

RESPONSE TO GRAND JURY REPORTFromMILL VALLEY SCHOOL DISTRICTFINDINGS

- The Mill Valley School District agrees generally with the findings numbered 1 and 2.
- The Mill Valley School District disagrees wholly or partially with the findings numbered 4 and 5.

FINDINGS STATEMENTSFinding #4

There is an increased awareness of the importance of Alternate Dispute Resolution, especially with the arrival of the new SELPA Director. A new proposed Five-Year Strategic Plan, calling for a staff psychologist and staff lawyer, will strengthen the role of the SELPA in assessments, Individualized Education Plans and due process. Additional training in assessment procedures for Special Education teachers should also lead to fewer legal fees.

Response to Finding #4

The Mill Valley School District partially disagrees with finding #4.

- Points of agreement
  - ✓ Alternate Dispute Resolution may be a useful strategy in the future. The District has demonstrated its commitment by sending the Associate Superintendent and an Elementary Principal to a 5-day training sponsored by the Marin SELPA. The two people from this District, in addition to 22 others trained in this process, may be called upon by other school districts in Marin to act as informal mediators in an effort to resolve disputes between Districts and parents. They may also participate in an advanced alternate dispute resolution training to enhance and further their skills.
  - ✓ The Associate Superintendent of this District will participate on the SELPA Committee for the 2002-2003 school year, in an effort to enhance Alternate Dispute Resolution practices.
  - ✓ Several other District Administrators participated in a different SELPA sponsored Alternate Dispute Resolution training a few years ago.
  - ✓ The District believes that participation in Alternate Dispute Resolution techniques will lower potential litigation costs, as well as have the possibility of being less adversarial than due process procedures.
- Points of disagreement
  - ✓ The District does not support portions of the SELPA Director's Five Year Strategic Plan that call for a staff psychologist and staff lawyer.
  - ✓ The District currently employs its own school psychologists. This allows the District to select and hire highly qualified staff. The District school psychologists receive direct supervision, training, and evaluation by the Associate Superintendent. The District does not need the services of a SELPA psychologist at this time.
  - ✓ The District currently contracts with a legal firm that is highly respected and knowledgeable in the field of special education. The Associate Superintendent only utilizes this attorney for cases either in litigation or in extreme threat of litigation.
  - ✓ Districts have established critical working relationships and trust with specific attorneys. Often, attorneys and staff have worked on cases for several years involving particular students and families. It would be very

difficult and disruptive to change attorneys mid-stream.

- ✓ The Mill Valley School District believes that individual Districts should pay for their own legal costs. This maintains accountability and ensures that other Districts are not funding even more than their current share.
- ✓ The potential fiscal impact of hiring more SELPA staff is of high concern to the District.

#### Finding #5

The Grand Jury found a desire for an ombudsman among those we interviewed. We were told at least three times that the appointment of an ombudsman would be an effective and welcome development. The appointment of this person, hired by a non-profit organization not connected with either MCOE or SELPA (but funded by SELPA), would be a good, immediate step as the Strategic Plan kicks in.

#### Response to Finding #5

The Mill Valley School District partially disagrees with finding #5.

- Points of agreement
  - ✓ The District fully supports the concept of an independent ombudsman to settle potential disputes between school district and parents.
- Points of disagreement
  - ✓ As the Marin SELPA has already invested in an extensive five-day training on Essential Skills for Mediation, of which 22 professionals and parents were trained, it is premature to hire an ombudsman. These participants have agreed to act as mediators for districts in Marin who may call upon them in an attempt to resolve differences between the Districts and parents.
  - ✓ The District remains concerned that hiring a highly qualified ombudsman is likely to have a fiscal impact.

## **RECOMMENDATIONS**

#### Recommendation #1

The MCOE and all school districts should inform the general public about the role of Special Education in the public schools, the range of services available to children with special needs, and the dedication of the teachers of those children.

#### Response #1

The Mill Valley School District informs the general public about the role of special education in the public schools through a variety of methods. Listed below are some examples:

- The Associate Superintendent/Special Education provides reports on a variety of special education issues at Board of Education meetings periodically throughout the year. These meetings have agendas that are posted widely in advance, as well as on the District's web site, as required by law. Board meetings are open to the general public.
- School site plans incorporate a section on Special Education with goals and objectives. These plans are developed and approved by both the School Site Council and the Board of Education. Each year, the Principals present these plans at a public Board Meeting. These plans serve as a guide for all expenditures at the site level.
- Special Education students are involved in all aspects of the general education program, according to their individual education plans. This may include academic classes, electives and extra-curricular activities.

Recommendation #2

The MCOE and all school districts should inform the public that federal and state funding is inadequate, and that the shortfall forces school districts to divert money intended for mainstream education into federal and state mandated Special Education.

Response #2

- The Mill Valley School District will continue to support any efforts to increase Federal and State funding for Special Education.
- The Mill Valley School District will continue to operate quality special education programs and services to students with special needs, while continuing to monitor and reduce expenditures, when possible.
- The District is committed to maintain a clear, transparent budget, which reflects special education costs for programs, services and materials. Legal fees will also be represented in general, in order to protect the confidentiality of the student.

Recommendation #3

The Marin County Schools Joint Legislative Advisory Committee, in coordination with all school districts, should continue and intensify its lobbying efforts in Sacramento and Washington for adequate funding for Special Education and, as a result, mainstream education as well.

Response # 3

- The Mill Valley School District has actively participated on the Marin County Schools Joint Legislative Advisory Committee, and has been represented both in Sacramento and in Washington. They will continue to lobby for adequate funding for special education, as this has been a priority issue for this District for many years.
- The District will support any legislation that will limit or suspend the Governor's right to redirect Federal funds that had been allocated to special education.

Recommendation #4

SELPA and all school districts should give serious consideration to centralizing the assessment process as much as possible, while still maintaining the personal touch necessary for good assessments. At the very least there should be, as one of our respondents described it, "an organizing principle" behind every assessment.

Response # 4

- The Mill Valley School District is committed to providing quality, thorough and accurate Special Education assessments. To that end, the special education staff in this District are recruited, selected and hired directly by this District. The District believes it is very important to take ownership of the assessments, in order to gain the information directly about the needs of the student, as well as to develop a relationship with the parents.
- It is imperative that the special education staff is offered regular training and updated information in order to provide legally compliant and informative assessments. Some examples of this follow:
  - ✓ Monthly staff meetings with school psychologists.
  - ✓ Quarterly staff meetings with all special education staff.
  - ✓ Initial training with new special education staff prior to the beginning of the year, followed by monthly staff meetings.
  - ✓ New special education teachers receive assistance and monitoring from their BTSA mentor.
  - ✓ Staff development opportunities for special education staff throughout the year.
- To ensure follow-through, site principals receive regular training on Special Education. Some examples follow:

- ✓ SELPA provides training for site administrators prior to the beginning of each school year.
- ✓ Principals receive periodic information and training at Administrative Council.
- The Mill Valley School District is committed to providing the special education staff with up to date assessment tools and protocols.
- In order to increase the repertoire of highly specialized assessment skills, the District will need to obtain additional funding to enable staff to attend more workshops, classes and observations of model programs which are outside of the local area.
- SELPA provides training opportunities in assessment procedures. This is critical to ensure uniform procedures across Districts and schools, as well as to provide the “organizing principle” behind each assessment.

#### Recommendation #6

The Grand Jury urges all school districts to give the new SELPA Director and his staff all the help it can offer to complete the proposed Five Year Strategic Plan as scheduled.

#### Response # 6

- Once the Five Year Strategic Plan is finalized and approved, the Mill Valley School District will support the SELPA Director in its implementation.
- The Mill Valley School District will remain actively involved through representation on the Advisory Steering Committee (ASC), the Business Advisory Committee (BAC) and the Operational Steering Committee (OSC).
- As the Five Year Strategic Plan currently reads, the Mill Valley School District does not support the addition of SELPA staff positions, particularly the SELPA attorney and SELPA psychologist primarily due to:
  - ✓ The potential fiscal impact to the District.
  - ✓ The centralization of critical decisions, which may impact the District’s autonomy.