



# Information Item

**Date:** February 16, 2010

To: Mayor and City Council  
From: Rod Gould, City Manager  
Subject: Master Facilities Use Agreement Annual Report

## **Introduction**

This report provides information on the status of the Master Facilities Use Agreement between the City of Santa Monica and the Santa Monica-Malibu Unified School District.

## **Background**

Council approved a five-year Master Facilities Use Agreement and related supplemental agreements on [April 12, 2005](#). The purpose of the Agreement is to allow the City and the community to use School District playfields, recreational facilities, and buildings which are under-utilized during non-school hours. The Agreement provides unrestricted revenue to the School District in return for use of District facilities. The School District has utilized City funds to support the District's goal to promote extraordinary achievement for all students while simultaneously closing the achievement gap.

The Agreement has two renewal options which extend the agreement to June 30, 2014. On [April 7, 2009](#), Council approved exercising the first renewal option by amending and extending the Agreement by three years through June 2012. Under the amended Agreement, both parties are required to prepare annual reports on the status of the Agreement. Additionally, the School District must maintain the Special Education District Advisory Committee (SEDAC) or similar public committee to review the School District's special education policies and program, make recommendations, and report to the Board of Education. The Board of Education must hold a minimum of two semi-

annual Board meetings on special education policies and programs. Summaries of those meeting are attached (Attachment A).

The City pays the School District an annual base payment of \$6.0 million, which has been adjusted each year per the terms of the Agreement and totaled \$7,644,393 in FY 2009-10. This payment is in addition to the funds contributed by the City for programs and services it provides at District school sites, which totaled approximately \$2.3 million in FY 2009-10 and for which the City received \$784,000 in fee revenue. The City provides approximately \$27 million annually in school-based and community-based youth programs. The Agreement calls for an adjustment conference to be held each January to discuss any additional adjustments in payment based on the value to the City of use of the District's facilities and the City's ability to provide the School District with additional compensation.

The adjustment conference committee convened its meeting on February 2, 2010. Adjustment conference participants included City Manager Rod Gould, School District Superintendent Tim Cuneo, Deputy City Manager Elaine Polachek and City Finance Director Carol Swindell.

## **Discussion**

### Fiscal Conditions

As part of its charge, the committee discussed the budgetary and fiscal conditions of each organization, including the challenges facing each as a result of the unprecedented economic downturn and State budget reductions. The City is facing significant reductions in its revenues including projected reductions in sales and use tax, transient occupancy tax and property tax, as well as cost increases for existing services that exceed expected revenue growth. The most recent City five year forecast projects a \$9.6 million shortfall for FY 2009-10 without corrective action or the use of one-time funds. While revenues are expected to recover somewhat beginning in FY 2010-11, the rates of growth are projected to be low compared to historical trends. Given current

projections, the City estimates a budget shortfall of \$6.9 million in FY 2010-11 (this deficit would be \$13.2 million before the use of one-time funds of \$6.3 million from the Economic Uncertainty designation) Growth in expenditures outpaces revenue growth for each year of the five-year forecast, with a projected structural deficit of \$35.4 million in FY 2014-15.

The School District is also facing significant reductions in revenue as a result of State budget cuts. The School District receives 71% of its revenue from the State and about 5% of its revenue from the federal government. The School District is projecting a loss of approximately \$18 - 20 million in State funding over the next two fiscal years. As a result, the School District has identified a number of proposals to close their funding gap including a hiring freeze, increasing class size, and reductions in the central administrative office, health benefits, contracts and elementary school music.

#### Payment Adjustments

The Adjustment Committee recognized that the community's desire for and commitment to excellent public schools is balanced with their expectations for a wide range of municipal services and programs as well as a safe and well-maintained City infrastructure. The City must consider all services needed and desired by the community and balance those needs with the funding provided to the School District. Accomplishing both goals will be especially challenging over the next two years of this Agreement. While the Adjustment Committee agreed that additional adjustments are not possible in FY 2010-11, the Agreement calls for maintaining the annual base payment of \$7,644,393 and adjusting that amount by CPI. Per the agreement, this adjustment is based on the February through February CPI, which will not be available until late March 2010; however, the agreement calls for a minimum adjustment of 2 percent and a maximum of 4 percent. Based on the 2 percent floor, the total payment for FY 2010-11 will increase by a minimum of \$152,888.

Per the terms of the Agreement, the Committee will reconvene in January 2011 to discuss any additional adjustments in payment based on the City's ability to provide the District with additional compensation for use of District facilities. Staff is currently formulating next year's proposed budget and will incorporate the FY 2010-11 payment to the School District. Council will be asked to formally appropriate funds with the FY 2010-11 budget adoption on June 15, 2010.

**Prepared By:** Elaine Polachek, Deputy City Manager

Attachments A - SEDAC Summary Report

# Memo

To: Tim Cuneo, Superintendent  
From: Dr. Chiung-Sally Chou, Chief Academic Officer  
CC: Dr. Sara Woolverton, Director, Special Education  
Date: 2/18/2010  
Re: Special education progress to date

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The purpose of this memo is to provide you with background information and an update to the progress that has been made to address issues that have been identified regarding the district special education program.

## **Back ground information (SY 2009-10):**

- There are presently 1,393 students with IEPs. Of these approximately 50 are in non-public schools and 168 are in pre-school or are preschool aged students receiving occupational and/or speech therapy.
- The district has previously and does currently follow federal guidelines in the development of IEPs and resolution of IEP disputes.
- There have been two (2) due process filings against the district and one due process filing by the district since August 2009 which represents 0.2% of the special education population. This is a radical decrease from the last progress statement which identified 40 filings representing 3% of the special education student population.
- Of the two due process cases filed against the district, the first was settled in resolution prior to due process and the second is currently in the resolution process (and will go to hearing in April if the district and family do not settle beforehand).
- Since August of 2009 the Special Education Department has worked with families and their advocates and attorneys to settle IEP disputes through the IEP process.
- The district has engaged in intensive training of all IEP providers (teachers and DIS staff) regarding appropriate development of IEPs, using individual student data as a basis for IEP team decisions, and conducting IEP meetings collaboratively.

## **WHERE AND HOW ARE SPECIAL EDUCATION SERVICES DELIVERED?**

### **General Education Classroom**

The general education classroom using the core curriculum may be appropriate for some children with support if needed. Students can participate in all or some of the general education classroom with accommodation or modifications as determined by the IEP. Full Inclusion is the total integration of a student with special needs into the general education classroom with support if needed. The teacher of record (TOR) remains the special education teacher or specialist.

Integration (mainstreaming) is the inclusion of students with special needs in general education classrooms for some or all of their school day. The student's teacher of record (TOR) is a special education teacher.

### **Resource Specialist Program (RSP)**

The Resource Specialist Program is for students who require Special Education services for less than half of their school day. Resource Specialist students may be assisted within their general education classes or in a “pull-out” model. Instruction is designed to support a student’s participation in the general education class and with the core curriculum.

### **Special Day Class (SDC)**

Special day classes are for students who require individualized and small group instruction for the majority of their school day. Instruction can include goals and objectives in basic skills, general education curriculum, vocational skills, social skills, behavior and self-esteem. While most SDC classes are designed to serve students with mild to moderate disabilities, there are some classes that may be designated as intensive services (IS) or emotionally disturbed (ED).

### **Non-Public Schools (NPS)**

Non-public schools provide special education services for students who require more intensive services than can be offered in a public school setting.

### **Residential Programs**

Residential programs are state supported through the Department of Mental Health (AB3632/AB2627) for students whose needs cannot be met in a public school setting or in a non-public school.

### **Home or Hospital Instruction**

Home or hospital instruction is provided for students with verified medical or emotional conditions that prevent them from attending school. Services are usually provided on a temporary basis.

### **Extended School Year (ESY)**

Students who could experience regression in skills, or require additional instruction or related services that could not be provided during the school year must be offered special education and related services on an extended school year during summer school.

## **Progress to Date**

### **The Special Education Collaborative**

Superintendent Cuneo recommended and the Board approved a contract with the Claros Group to assist in the development of a process to identify special education issues and an action plan. The intent is to both strengthen the quality and climate of Special Education program and services and to establish a precedent and a prototype for how the District takes on challenging issues. The outcome is to design and build the social architecture, the agreed upon structures and the inclusive and respectful processes that will support educational professionals and the communities they serve to deliberate productively on behalf of what is best for all students.

The first phase, Development and Start-up, was conducted by Laura Peck of the Claros Group and Martha Duran-Contreras SMMUSD Principal on Special Assignment for the remainder of the 2008-2009 school year. During this phase, over 100 stakeholders, consisting of board members, staff, and parents, were interviewed and four areas were identified to be addressed: 1) The IEP process – examine the IEP process before, during and after; 2) Roles and Expectations – define the roles and expectation of the key stakeholders since had become ‘blurred’; 3) Capacity building – provide professional development and parent education including Special Education law, effective meetings, conflict resolution and working collaboratively; and 4) Communication – identify the appropriate channels of dissemination and promote two way communications.

The second phase addressed the identified issues resulting in strengthening the quality and climate of Special Education throughout the district. The following were the goals: 1) recommend strategies

to the Superintendent that will strengthen the quality and climate of Special Education throughout the district; 2) clarify roles and decision-making authority as well as inclusive and respectful processes for Special Education; and 3) develop and test an approach for how SMMUSD will address issues of change.

The Superintendent convened a Working Group in November 2008 and charged this group to review, integrate and prioritize Special Education goals, strategies and deliverables currently embedded in disparate documents, including the Independent Review Report and earlier strategic planning documents. The Working Group submitted recommendations to the Superintendent who shared these recommendations with the Board on April 23, 2009.

The following is a list of recommendations and their progress:

***Goal 1: Create a culture of inclusion and integration***

- ❖ During the spring and summer of 2009, the district embarked on a grand task of review all district policies and the administrative regulations. The District elicited the help from the California School Boards Association to assist with this. A stakeholder group gathered to review and revise those policies and administrative regulations pertaining to the education and services of special needs students. In addition, all policy reviews ensured language that enforces inclusion and integration in the District.
- ❖ Due to budget constraints, a full-time integration director was not hired. The work has been incorporated into the work scope of all district personnel who work with special education students. Various activities have taken place to build collaborative classrooms and promote inclusion and integration.
- ❖ Principals evaluation includes their work to promote the inclusiveness of special education students and the implementation of all District curriculum. Principals have been receiving professional development in effectively working with special needs students and support for their families.

***Goal 2: Recruit, retain, and train excellent special education staff***

- ❖ After months of recruiting and interviewing candidates for the Director of Special Education position, the District finally hired Dr. Sara Woolverton from the state of Washington. Dr. Woolverton has a long career in special education both as district administrator and college professor who trained special education staff.
- ❖ Personnel Commission and Human Resources Department have been working collaboratively to ensure the timely hiring of both certificated and classified staff. The District has hired almost all the staff that used to be contracted out to private agencies that provided services to our special education students. The process of hiring has been expedited.
- ❖ The District has utilized the various posting opportunities for hard to fill vacancies, thus resulted in fully staffed the schools and DIS staff. Hiring continues as IEPs are developed and needs arise.
- ❖ A reclassification study has been completed. However, the recommendations become part of the bargaining process for implementation.
- ❖ District currently hosts psychologist interns and have hired some of them as they complete their certifications and meet the qualifications to fill vacancies.
- ❖ The Personnel Commission, Human Resources and Special Education Departments meet regularly to review staffing needs and reconcile positions.
- ❖ The Human Resources routinely provides staff who leave the District a survey to gather feedback regarding their experiences with the District.
- ❖ The District provides each special education staff member a procedural manual each time a new employee joins the District. Additional training is provided annually to new and existing employees.
- ❖ The Special Education Department staff have been providing professional development activities to whole school staff in the law, best practices of accommodations and modifications

for children with special needs. Educational Services staff have been providing inservice to principals and site staff on response to instruction and intervention strategies.

- ❖ All staff members have the opportunity to participate in Districtwide training. Special education teachers participate in curriculum development and textbook adoption processes.
- ❖ The District continues to advocate a positive working environment to all employees. There is a process for complaint resolution.
- ❖ The HR Coordinator in charge of new teacher training provides support to all new teachers including special education teachers.

### ***Goal 3: Improve IEP process***

- ❖ An IEP parent packet has been developed to be sent home prior to IEP meeting and returned to teacher prior to meeting.
- ❖ Trainings in the IEP process has taken place districtwide and at the school sites. In addition, training regarding the referral, assessment, and program services has been delivered to the principals and school sites.
- ❖ Teachers and staff who have direct responsibility with the student are required to attend the student's IEP meetings.
- ❖ The Special Education Department makes sure that logs are completed by service providers and that NPA service providers are only compensated when the logs are submitted.
- ❖ Program and services are provided through the IEP process. Since the beginning of the school year, there were only six settlement agreements completed and board approved in order to resolve issues from the previous year.
- ❖ Due to budget constraints, the District is not hiring additional personnel. The District staff facilitates meetings and communications with parents.
- ❖ The District has been reviewing a civility policy that promotes the positive interactions among staff, between staff and parents/community.
- ❖ Through the development of the Parent Resource Network at the school sites, the parents are trained to help each other in time of need and for resource referrals and information dissemination. The fall and spring forums have given the parents an opportunity to learn and share their knowledge and experiences.
- ❖ The District is reviewing its work in transitions. The newly established pathway articulation process should promote more positive transitioning experiences for the students.

### ***Goal 4: Ensure equitable access***

- ❖ All information that are pertinent to special education has been translated into Spanish including the Special Education Parent Handbook.
- ❖ Translators have been available at the school sites for meetings including IEPs.
- ❖ Schools have reviewed the recommendations from the Task Force on the Achievement of Students of Color and the Communication Task Force. Implementation of the recommendations are underway.
- ❖ Planning is also underway for culturally responsive parent education workshops and training.
- ❖ Recruitment resulted in several volunteers from the underrepresented groups in the PRN which also includes community liaisons.
- ❖ SEDAC members have committed to recruiting members from all cultural, linguistic, and socio-economic backgrounds.

### ***Goal 5: Improve communication systems and website***

- ❖ The new email system (Microsoft Outlook) has been implemented throughout the District which allows for meeting scheduling, and larger files to be transmitted.
- ❖ The District is still working on locating a sound SIS system that contains features that provides information that can be readily accessible by staff.
- ❖ The website has been improved to include Special Education Department in the list of all District departments. Contact information for central office is available. School site information can be accessed via individual school websites.

- ❖ There has not been a Communications Task Force formed. However, the recommendations from the communication audit are being implemented through different venues.
- ❖ The Information Technology Department has been working on updating the District's technology. A consultant has been working with the District to update the websites.
- ❖ Through Measure BB funds, school sites are upgrading the instructional technology in various classrooms.

**Goal 6: Strengthen the process of early identification, assessment and intervention**

- ❖ The law is very specific of "child find" and the District Special Education staff have been working with pre-schools in the District and the community to ensure early identification of students with behavioral and academic special needs. District policy reflects the law in this area.
- ❖ The District started the conversation on Response to Intervention (Rtl) with principals since last school year. Several working sessions have been held with site administrators on this process. The state of California has now issued guidance in Response to Instruction and Intervention (Rtl<sup>2</sup>). Educational Services staff have been visiting schools and making presentations to all staff members on response to intervention strategies.
- ❖ The District has streamlined its Student Success Team (SST) referral and meeting protocols. Training has taken place with site administrators on the new protocols. District staff serve as resources to the schools if there are issues regarding the implementation of the SST.
- ❖ The Special Education Parent Handbook contains information and reference for resources in the community. The Parent Resource Network serves as additional resources to parents.

**Goal 7: Continuously improve program/instruction**

- ❖ The Special Education Program Task Force was convened in July, 2009. Members of the special education and general education staff serve on the task force.
- ❖ The Task Force meets once a monthly to provide input opportunity and data presentation to examine current program and services to special education students.
- ❖ A survey has been developed and data is being analyzed.
- ❖ School visits to other districts and the Non-Public Schools have been scheduled with protocols to examine the strategies and process that can be adapted for our District.
- ❖ The Task Force has reviewed all the recommendations from the various reports and plans to establish the guiding principles for its work.
- ❖ The final document from this work which shall be completed by the end of the school year will become part of support document to the District's overall strategic plan development.

**Special Education Parent Handbook**

Members of the SEDAC (Special Education District Advisory Committee) in collaboration with district staff have completed the Parent Special Education Handbook in fall, 2008 and its revisions in fall, 2009. The handbook serves as a resource for parents and staff. The handbook has been translated into Spanish and has been distributed to the parents and is posted on the District website.

**Special Education Independent Review Recommendations**

The district staff has been addressing all 27 recommendations from the review. The board received the latest and last update as of November 30, 2009 at the Board meeting on February 4, 2009.

**Special Education Fall and Spring Forums**

The Special Education Fall and Spring Forums are sponsored by the District PTA and District. The Forums have been held twice already. The upcoming Spring Forum has been scheduled for Saturday, April 24, 2010 at John Adams Middle School. These forums feature a keynote speakers and break-out sessions to facilitate small group discussions. Child care is always provided.