or "SBSD") have not always attended these meetings.

In the past year, SBSBD considered withdrawing from the local SELPA and JPA Board and not participating in their collective actions. SBSBD named six areas of contention: accountability, visibility, legal issues, staff development, services and governance. Recent actions taken by SBSBD and the Board of Trustees have demonstrated an effort to make amends with SELPA, but misunderstandings may continue to undermine a valuable relationship.

Background

SELPA was created in response to a need for a governance structure to coordinate special education services and programs among all school districts in their region. It also insures that the distribution of state funds is equitable among all districts, large and small. Although SELPA provides funding for special education programs, it is an administrative agency only; individual school districts and the county education office run the actual special education programs. SELPA does not directly provide services to schools. Rather, SELPA:

- Assists with program design
- Offers staff development workshops
- Assembles required data for the state
- Assists with state law compliance

- Assures proper audits of funding
- Disseminates information regarding special education legislation
- Provides legal representation in dispute resolution
- Manages mandated special education summer school programs for all districts, with the exception of SBSB

These functions support a network of information sharing and community building among the districts.

At the beginning, the Santa Barbara County Education Office ran SELPA. Under such an arrangement, the districts sometimes seemed to rubber stamp decisions made by the county office. A separate Joint Powers Agency (JPA) was created in the 1980's in an effort to share governance among all the districts. SBSB was a big proponent of this more collaborative arrangement.

In June of 2003, however, SBSB resisted renewing the JPA Agreement and at the eleventh hour decided to sign provisionally for one year only. Such a limitation to the Agreement was unprecedented in California. Had they not signed, the regional SELPA - all special education programs in the county - would have lost all funding on July 1, 2003. The Santa Barbara JPA learned of this alteration to the agreement after the fact, through newspaper accounts.

The one year extension gave SBSB time to state their concerns and win some concessions in the areas of contention with SELPA and the JPA. The Santa Barbara Superintendent and the President of the Board attended JPA meetings in September 2003 and again in April 2004. The interchanges were helpful. Superintendents of other school districts still feel that SBSB will better understand the benefits of the SELPA organization when it fully participates and is truly informed of SELPA's functions.

Methods of Investigation

Members of the Grand Jury formed a committee to learn about SELPA's role in special education in the county. The committee members attended school board meetings, parent advisory meetings and JPA meetings. The Jury interviewed the following one or more times:

- Four current Santa Barbara School Board members and one past Board member
- The Superintendent of Santa Barbara School Districts
- The Assistant Superintendent of Elementary Education, Research and Technology at SBSB
- The current part-time special education consultant
- The two special education coordinators

- One special education teacher
- The County Superintendent of Education
- The SELPA Director
- The Chairperson of the JPA Board
- The Coordinator of Special Education for Santa Maria-Bonita School District
- The Superintendent of Santa Maria High School District
- The Special Education Coordinator of Santa Maria High School District
- The Assistant Superintendent of Special Education for Lompoc schools
- The Superintendent of Goleta School District
- The Director of Special Education for Goleta School District

Observations

Accountability and Visibility

SBSD's school board was not well-informed about SELPA and the JPA's actions. For its part, the JPA wants more input from SBSD.

In the past few years, Santa Barbara School Districts have been only an occasional participant in SELPA meetings and JPA Board meetings. Even when they do attend, representatives from SBSD often have not stayed during the entire SELPA or JPA meetings to return to Santa Barbara to take care of other business. Because of budget cuts and the unique dual district staffing, administrators are often "double-booked." (See "The Learning Curve: Business Practices in the Santa Barbara School Districts.")

This irregular participation has caused resentment on both sides. Superintendents of other districts express frustration that a "major player" does not attend meetings on a regular basis, yet criticizes decisions made in its absence. They understand that Santa Barbara's administrative staff is extremely busy, but advise that at least a special education director or other representative should attend the coordinators' committee meetings. The Districts have recently hired a Director of Special Education, which should improve participation in the monthly meetings. The Superintendent has also agreed to take part in the monthly JPA meetings.

The current superintendent has a background in special education and is well qualified to communicate necessary information to the board. The lack of communication has fostered many misconceptions about SELPA. One member of the board claimed that "no one knows what SELPA does." This, in fact, led to a

suggestion that an additional governance body be created to oversee SELPA and JPA actions. The suggestion deepened communication difficulties. For their part, Board members had not availed themselves of the knowledge of special education held by SBSB's staff members - the Superintendent, the Director of Special Education or the Special Education Coordinators.

SBSB feels that the location of the meetings - in Santa Ynez - requires an additional time commitment that it cannot give. SBSB is the only school district in the region to request that presentations regarding SELPA and JPA actions be presented to them at board meetings.

Legal Issues

Legal representation is the area of greatest contention between SELPA and SBSB.

Legal proceedings are a common occurrence in special education. A large part of the state funds that go to SELPA are put aside to help school districts with mediation and litigation in special education cases. SELPA provides legal advice and representation in court, once mediation at the district level is unsuccessful and goes into due process.

The Santa Barbara School Board has not concurred with decisions from SELPA's legal counsel. The Board contemplated withdrawing from the local SELPA in order to use its own legal counsel. The JPA has always allowed SBSB to use other legal firms at its own expense. After the two visits by SBSB's superintendent, the JPA Board agreed to consider other attorneys. All districts will now have choice of legal firms covered by SELPA's financial assistance.

The role of SELPA in legal cases also needs to be clarified: SELPA is first and foremost a mediator, between parents and school districts, and between legal entities and school districts. The school district has the first responsibility to manage its programs, build relationships with parents, and know the laws. Failing that, SELPA must represent the school district which is counter-suing the parents. All JPA Board members collaboratively discuss legal cases and make decisions as to representation. If the Board supports the case, SELPA's help is available to all districts equally, so that if any small district loses a legal case, it will not go bankrupt. This also means that all districts share in the burden of any one district's legal costs. When SBSB does not attend these sessions concerning its legal cases, it cuts them off from the decision-making process.

The legal advice that is available from SELPA has been invaluable to the two coordinators of special education at SBSB. Both being new to this administrative role, they have made frequent use of phone calls, calling the SELPA number an "800 number hotline" for legal advice.

Staff Development

SBSD Board members claim that SELPA has not provided teacher workshops that met the needs of the Districts. SELPA disagrees.

SELPA's workshops present teaching methods and strategies for special education classes as well as training for severe disabilities and behavioral problems. Compared to other districts, few teachers in SBSD have taken part. The acting Director of Special Education recently noted that attending the workshops was not a budgeted item. Workshop funds will be reinstated in SBSD's special education budget.

Santa Barbara Board members felt that SELPA's workshops did not address the changing face of special education or involve current research of proven methods, namely, early intervention to provide a strong corrective reading program so that fewer students enter special education programs. Workshops regarding reading programs for underachieving students are held by the County Office of Education, rather than through SELPA's workshops. SELPA has responded to district-wide requests for workshops on autism. A SBSD special education coordinator recently attended the planning session for next year's workshops, pointing to greater participation.

Services

Teachers and district coordinators have found SELPA to be an immeasurable help to SBSD, a fact not fully recognized by the Board members.

SELPA's services do not go directly to special education programs or students. Instead, it assists those who manage the programs. SELPA has helped SBSD on several occasions. For example, SBSD recently asked SELPA to resume running its required summer school special education program. Although reallocating its resources would affect all school districts, SELPA did come to the rescue of SBSD.

SELPA has filled a void in special education at Santa Barbara School Districts in many ways during the period that the director's position has been vacant. Because of reduced staffing at SBSD, the Director of SELPA came to the district office for three days to train the temporary worker before a pressing deadline. In addition, special workshops were offered to help district personnel transition students' paperwork from elementary to secondary schools and between pre-school and kindergarten.

Special Education teachers in SBSD have been overburdened by large class counts of students of many different special needs and by extensive testing demands. Morale has been low for many years. The SELPA Director arranged for a task force from

SBSD to visit school districts in other parts of the county. They looked at how other districts maximized services without increasing staff.

In 2003 SBSB began a special education parent advisory group with a part-time coordinator. SELPA's parent advisory group meets in Solvang and was poorly attended by Santa Barbara parents. SBSB has needed a parent group closer to home. SBSB needs to build working relationships with parents at each school site, and it needs to face issues, find solutions, and again cultivate trust among parents and the district administrators. Indeed, the recent search for a Director of Special Education hoped to find a caring administrator as much as a knowledgeable one. The District is to be commended for reaching out to parents at this point of their transition to a new director and program changes.

The parent advisory group and the teacher task force are two examples of grassroots change in the Santa Barbara School Districts. SBSB's board has been characterized as too accessible to special education advocates and other disgruntled members of the public. With the new groups, SBSB board members will have a more representative sampling of special education interests to listen to.

The role of SELPA's assistance in this change should not remain invisible to administrators or the Board. SELPA has always provided a model for best practices, cost efficiency and legal advice - at no extra cost to the Districts. Mandated special education programs require expenses of several million dollars in SBSB's budget. The assistance that SELPA provides for free should be taken advantage of.

Conclusion

The Jury concluded that the misunderstanding between Santa Barbara School Districts and SELPA results from a lack of communication, which is primarily a result of the lack of full participation in SELPA by SBSB. SBSB wants to move ahead, and it should be praised for the steps recently taken to improve its programs and services in the field of special education. District staff and board members should acknowledge that SELPA has been instrumental in helping them through this time of operational chaos and has much to offer now and in the future. The recent concessions made by the JPA in response to visits by the SBSB Superintendent and President of the Board indicate the value of participation in SELPA's democratic process. SELPA too can grow with the changes that SBSB will bring to its programs, services and classrooms.

Special education is an area that needs mutual support. It can benefit as much from regional support as it does from community support. In this case, the region extends to the twenty-three school districts that make up SELPA, all willing to share information, make decisions that benefit all special education students and school

districts equally. A cooperative approach between SBSB and SELPA will help the Santa Barbara School Districts better manage their special education programs and thus their educational outcomes.

Findings and Recommendations

Finding 1

Santa Barbara School Districts have not fully participated in the local SELPA and JPA meetings held in Santa Ynez. The Superintendent of SBSB has offered to attend meetings, and the recently hired Director of Special Education will attend the coordinators' meetings.

Recommendation 1

The Superintendent should make every effort to attend JPA meetings on a regular basis, especially when policy or legal matters are discussed. If there are disputes with policy, representatives from the Districts need to bring them up at SELPA and JPA meetings and allow the group process to make the best decision for every district in the region.

Finding 2

Santa Barbara School Board has criticized SELPA and the JPA in matters of governance, legal proceedings, staff development, visibility and accountability. The SBSB Board of Trustees had not been informed of the role of SELPA in special education.

Recommendation 2

Board members should continue educating themselves about SELPA. Efforts should be made to learn about its operations within the context of the region. Special education staff need to regularly update the Board on special education matters.

Affected Agencies

Santa Barbara School Districts

Findings	1, 2, 3
Recommendations	1, 2, 3