

Modesto City Schools

Response to Grand Jury Case No. 02-01-C

June 7, 2002

Executive Summary

Charge of Falsified Documents and Cover-up

Background

The California Department of Education (CDE) is operating under a Corrective Action Plan with the federal Department of Education regarding compliance with assessment and procedural requirements. In order for the State to comply with the federal mandate, California school districts were notified on May 12, 2000, that a review of their December 1999 student information reports showed that certain information was missing for identified students. In order for CDE to comply with the federal Corrective Action Plan, districts were given only one month to respond to lists of hundreds of names.

MCS was notified in a letter dated May 25, 2000, that 280 three-year assessments were past due. Most had been completed between December and May but 72 remained on the list. The State gave the District less than two weeks to complete the assessments and required documentation. By the time the District received the May 25 letter, the school year was ending and the assessments could not be completed within this time frame.

The Special Education office sent blank student re-evaluation forms to the parents of the 72 students with a letter asking them to sign and return the form if they agreed that their student did not need to be assessed. When the forms were returned, staff in the Special Education office printed the names of teachers, psychologists and other staff associated with the students on the forms and sent them to the appropriate sites to be placed in the student files.

Falsification of Documents Charge

The Grand Jury has characterized the placement of names of teachers, psychologists and other staff on the forms as forgeries and falsification of records. Examination of the forms makes it clear that this is not the case. The same person has obviously printed all the names and in some cases only last names were placed on the forms. There was no attempt to make the names appear to be signatures of a variety of people and the form did not indicate that the space was for a staff signature. The letters to and from Modesto Teachers Association referred to by the Grand Jury regarding "forged" documents contain no references to forgery. This has been the Grand Jury's characterization and is not substantiated by anything in the written records, including the very documents referred to in the conclusions.

Cover-up and Inappropriate Investigation Charge

The District agrees that asking parents to sign evaluation waivers was not appropriate because the special education staff that had knowledge of the students' needs did not have input to the parent regarding the need for re-evaluation. When the issue was raised by some site staff that the process was not appropriate and should not have been done without staff input, the Executive Director of the Modesto Teachers Association brought the issue to the Superintendent in early September 2000. The Superintendent reviewed the situation with the Director of Special Education and his supervisor, the Associate Superintendent, Educational Services, and a correction plan was developed. The inappropriateness of the initial process was acknowledged in follow-up letters sent to parents (September 22, 2000) and staff (September 29, 2000) within three weeks of the matter being brought to the Superintendent. The appropriate staff then provided input on each student's need for further assessment. Their Individual Educational Plan (IEP) teams followed up all 72 students.

The Grand Jury characterized the follow-up process as a cover-up and an attempt to place blame on a clerical employee. In his letter to parents, Chris Neall stated clearly it was his error that appropriate staff had not had input and he apologized for the error. In his letter to staff, Mr. Neall indicated that the names had been placed on the forms by a clerk without his knowledge but with no intent to misrepresent any staff member. Program specialists were directed to replace the inappropriate forms in the files when students had been properly re-evaluated or the assessment properly waived.

Mr. Neall notified the California Department of Education special education unit of the procedural error and the steps being taken to correct the situation. CDE found that the District had acted appropriately to correct the procedural error. The CDE investigates special education complaints throughout the State on a regular basis and is well qualified to determine whether a charge is appropriate or has been properly addressed.

Charge of Inappropriate Hiring of a Friend

The Grand Jury found that this charge was in no way substantiated.

Resource Specialist Caseloads

The Grand Jury charged that resource specialist (RS) caseloads exceed the State mandated maximum of 28, sometimes for years, without the District seeking a waiver from the State. While it finally concluded that the District attempts to resolve problems by adding additional teaching time to address the overloads, as permitted by State law, the overall tone is that significant problems exist. This is not the case.

While some individual resource specialists have more than 28 students on their rosters, when there is more than one RS assigned to the school they share students in order to equalize the load. In other cases the average load over the course of the year is 28 or less, even though in some months it may exceed 28.

Enrollment fluctuates due to student mobility and track changes at the year round schools. With a general fund special education encroachment of \$4 million, Modesto City Schools does not, nor does any other school district, add an additional resource specialist to a site every time the caseload reaches 29. MCS does add teaching time, either through an additional day or two a week of substitute time or an optional period stipend for the affected teacher. In addition, MCS provides resource specialist teachers with a 5-hour instructional aide that is beyond the state requirement.

At the time of the submission of this response, only three schools had caseloads that had grown since the beginning of this school year to a level that has persisted above 28. Additional teaching time was added.

Among the Grand Jury's own conclusions in this area, it agreed that the caseloads are corrected with additional teaching time. Of the Grand Jury's four recommendations in this area, the first three recommendations are the existing practice the District uses to monitor caseloads, as evidenced by the fact that they are being corrected and have been found by the CDE to be in full compliance.

The fourth was a recommendation for the district to file waiver requests with the state, an action the district cannot legally take without concurrence from the teacher and the bargaining unit (MTA). The CDE special education consultant who has worked with the District has stated that resource caseload waivers are essentially non-existent in California because teachers and bargaining units refuse to agree to them. Therefore, the Grand Jury is asking the District to unilaterally institute a practice that lacks the authority to initiate.

Summary

The Modesto City Schools special education program is large and complex. It serves 3,900 students with 500 staff members at 35 locations and operates with a budget of \$30 million. It is the most procedurally and legally complex program in education. In a program this large and complex, human error and misjudgments will occur.

MCS agrees that errors in procedures and judgment were made in the matter of re-evaluation of students. Those errors were corrected promptly and appropriately when brought to the attention of the Superintendent. MCS strongly disagrees and objects to such errors being characterized as fraud or forgery.

Special education programs in California are monitored by the CDE through a process called Coordinated Compliance and Focused Monitoring Reviews. These reviews are done every three years. In 1993 and 1996/97 MCS special education program was found to be in full compliance. The 1996/97 review gave special commendation to the department for student records and service. In the 1999/2000 review, the CDE found no non-compliant areas and reported that MCS had the second lowest error rate (.07%) in the State. It seems reasonable to ask how these regular and systematic reviews by specialists are to be weighed against this Grand Jury Report.

Modesto City Schools/Special Education Department
Grand Jury Case No. 02-01-C
April 4, 2002

REASON FOR INVESTIGATION

The Stanislaus County Civil Grand Jury received a complaint from four employees of the Special Education Department of the Modesto City Schools (MCS).

THEIR COMPLAINT:

1. The MCS Director of Special Education instructed some of his employees to alter, falsify, and misrepresent certain Special Education forms relating to the re-evaluation of Special Education students.
2. The Director of Special Education abused his position by requiring some of his employees to participate in an unlawful act and cover-up.
3. The Director of Special Education's supervisors created a conflict of interest when they allowed the Director to investigate the complaint rather than delegate the matter to a third party.
4. The Director of Special Education hired a long-time friend from another county school system to fill a program specialist position. This individual did not, at the time of hiring, possess the proper credentials for the position.

ADDITIONAL ISSUES AND CONCERNS:

5. During the course of the Grand Jury's investigation of the complaint, it was determined that several programs, policies, and procedures required by the MCS were not being followed, or are not functioning efficiently or productively.
 - 5A. The SELPA Procedural Handbook was not updated annually, nor was it distributed to the school sites as required.
 - 5B. Resource Specialists were not to carry caseloads of over twenty-eight (28) pupils without caseload waivers.
 - 5C. Witnesses who appeared before the Grand Jury testified regarding their concerns about the Director of Special Education's communication skills and management style.
 - 5D. The Community Advisory Committee's (CAC) policies, procedures, and meeting schedules were not adhered to effectively.

BACKGROUND

The MCS has a current enrollment of approximately 34,000 students of which 3,900 are enrolled or participate in the Special Education program. The Special Education program serves students with special physical, communicative, emotional, and/or learning needs. These students are identified through an assessment process and receive individually tailored educational programs. The program also provides options to meet students' educational needs in the least restrictive environment.

The MCS system, comprised of Modesto City Elementary and High School Districts, is organized under a single governing board. The Governing Board of the MCS Special Education Local Plan Area (SELPA) is responsible for the Special Education programs operated within its jurisdiction. The Governing Board is the sole policy-making entity for the MCS-SELPA.

The Superintendent is the CEO and is responsible for implementation of the Local Plan as authorized by the Governing Board.

The SELPA Director is directly responsible for the administration of the policy decisions of the Governing Board. The Director has the responsibility for administration of the Local Plan and also serves as the Director for Special Education. The Director reports to the MCS Associate Superintendent of Educational Services Division.

The Special Education Program is mandated by Federal regulations, Public Law 105-17, the Individuals with Disabilities Education Act (IDEA) of 1997 and Part 30 of the California Education Code.

The SELPA is funded through the federal government (via California Department of Education (DOE)) and MCS. The MCS budget for Special Education 2000-2001 was approximately \$25 million.

PROCEDURES FOLLOWED

1. The Civil Grand Jury interviewed:

SPECIAL EDUCATION MCS EMPLOYEES

- a. The complainants.
- b. Five (5) program specialists.
- c. A former program specialist.
- d. Six (6) psychologists.
- e. Four (4)-resource specialists.
- f. A language-speech-hearing specialist.
- g. A Special Education day class teacher.
- h. A typist clerk II.
- i. A department staff secretary III.
- j. Director of Special Education.
- k. Four (4)-school site principals.

- l. Associate Superintendent for Personnel.

NON- MCS EMPLOYEES

- a. Division Administrator-Special Education Stanislaus County.
 - b. The Director Special Education for Stanislaus County.
 - c. A Special Education consultant for the California Department of Education.
 - d. Executive Director Modesto Teachers Association.
 - e. Five (5) members of the Community Advisory Committee MCS/SELPA.
2. The Civil Grand Jury reviewed the following documents and records:
 - a. California Education Code.
 - b. Special Education Law in California by Professional Development Network.
 - c. Modesto City Schools Local Plan (SELPA).
 - d. MCS Procedural Handbook for Special Education.
 - e. California Association of Resource Specialists' newsletter June/July/August 1999.
 - f. Pamphlets, newsletters, flyers relating to MCS' "Child Find" program.
 - g. By-laws Community Advisory Committee (non-adopted).
 - h. Community Advisory Committee meeting minutes 1995-2001.
 - i. Two variations of MCS/SELPA form 2-B dated June 2000.
 - j. California DOE Findings: non-compliance sheet regarding: reevaluations.
 - k. Letter-Director Special Education to parents dated June 20, 2000.
 - l. A 2-B form from parent to Special Education Department.
 - m. Letter from Director of Special Education to parents dated September 22, 2000.
 - n. Letter from Director of Special Education to Special Education staff dated September 22, 2000.
 - o. Form 2-Bs on twenty-seven (27) Special Education students that were mailed to parents on June 20, 2000 and returned by parents.
 - p. List of names of seventy-two (72) students whose parents were sent 2-B forms on June 20, 2000.
 - q. Letter from Director of Special Education and the school locations of the seventy-two (72) students on list.
 - r. Letter to Grand Jury from Director of Special Education explaining the Form 2-B situation.
 - s. 2-B form completed by two (2) teachers at direction of program specialist.
 - t. Three (3) Form 2-Bs signed by program specialists.
 - u. Letter from a program specialist dated May 25, 2001 recanting a portion of testimony before the Grand Jury.
 - v. Fax dated September 23, 2000 from Director of Special Education to the Superintendent of MCS.
 - w. Fax transmittal from Executive Director of the MTA to California DOE.
 - x. Letter from Grand Jury dated May 9, 2001 requesting documents, and letter from Director Special Education dated May 15, 2001 in reply.
 - y. Letter from Grand Jury dated May 16, 2001 requesting documents, and a letter from Director Special Education dated May 25, 2001 in reply.
 - z. Letter from Grand Jury dated August 1, 2001 requesting documents, and a letter from Director of Special Education in reply dated August 10, 2001.

- aa. Letter from Grand Jury dated August 14, 2001 requesting documents, and a letter from the Director of Special Education in reply dated August 21, 2001.
- bb. Statistical compilation by Grand Jury after review of 2-B forms at ten (10) school sites.
- cc. MTA application for legal services to the law firm of Tuttle and McClosky dated September 14, 2000.
- dd. Letter from Tuttle and McClosky to MTA Executive Director dated September 18, 2000.
- ee. Letter from MTA Executive Director to Director of Special Education requesting list of teachers whose names had been "forged"; cc to Superintendent dated September 19, 2000.
- ff. A letter from Director of Special Education to MTA Executive Director identifying teachers as requested by MTA.
- gg. Fax dated September 25, 2000 from Director of Special Education to the Superintendent outlining what had been done to correct the Form 2-B situation.
- hh. Letter from one (1) of the complainants to Grand Jury regarding his conversation with a representative of the DOE regarding the Form 2-B incident.
- ii. Two (2) completed MCS employment applications dated March 3, 1993 and April 16, 1993.
- jj. State of California Teaching credential.
- kk. MCS request to advertise/employ, date signed February 11, 1993.
- ll. A letter dated May 4, 2001 from the Grand Jury to the Associate Superintendent for Personnel.
- mm. MCS job description-program specialist dated June 12, 1991.
- nn. MCS job description two (2) program specialist dated Revised June 4, 1996.

District Response:

The Grand Jury was also provided the following documents and records:

1. *Originals of student evaluation forms (Form 2-B) on all currently enrolled special education students. Submitted January 18, 2001.*
2. *The following Documents related to Focused Monitoring. Submitted January 18, 2001.*
 - a. *California Department of Education, Special Education Division, Systemic Report to Consultants, Noncompliance's and Corrective Actions by Item for: District of Residence Modesto City Elementary.*
 - b. *California Department of Education, Special Education Division, Systemic 2nd Report to Consultants, Noncompliance's and Corrective Actions by Item for: District of Residence Modesto City Elementary.*
 - c. *California Department of Education Special Education Division, 2nd Report to Consultants, Noncompliance's and Corrective Actions by Item and Child for: District of Residence, Modesto City Elementary. (Attachment C-2).*
3. *Board of Education Agenda Item dated May 10, 1999, adopting the SELPA Local Plan. Submitted May 15, 1999.*

4. *The Parent Resource Guide for Special Education. Submitted May 25, 1001.*
 5. *Copy of the Parents Rights and Procedural Safeguards. Submitted May 25, 2001.*
 6. *Copy of the Annual SELPA Personnel Development Plan. Submitted May 25, 2001.*
 7. *Copy of the 1996-97 Coordinated Compliance Review Notification of Findings relating to Special Education, including exemplary commendations. Submitted August 10, 2001.*
 8. *Copy of the California Department of Education, Office of Special Education letter to District Dated, August 6, 2001 finding MCS special education areas in full compliance. Submitted August 22, 2001.*
 9. *Copies of the CAC Needs Information Survey form dated January 2000. Submitted August 21, 2001.*
 10. *Memorandum of Understanding/MCS SELPA and VMRC. Submitted October 17, 2001.*
 11. *Inter-Agency Agreement / VMRC / MCS SELPA / Early Start. Submitted October 17, 2001.*
 12. *Inter-Agency Agreement / MCS SELPA & SCOE Head Start Program. Submitted October 17, 2001.*
 13. *Early Start Report dated October 14, 1997 of Findings conducted by the Department of Developmental Services (DDS) and the California Department of Education which identifies Modesto City Schools SELPA "Notable Strengths and Accomplishments" Submitted November 15, 2001.*
 14. *Mount Diablo Unified School District Parent Liaison Program Information. Submitted November 20, 2001.*
 15. *MCS Certificated Bargaining Unit Contract Language on extended year extra service days as it related to school psychologists. Submitted November 2001.*
3. The Grand Jury visited ten (10) school sites and reviewed forty-nine (49) Special Education files for the presence of 2-B forms.

COMPLAINTS:

1. The MCS Director of Special Education instructed some of his employees to alter, falsify, and misrepresent certain Special Education forms relating to the re-evaluation of Special Education students.
2. The Director of Special Education abused his position by requiring some of his employees to participate in an unlawful act and cover-up.
3. The Director of Special Education's supervisors created a conflict of interest when they allowed the Director to investigate the complaint, rather than delegate the matter to a third party.

FINDINGS

1. **The Modesto City School Administration Staff and the Director of Special Education cooperated fully during the investigation of these complaints.**
Agree
2. **The Modesto City Schools Special Education employees interviewed were found to be conscientious, dedicated, knowledgeable and professional.**
Agree
3. **Prior to 2000, the Special Education staff members of the Individualized Educational Program (IEP) team were required to prepare a three (3) year assessment on certain Special Education students.**
Agree
4. **The federal law was changed in the 1999-2000 school year to allow staff to waive the three (3) year assessment if they felt it was not necessary and the parent agreed with that decision.**
Agree
5. **To facilitate this change in the law, the MCS developed and implemented a form (MCS/SELPA 2-B: June 2000) where staff and parents could indicate by signature their agreement or disagreement to waive the full three (3) year assessment.**

Disagree in part: The form as originally developed was not intended to contain a staff signature since that would be included in the IEP. In September of 2000 the form was changed to include these signatures due to questions raised by some staff.

6. **In May 2000 the California Department of Education (DOE) did a Correction Action Plan (CAP) Review on three (3) year assessments.**

Agree

7. **MCS was notified by the DOE that, as of December 1, 1999, two hundred and eighty (280) students had not received re-evaluation (assessment) within the prescribed timelines. MCS was given until June 30, 2000 to rectify this.**

Disagree: The Grand Jury appears to misunderstand the process and documents. Every SELPA in the state maintains a California Special Education Management Information System (CASEMIS) database for tracking student information, including assessment data. This database is uploaded to CDE at certain points in the school year, including every December. Because the state is under a federal Corrective Action Plan, the California Department of Education Office notified California school districts on May 12, 2000, (Exhibit A) of re-evaluations that were due as of the December 1, 1999 upload of CASEMIS. CDE directed completion of these re-evaluations by June 12, 2000. At the time a May 25 notice for follow-up was received, MCS identified 72 re-evaluations still to be completed.

8. **The Director of Special Education met with program specialists in early June 2000 and asked them to help correct the problem of tardy re-evaluations. This was requested because summer vacation was at hand and school site staff would not be available to complete the re-evaluations.**

Disagree in part: The program specialists have the responsibility to assist sites in maintaining compliance and to provide technical assistance, including student reassessment. The timeline for completion made involvement of site staff prior to the end of their work year on June 9 impossible.

9. **Some of the program specialists thought this request was inappropriate. They felt this was the sole responsibility of the IEP team members.**

Agree

10. **Some program specialists did complete and/or instructed on-site staff to complete 2-B forms without required input from school psychologists.**

Agree

11. **The Director of Special Education mailed letters to the parents of seventy-two (72) students on June 20, 2000 asking them to sign an enclosed 2-B form and return it to MCS as soon as possible.**

Agree

12. **The 2-B forms mailed to the parents failed to have any input from staff with knowledge of the students' needs. The boxes on the form were checked indicating staff had reviewed the students' needs. This was not the case. The signature blocks for staff were blank.**

Disagree in part: The 2B form at this time did not include "signature blocks for staff". (Exhibit B)

13. **Twenty-seven (27) of the 2-B forms were signed by the parents and returned to MCS; forty-five (45) were not returned.**

Agree

14. **The Director of Special Education sent another letter to the seventy-two (72) parents on September 22, 2000 apologizing and explaining that the letter of June 20, 2000 was sent in error because it failed to have the required input from staff. He stated that this was his error. Testimony was taken that he had instructed a secretary and a clerk to send the letters.**

Agree

15. **The 2-B forms, printed in English only, mailed to parents on June 20th have what appears to be a signature block below the typed phrase "Staff with Knowledge of Students Needs." The Director testified that this was not intended to be a signature block.**

Disagree in part: It is the Grand Jury's interpretation that a section of the form that lists staff "appears to be a signature block".

16. **The 2-B form was revised in September 2000 to read above the signature block "Staff with Knowledge of Students Needs/Signature." According to the Director, this change was made at the insistence of two school psychologists. When the revised form was reprinted, it still included the old form number MCS/SELPA: 2-B June 2000.**

Disagree in part: Prior to its revision, the 2B form did not include a "signature block". The revision date was inadvertently left off when the form was reprinted.

17. **When the twenty-seven (27) 2-B forms signed by parents were returned to MCS, a clerk in the Director's office entered the data into the computer and forwarded it electronically to the DOE.**

Agree

18. **The clerk attempted to match the names of IEP team members at the student's school site to the Form 2-Bs.**

Agree

19. **The clerk printed the names of these staff members in the signature block of the returned 2-B forms. She could not recall if that was done on her own initiative or she was instructed to do so.**

Agree in part: There was no "signature block" on the form.

20. **Many of these staff, whose names appeared on the 2-B forms, had no association whatsoever with the student. In fact, several of the staff whose names appeared on the forms had retired prior to the forms being filled out.**

Disagree: The District cannot identify a single staff member listed on the forms who had retired prior to June 2000. The majority of staff names on the forms that have been cross-referenced to students were found to be correct. Forms for two students had an incorrect teacher because that teacher had gone out on leave.

21. **When school began in September, some of the 2-B forms, with names of staff printed on them, were discovered at school sites by staff members.**

Agree

22. **Several staff members expressed concern that their names appeared on the 2-B forms giving the impression that they had re-evaluated the student. They were also concerned that, while the files indicated the students had been re-evaluated, they may not have been.**

Agree

23. **The Director addressed this concern with a letter to staff dated September 28, 2000. He wrote the program specialists are working to bring closure to this situation. Staff members were asked to work with the program specialists on any students they (staff) felt needed a re-evaluation.**

Agree

24. **The Director also stated in his letter that the staff names were put on the 2-B forms by a clerk in his office and routed to the school sites without his knowledge.**

Agree

25. **The clerk testified that she did not print the names onto the 2-B forms to facilitate the routing to school sites.**

Disagree in part: Since Grand Jury testimony is not available to the District or the public, the District cannot confirm the clerk's testimony. Because this process had to be completed after the schools were closed for the year, what is normally a site-based procedure had to be conducted from the central administrative office and the forms routed to the students' files at the sites. See above statement 19. Statement 25 contradicts statement 19, which is correct. The clerk did put the names on the forms and did route the forms to the sites.

26. **A secretary testified that the Director told her and a clerk to put staff names on the 2-B forms. A program specialist testified that the clerk had told her that the Director had instructed her to put the names on the forms.**

Disagree: The District has no knowledge of any individual's testimony. However, the Director testified that he did not recall instructing the clerk to place names on forms (see statement 27 below), and the clerk confirmed this in her testimony (see statement 19).

27. **The Director testified that he does not remember telling the clerk to put staff names on the 2-B forms. He thinks she did it on her own initiative.**

Agree

28. **Program specialists were initially instructed by the Director to review the files of the twenty-seven (27) students and remove the 2-B forms completed by the clerk in his office.**

Disagree in part: The Director instructed the program specialists to

1. *review the files to make sure the re-evaluation process had been properly completed, or*
2. *arrange for it to be done, if needed, and*
3. *then replace the original form with the corrected form upon completion.*

29. **Program specialists were then re-directed by the Director not to remove the 2-B forms. However, some files had already been reviewed by the program specialists.**

See statement 28.

30. **The Director testified that "We do not remove forms from student files". "No one has the authority to remove it unless it goes through the process."**

See statement 28.

31. **The Director denied telling program specialists to pull 2-B forms from student files. After discovering they were pulling 2-B forms, he told them to put them back.**

Disagree: The Director did not deny telling the program specialists to replace these forms with the corrected copy.

32. **The Director recanted his previous testimony and testified he had told the program specialists "to replace" the improper 2-B forms with newly completed ones.**

Disagree: The Director testified that he had directed the program specialists to replace the incorrect copies with the corrected copies.

33. **The Grand Jury reviewed twenty-one (21) of the twenty-seven (27) files in question and found only seven (7) contained the 2-B forms with the printed staff names on them.**

The District cannot respond without specific student data. Subsequently, the 72 student files have been reviewed by a CDE consultant on May 7, 2002. All are found to be in compliance.

34. **The Grand Jury reviewed the list of seventy-two (72) students who had letters mailed to their parents on June 20, 2000. Their schools of attendance were identified and forty-nine (49) of the seventy-two (72) students' files were reviewed. This included twenty-one (21) of the twenty-seven (27) files of those students whose parents returned the 2-B forms of June 20, 2000.**

The District cannot respond without specific student data.

35. **Of the forty-nine (49) student files reviewed, six (6) were found not to have been re-evaluated as required.**

The District cannot respond without specific student data. Subsequently, the files were reviewed by a CDE consultant on May 7, 2002. All are found to be in compliance.

36. **During the review, fifteen (15) 2-B forms with names printed on them were found.**

The District cannot respond without specific student data.

37. **The complaining employees contacted the Executive Director of the Modesto Teachers Association (MTA) about the questionable 2-B forms.**

The District has no way to verify third party conversations.

38. **The MTA filed an application and request for group legal services (September 14, 2000) with the law firm of Tuttle and McClosky. MTA wanted an opinion of any liability for Special Education staff whose names had been falsified on the 2-B forms and if they were legally obligated to report these falsifications.**

The District has no way to verify third party conversations.

39. **The law firm replied (September 18, 2000) and suggested that MTA contact MCS and demand that the student re-evaluation be properly done immediately on the questioned students.**

The District has no way to verify third party conversations.

40. **The Executive Director of MTA requested that the Director of Special Education send him a list of the Special Education staff whose names had been printed on the “forged” 2-B forms. There was a cc to the Superintendent of MCS.**

Disagree: MTA sent a letter September 19, 2000, requesting a list of names that appeared on the student re-evaluation forms. MTA’s letter did not characterize the names as being forged (see Exhibit C). All forms provided were printed in the same hand, which makes it clear there was no attempt to reproduce (“forge”) a variety of different signatures.

41. **The Director of Special Education provided a list of the names of Special Education staff whose names had been “forged” on the 2-B forms to the Executive Director of MTA.**

Disagree in part: The Director of Special Education sent a letter to MTA on September 25, 2000, which included a list of staff whose names had appeared on the student reevaluation forms. Neither the District’s or MTA’s correspondence characterized the names as being forged (see Exhibit D).

42. **The Director of Special Education sent a fax to the MCS Superintendent summarizing how he had corrected the 2-B problem by having the program specialists take the twenty-seven (27) students back through the reevaluation process. There was no mention of the other forty-five (45) students whose parents received letters and incomplete 2-B forms to sign and did not return them.**

Disagree in part: The Director notified the Superintendent via e-mail. All 72 students were properly re-evaluated as confirmed by the CDE review of May 7, 2002.

43. **The Executive Director of MTA contacted the DOE by telephone and discussed the 2-B matter with a representative. The Director also faxed the DOE a copy of a questionable 2-B form, but never received a return call or any correspondence from the DOE.**

The District has no way to verify third party conversations.

44. **One of the complainants contacted the DOE by telephone and spoke to a Special Education consultant who handled the MCS/SELPA review. The consultant said she accepted the Director of Special Education’s explanation of the 2-B incident and how he had corrected the problem. She was satisfied that the matter was corrected.**

The District has no way to verify third party conversations.

45. **The Special Education consultant does not recall the complainants phone call. She testified no written report was ever made by DOE of the allegation of falsified Special Education documents.**

The District has no way to verify third party conversations.

46. **The Special Education consultant called the MCS Director of Special Education after a call from the MTA Executive Director. She accepted the Special Education Director's explanation that he had a secretary in his office write the names of IEP members on the 2-B form rather than have it typed. The consultant suggested he not do that again.**

Disagree in part: The Director explained to the consultant that a clerk had printed the names on the forms.

47. **The Director testified that no one from DOE ever contacted him regarding the 2-B form issue.**

Disagree in part: The Director explained that he had contacted a CDE consultant explaining the situation and had also requested direction on how to correct the special education database. The consultant thanked him for his call and quick attention to the matter.

48. **The MCS Superintendent of Schools did not assign anyone to investigate the complaint of the MTA or the complainants.**

Disagree: When MTA brought this concern to the Superintendent's attention in early September 2000, it was reviewed with the Associate Superintendent of Education Services (the Director's supervisor) and the Director. Following a determination that the re-evaluation forms should not have been sent to parents without staff input, a plan for correction was developed and carried out (see Exhibit F (September 22) and Exhibit G (September 28) letters to parents and staff). The MTA was advised of the results of the investigation and corrective action at a regularly scheduled MTA Consultation Meeting on September 28, 2000.

CONCLUSIONS

The Civil Grand Jury concluded that:

1. **The Director of Special Education was under severe time constraints from the DOE to complete the tardy student re-evaluation forms or face possible sanctions for being out of compliance.**

Disagree in part: The DOE notified the District in a letter dated May 25, 2000, of students needing re-evaluations to be submitted to the state by June 15, 2000, with a final report June 30, 2000. The District agrees that 14 working days (11 days before the end of the school year) presented a serious time constraint.

2. **The Director, after being refused by his program specialists, instructed his secretary and a clerk to complete the reevaluation forms without required staff input and mail them with his cover letter to parents for signature.**

Disagree in part: The program specialists were unable to assist with the process because their work year was ending. The Director instructed staff to send re-evaluation forms with the attached cover letter for parents to sign and return if they agreed. Exhibit E.

3. **This lack of a three (3) year evaluation could conceivably result in a student going six (6) years without an evaluation as required by law.**

Disagree in part: While this is remotely conceivable, the annual review process and tracking through the special education database would normally result in the assessment being done the following year.

4. **When the signed 2-B forms were returned by the parents, there is strong evidence suggesting that the Director instructed a clerk to put staff names on the forms. After the forms had the names placed on them, it gave the appearance that the students had been re-evaluated with input from the staff. The forms were then placed in the students' files.**

Disagree in part: The Director does not recall directing the clerk to print the names on the forms. The clerk testified that she also did not recall the Director instructing her to place the names on the forms (see statement 19). The Director has stated on numerous occasions that he takes full responsibility for the error.

5. **The Directors' letter of September 22, 2000, apologizing to the affected parents and stating he made an error by not having staff input, is misleading. The Director sent the letter knowing it was misleading, untruthful, and done as part of an overall strategy to bring compliance without completing re-evaluation and to avoid possible sanctions by DOE.**

Disagree: The necessary correction was

- (1) *to inform the parents that the appropriate staff did not have input;*
- (2) *to inform them that a correct form with proper staff input would be forthcoming;*
- (3) *to take full responsibility for the error;*
- (4) *to apologize; and*
- (5) *to invite their calls and questions.*

The letter (Exhibit F) clearly makes these statements, including "This note is to inform you that the staff working with your son/daughter did not have the required input in this process, which was my error. We will resend this form to you in the near future for your review with the appropriate staff input. We apologize for the inconvenience and please do not hesitate to call if you have any questions in this regard." This does not justify describing the letter as misleading and untruthful.

6. **When staff discovered what had occurred and questioned his actions, the Director sent each affected staff member a letter placing the blame on a clerk. It appears that the Director attempted to wrongfully place blame on a clerk, rather than assume full responsibility for his own actions.**

Disagree: The finding in statement 19 above was that the clerk "could not recall if that was done on her own initiative". If the intention in the Director's letter was to fix blame, the Director would not have included the statement "this was done without any intention from the clerk to misrepresent any staff member". (Exhibit G).

7. **At first the Director denied, then admitted, that he had ordered program specialists to illegally remove 2-B forms from students' files.**

Disagree: The Director testified that he had directed the program specialists to replace the old form with the new ones once completed.

8. **A program specialist advised 2-B forms had been illegally removed from students' files, but the exact number was unknown.**

Disagree: The program specialists informed the Director that two student forms were removed, but were replaced within several days.

9. **It appeared to the Grand Jury that several students who required re-evaluation were not taken back through the process and re-evaluated.**

Disagree: The program specialists took each of the identified students that needed re-evaluation back through the process, as was confirmed by CDE on May 7, 2002. The log of the CDE review of all 72 files is attached (Exhibit H). Note the conclusion on the last page of the log.

10. **The DOE, after being contacted by the MTA and a MCS psychologist, both expressing concern about forged documents, should have conducted a thorough investigation of the matter.**

The District believes the CDE investigated and responded appropriately. The CDE investigates complaints on a regular basis throughout the state and is the entity most qualified to determine the appropriate scope of investigation.

11. **Simply accepting the Director of Special Education's explanation, and not documenting the matter, makes the DOE remiss in its duties and responsibilities.**

The District believes the CDE investigated and responded appropriately (see statement 10 above).

12. **The Grand Jury found portions of testimony from the Director of Special Education to be in conflict with the testimony of at least four (4) other witnesses.**

It is impossible to respond to a charge that neither specifies the portions of the testimony referenced or the testimony of unnamed witnesses.

13. **The Superintendent of MCS failed to adequately investigate and address this issue.**

Disagree: The Superintendent fully investigated and addressed all issues in collaboration with the Director of Special Education. See statement 48 above and the subsequent corrective letters to parents and staff. The Superintendent asked for and received copies of each, and met with the Associate Superintendent of Educational Services and the Director periodically to review the status.

RECOMMENDATIONS

The Civil Grand Jury Recommends that:

1. **The MCS Superintendent and Assistant Superintendent of Curriculum and Instruction, as the Director's immediate supervisors, verify and assure that the seventy two (72) students whose parents received letters and re-evaluation forms on June 20, 2000 have, in fact, been re-evaluated, and their files contain the proper documentation of the reevaluation.**

Response: Implemented. The 72 student files were reviewed with a CDE consultant on May 7, 2002, and all student evaluations have been found to be in compliance (see Exhibit H).

2. **The MCS/SELPA establish and follow a procedure to ensure that a backlog of students requiring re-evaluation does not occur in the future.**

Response: Implemented pursuant to CDE requirements. The MCS SELPA maintains a database that meets the CDE California Special Education Management Information System (CASEMIS) specifications. The CASEMIS system includes tracking of assessment dates and other required state compliance items. The software used by the MCS SELPA is used by many SELPAs throughout California. Student re-evaluation due dates are distributed to site principals, teachers, and psychologists by the Director on a bimonthly basis with follow-up reminders if due dates are not met.

3. **When new or revised MCS forms are introduced, specific in-service training is conducted on the forms.**

Response: Implemented. This has clearly been the practice in MCS as evidenced by the CDE May 2000 Focused Monitoring Review in which 2800 data elements in 100 randomly selected student files were checked for compliance. Only three systemic errors were identified which were immediately corrected by adjustments to forms and procedures. The attached statewide listing of the Focused Monitoring results (Exhibit I-1-2) shows exemplary performance and compliance by MCS. The last Coordinated Compliance Review of the MCS Special Education Program by the state found the program in complete compliance with the 300 required items. It also included a commendation specifically in the area of excellent documentation of student records (Exhibit I-3).

4. **All MCS forms, when revised, should have printed on them “revision” and the date revised.**

Response: Implemented. This is currently the District’s practice and will be monitored for continued compliance. Clerical staff has been reminded to place revision dates on all forms when updated.

5. **When practical MCS/SELPA correspondence to parents should be written in a language familiar to them.**

Response: Implemented. The most-used forms have been translated into Spanish and other languages and have been in use for years. There is a SELPA Forms Binder for the most common languages.

6. **Accusations of misconduct or illegal acts should not be investigated by the accused party. Investigations should be undertaken by the supervisor of the accused or a disinterested third party.**

Response: Accusations of misconduct will be investigated by the supervisor or the supervisor’s designee. This is the standard practice in MCS.

COMPLAINT:

4. The Director of Special Education hired a long-time-friend from another county school system to fill a program specialist position. This individual did not, at the time of hiring, possess the proper credentials for the position.

FINDINGS

1. **This individual was previously employed by the Sonoma County Office of Education from 1981 to 1992 as a speech and language specialist.**

Agree

2. **The MCS Director of Special Education was also employed during part of this time in Sonoma County as a program manager for Special Education.**

Agree

3. **This individual was acquainted with the MCS Director of Special Education for about five (5) years in Sonoma County.**

Agree

4. **There was no social relationship between them or their families. The individual testified that he only saw the Director about ten (10) times in that five (5) year period.**

Agree

5. **The Director left Sonoma County in 1989 for a position with MCS.**

Agree

6. **The individual was hired by MCS in 1992 as a speech therapist in the Special Education Department.**

Agree

7. **In early 1993, MCS advertised for the position of program specialist.**

Agree

8. **The minimum education requirements in 1993 for the MCS position of program specialist was a masters degree and a Special Education credential, but the masters degree requirement was eliminated in June 1996.**

Agree

9. **Three (3) candidates were interviewed, and only two (2), including the individual, met the State requirements. Neither held a masters degree as required by MCS.**

Agree

10. **The MCS Assistant Superintendent for Personnel testified he was employed in his current position in 1993 and had the authority to waive the requirement for a masters degree.**

Agree

11. **The MCS Assistant Superintendent testified that he probably discussed the waiver of the masters degree requirement with the Superintendent, but has no independent recollection of doing so.**

Agree

12. **No documentation was created regarding this matter, nor is it customary to do so.**

Agree

13. **The Assistant Superintendent for Personnel believes the waiver for the masters degree was approved by himself and the Superintendent.**

Agree

14. **The Assistant Superintendent for Personnel testified that granting the waiver for a masters degree would not have been a decision made by the Director of Special Education. The individual was given the position of program specialist for the school year 1993-1994. He currently holds the same job title.**

Agree

CONCLUSIONS

The Civil Grand Jury concluded that:

1. **The individual was not hired from Sonoma County to fill a position for program specialist, but for the position of speech therapist.**

Agree

2. **The individual was not, at the time of his employment by MCS (1992), a long-time friend of the MCS Director of Special Education.**

Agree

3. **The individual did not possess a masters degree as required by MCS when he applied for the position of program specialist in 1993.**

Agree

4. **The Assistant Superintendent for Personnel had the authority to waive the MCS requirement for a masters degree during the filling of the program specialist position in 1993 and exercised his right to do so.**

Agree

5. **The Director of Special Education does not make the final decision of who will be hired. This is the function of the Personnel Department, based in part on the Director's recommendation.**

Agree

6. **The Director of Special Education committed no improprieties in the filling of the program specialist position and the selection of the individual.**

Agree

RECOMMENDATIONS

The Civil Grand Jury recommends:

When any specified qualifications for a position with MCS is waived, it should be documented and signed by the authorizing authority and made a part of the employees personnel file.

Response: Implemented. The Personnel Division has been directed that when specified qualifications for a position within MCS are waived, the decision will be documented in writing.

ADDITIONAL ISSUES AND CONCERNS:

- 5A. The SELPA Procedural Handbook was not updated annually, nor was it distributed to the school sites as required.

FINDINGS

1. **In accordance with the California Education Code, Section 56200, a local plan for the education of individuals with exceptional needs residing in MCS districts has been developed. The plan is identified as the Special Education Local Plan Area (SELPA).**

Agree

2. **An important part of the plan is the SELPA Procedural Handbook. It contains specific procedures for the coordination of the Local Plan.**

Agree

3. **The Procedural Handbook states: "This handbook and accompanying forms are intended for use by all special education service providers. It is intended to provide structure to the entire SELPA in implementing legal requirements."**

"The purpose of this handbook extends beyond a compliance with legal requirements. It is primarily intended to provide assistance to all staff in implementing program requirements in the most efficient and effective manner possible in order to assure quality special education services to individuals with exceptional needs."

Agree

4. **The Procedural Handbook cover has 1998-2002 printed on it.**

The full title on the cover is as follows:

*LOCAL PLAN
and
PROCEDURAL HANDBOOK
including
CYCLE A AMENDMENTS
for
SPECIAL EDUCATION
1998 - 2002*

5. **The SELPA calls for the Procedural Handbook to be updated annually.**

Agree

6. **The SELPA Local Plan Section II page 5 states “the Procedural Handbook is provided to all SELPA staff, site principals, support staff, and members of the general public upon request.”**

Agree

7. **The Director of Special Education testified that before anyone gets a copy of the handbook, it must be requested.**

Disagree: The Director testified that the procedural handbook is available to anyone upon request as written in Section II A3, page 5 of the SELPA Local Plan.

8. **Only five (5) out of the forty-three (43) on-site administrators and special education staff had ever seen the Procedural Handbook. Only three (3) of ten (10) school sites visited had a copy on hand. Most had never heard of it.**

Disagree in part: This report indicates that 30 District employees were interviewed of whom only 4 were site administrators, so it is difficult to ascertain how this finding was reached. There are approximately 150 SELPA forms, which comprise a large part of the Procedural Handbook. A SELPA Forms Binder is available at every site. Program specialists have updated the forms and provided in-service for staff in both small and large group settings.

9. **The Director of Special Education testified he did not print a copy for each school site because he thought it impractical.**

Disagree in part: The Director's testimony referred to the 900 page Local Plan, which is available upon request.

10. **The Director of Special Education testified that the Procedural Handbook had not been distributed to each school site prior to September 2001.**

Disagree in part: It was distributed to year-round sites beginning July 1, 2001.

11. **In September 2001, the Director of Special Education instructed the program specialists to distribute the handbook to all school sites, but was uncertain if this had been completed.**

Agree

12. **A school psychologist and a resource specialist made a written request for a copy of the handbook from the Director. Their request went unanswered.**

Disagree: Without more specific information, the District cannot fully respond. Copies of the handbook are provided when requested.

13. **The Director of Special Education testified that he has received only one request for a handbook and it was provided.**

Agree

CONCLUSIONS

The Civil Grand Jury concluded that:

1. **The Procedural Handbook is an integral part of the SELPA and is identified as such by SELPA documents.**

Agree

2. **The existence of the Procedural Handbook is, for all practical purposes, unknown by Special Education staff on site.**

Disagree in part: The SELPA forms are a substantial part of the Procedural Handbook. Every site has a binder that includes the forms in English and the five other most common languages, and instructions for their use. In-service has been provided on these forms both in large and small group settings.

3. **The Director of Special Education has been reluctant to distribute the Procedural Handbook.**

Disagree: See above statement 2. The remainder of the document is provided upon request as required in Section II A3 of the Local Plan.

4. **The MCS has failed to follow SELPA policy by not implementing the provisions stated therein; “it (procedural handbook) contains specific procedures for the coordination of the Local Plan” (page five Local Plan Section II).**

“It is intended to provide structure to the entire SELPA in implementing legal requirements” (Procedural Handbook page one).

It would be difficult for the MCS ' Special Education Department and staff to implement and follow the requirements of the SELPA when the very document to be followed is not made available to them.

Disagree: The MCS SELPA has not failed to follow policy. Staff has been in-serviced in the use of SELPA forms and procedures on an annual basis before the school year and whenever a mid-year change takes place. Newly hired teachers are in-serviced by the program specialists.

5. **The Director of Special Education's testimony concerning the Procedural Handbook frequently lacked clarity and often changed.**

Disagree: It is impossible to respond to an undocumented allegation. The Director of Special Education's testimony concerning the Procedural Handbook was lengthy and covered complicated issues. Special education law is very complex and can be difficult for the layperson to follow.

RECOMMENDATIONS

The Civil Grand Jury recommends:

1. **If the Procedural Handbook's primary purpose is to provide assistance in implementing program requirements to assure quality special education service, then the manual must be readily available to the entire Special Education staff.**
 - a. **Provide each school site a hard copy of the handbook.**
 - b. **Post the handbook on the Modesto City Schools' web site.**
 - c. **Make available, if requested, a computer disc of the handbook.**

Response:

- a. *A hard copy of the procedural handbook has been distributed by the program specialists to all sites. Distribution began in July 2001, and was completed by the end of September 2001.*
- b. *The District will investigate by July 1, 2002, the capacity of the MCS web site to accommodate a document of this size.*
- c. *The District will investigate by July 1, 2002, the cost and software/hardware requirements to transfer a document of this size to CDs for distribution.*

2. **The handbook must be updated as required and provide revisions to staff on a timely basis.**

Response: The complete Local Plan is updated every four years as required by state law. The Procedural Handbook will be reviewed annually and updates distributed to all holders of either hard copy or CDs and on the web site, if posted there. The Forms Binder is updated annually and all revisions will continue to be reviewed by the Director or Assistant Director with site principals and by the program specialists with site staff. Program specialists will also continue to meet with new teachers to review forms and procedures. In addition to continuing the meetings with site staff regarding new or revised forms, beginning with the 2002/03 school year a procedure will be established to ensure that updated forms are inserted into each site's Forms Binder.

ADDITIONAL ISSUES AND CONCERNS:

- 5B. Resource Specialists were not to carry caseloads of over twenty-eight (28) pupils without caseload waivers.

FINDINGS

1. **The California Education Code, Section 56362 (c), states no resource specialist shall have a caseload which exceeds twenty-eight (28) pupils.**
Agree
2. **If the school district places more than twenty-eight (28) pupils in a resource specialist program, the district must submit a resource specialist caseload waiver application to the State Board of Education (SBE).**
Disagree in part: The District cannot unilaterally apply for a caseload waiver. Both the teacher and the collective bargaining representative must agree. A copy of the relevant regulation is attached (Exhibit J).
3. **The caseload waiver asks the SBE to temporarily set aside Education Code Section 56362 (c).**
Agree
4. **Without a caseload waiver approval by the SBE, resource specialists may not have more than twenty-eight (28) pupils in their program.**
Agree
5. **The District must guarantee that, by increasing a caseload of twenty-eight (28) pupils up to no more than thirty-two (32) pupils, the education of the students would not be compromised.**
Agree
6. **The District must also submit, as part of the application, documentation outlining how these conditions will be resolved by the time the waiver expires.**
Agree
7. **The District must demonstrate to the SBE that extraordinary fiscal or programmatic conditions exist, requiring the need for placing more than twenty-eight (28) pupils on a caseload.**
Agree

8. **An approved caseload waiver means that a resource specialist may increase his/her caseload up to thirty-two (32) pupils and that the District must provide a daily five (5) hour instructional aide in such cases.**

Agree, however it should be noted that the District already provides 5 hour instructional aides to most Resource Specialist teachers even when caseloads are less than 28.

9. **Four (4)-resource specialists interviewed testified they do have caseloads exceeding twenty-eight (28) pupils, and this situation has existed for several years.**

Without specific information the District cannot respond to the four cases mentioned. The District is not aware of caseloads that have exceeded (28) pupils for several years without the District having applied additional teaching time. It must be understood that caseloads fluctuate throughout the school year for a variety of reasons including student mobility and year-round track changes. When a caseload consistently exceeds 28, additional teaching time is assigned. (See report of actual caseloads, Exhibit K).

10. **The resource specialists interviewed testified they have never completed a caseload waiver.**

Agree. The District has not processed Resource Specialist waivers because we have added more teaching time with 8th period stipends, additional teachers, or substitute teaching time. This strategy allows an increase in the overall allocation to meet state caseload requirements.

11. **The Director of Special Education testified that he is not aware of any resource specialist currently having a caseload exceeding twenty-eight (28) pupils.**

Disagree in part: See statement 9.

12. **The MCS has not submitted any caseload waivers to the SBE.**

Agree. See statement 2.

13. **The Director of Special Education testified that the DOE did a focus monitoring of the MCS/Special Education for the 2000-2001 school year and found MCS in compliance regarding resource specialist caseloads.**

Agree. See attached letter (Exhibit L) from CDE dated August 6, 2001, stating that the District is in full compliance in all required areas.

14. **According to the Director, the District will pay these existing resource specialists to work an additional period of time to reduce caseloads and will use credentialed substitutes when necessary.**

Agree. This has been the District's standard practice and will continue.

CONCLUSIONS

The Civil Grand Jury concluded that:

1. **Resource specialists' caseloads have been exceeded.**

Disagree: Resource specialist caseloads fluctuate throughout the year. When caseloads consistently exceed 28, the situation is corrected by adding additional teaching time to bring caseloads into compliance. In addition, most Resource Specialists are provided a 5-hour instructional aide as a standard practice.

2. **The resource specialists' caseloads were, at times, being exceeded during the school year 2001-2002.**

Agree, that at times the caseload is exceeded, but once it is exceeded consistently, additional resources are assigned.

3. **The MCS has failed to submit caseload waivers to the SBE as required by Education Code Section 56362 (c).**

Disagree: Waivers would only be appropriate if the overload is not addressed through additional teaching time. MCS exercises its legal option to increase teaching time to address this issue.

4. **The Director appears to be attempting to correct the problem with additional teaching time.**

Agree. If this statement were listed first, the other conclusions would be moot.

RECOMMENDATIONS

The Civil Grand Jury recommends:

1. **The Associate Superintendent of Educational Services Division establish a procedure to monitor the status of resource specialists' caseloads.**

Response: Implemented. The special education database is updated as information becomes available from IEPs. Each month, resource specialists submit attendance registers which are reconciled with the data base. The SELPA Director receives a caseload report each month for review. Effective May 2002, the monthly caseload reports will also be sent to both the Associate Superintendent of Educational Services and the Associate Superintendent of Business Services.

2. **Site principals report to the Associate Superintendent of Educational Services Division and the Director of Special Education when any resource specialists reports exceed a caseload of twenty-eight (28) pupils.**

Response: Will be implemented beginning July 2002. Site principals will be notified at the beginning of the 2002/03 school year to contact the Director if recent IEPs cause a resource specialist caseload to be exceeded before the situation would be apparent to the Director and Associate Superintendents in the monthly review.

3. **Resource specialists, on a monthly basis, report to the site principal their caseloads and specifically note when they exceed twenty-eight (28) pupils.**

Response: Will be implemented beginning July 2002. Monthly attendance registers are already submitted to the special education department. Resource specialists will be notified at the beginning of the 2002/03 school year to contact the site principal if recent IEPs cause the caseload to be exceeded.

4. **Caseload waivers be submitted to the SBE when required.**

Response: The District cannot legally unilaterally implement this recommendation. The resource specialist and bargaining unit must concur in order for the District to file a waiver request (see attached regulations Exhibit J). Caseload waivers will be considered when appropriate.

ADDITIONAL ISSUES AND CONCERNS:

- 5C. Witnesses who appeared before the Civil Grand Jury testified regarding their concerns about the Director of Special Educations communication skills and management style.

FINDINGS

1. **The Director of Special Education testified that “he probably spent 70% of his time fending off compliance complaints’ and potential legal issues.**

Agree. The complexities of special education legal mandates make this a basic component of every SELPA director’s job.

2. **On-site Special Education staff seldom, if ever, see or have any interaction with the Director of Special Education.**

Disagree: The Director works with site staff as it relates to compliance complaints and potential legal issues. The Director also attends Individual Education Plan meetings when requested by on-site special education staff. The Director attends speech, psychologist, and program specialist meetings, and frequently responds to calls from on-site staff regarding behavioral, parental, and curriculum issues. Approximately 25% of the Director’s time is spent at sites. To increase interaction with staff, the District hired an Assistant SELPA Director in 2001-02, who also attends IEPs and various staff meetings.

3. **There is significant lack of written policy or procedures from the Director’s office to provide guidance in the implementation of programs.**

Disagree: There have been substantial written procedures from the Director’s Office. During the 2000-01 school year both a 504 procedural manual and SELPA Forms Binder, with samples of the most used Special Education forms, were provided to each site principal. These procedures are reviewed at district-wide principal meetings and by Program Specialists at site meetings.

4. **Communication from the Director is rarely provided in written form.**

Disagree: The procedures are first documented in writing and then reviewed by program specialists in meetings with site staff. This communication between site staff and program specialists facilitates understanding of new procedures.

5. **The Director seldom, if ever, makes an appearance at Special Education staff meetings or functions.**

Disagree: In a district of 35,000 students, some delegation of responsibilities is a necessity. There are currently 504 teachers, paraprofessionals, and other support staff in the special education department working at 35 locations throughout the District. The SELPA Director attends the regularly scheduled school psychologist, speech and language therapist, and program specialist meetings. The program specialists then meet with special education staff at the sites to facilitate both program and compliance requirements.

6. **Program specialists are appointed by the Director as his representatives or surrogates at official functions and meetings.**

Disagree: See above statement 5.

7. **The Director seldom meets with and discusses policies and issues with site Special Education staff.**

Disagree in part: Because of the size of the District, the Director does not directly supervise site staff. Principals directly supervise site staff and communicate policies and procedures. Program specialists provide technical assistance in both program and compliance areas. The Director works with site staff when requested to deal with specific issues and spends 25% of his time at sites.

8. **Staff members receive little recognition from the Director for good job performance.**

Disagree: The Director is not responsible to evaluate on-site staff. Program specialists are evaluated by the Director and have received recognition for job performance. However, the existence of this feeling will result in the Director taking a personal part in commendations and expressions of appreciation.

CONCLUSIONS

The Civil Grand Jury concludes that:

1. **The Director of Special Education spends an inordinate amount of time dealing with compliance and potential legal issues.**

Agree, in relation to other tasks and responsibilities. This is the major focus of any SELPA Director's responsibility to address both programmatic and compliance issues.

2. **It is difficult for the Director to provide leadership and direction because of the time spent on compliance and legal issues.**

Disagree in part: If this means it's difficult, we agree. If it is meant to imply that leadership and direction is lacking, we disagree. The District received commendations from the State in the last comprehensive program review, which would indicate strong leadership in the department (see Exhibit I3). However, the District shared this concern and therefore created the Assistant SELPA Director position.

3. **The Director, according to many witnesses, is infrequently seen or heard from by the Special Education site staff.**

Disagree: Of the 504 special ed staff, only 24 department staff were interviewed, and of those only half were site staff. It is difficult to ascertain how this conclusion was reached from such a limited sampling. The Director does not directly supervise the site staff and spends 25% of his time at sites.

4. **The policies and procedures required to drive the Special Education program are not in written format or readily available to Special Education staff.**

Disagree: The SELPA Policies and Procedures are in extensive written form and available to staff. If this were not true, the District would not have been found by the State to be in total compliance, including the commendation for excellent documentation of student records.

5. **Communications from the Director are generally verbal, which creates misunderstandings, errors, confusion and results in a lack of accountability.**

Disagree: See statement 4 above.

RECOMMENDATIONS

The Civil Grand Jury recommends:

1. **The Modesto City Schools establish a “Parent Liaison Program” and employ a coordinator to develop and implement the program.**

Response: Implementation began in 2001/02 school year. When the Assistant SELPA Director position was first envisioned in the summer of 2000, one of the primary duties was to establish a Parent Liaison Program. The Assistant Director was hired in the summer of 2001. During the 2001-02 school year, the District has been attempting to recruit and train parents to assist other special education parents as part of this program. Meetings have been scheduled with the Mental Health Parent Partnership staff to collaborate in the implementation of this program.

2. **Part of this program should include a procedure for alternate dispute resolution, which would allow the Director better utilization of his time to direct the Special Education program.**

Response: Implemented. There are legally established dispute mechanisms, which include due process mediation, voluntary resolution planning with the Office of Civil Rights, and informal resolution with the CDE compliance unit. The District must respond to parental filings in each of these areas. The District invites parents to meet with appropriate staff to attempt to resolve the concern before entering into a formal process. The Parent Liaison program will expand the District's ability to positively resolve concerns. Two program specialists have attended a session with an Alternative Dispute Resolution (ADR) trainer. The District will investigate ADR training for additional staff.

3. **The Director should spend more time at school sites working with the administrators and Special Education staff.**

Response: This program serves approximately 3,900 special education students at 35 schools and community sites. Site level administration is primarily through principals and program specialists. While the Director's role is primarily to provide overall direction, to provide legal compliance, and to manage a \$30 million budget, regular site visits will continue to be made when possible. The Director currently spends 25% of his time at school sites.

4. **All policies, procedures and directions from the Director's office should be in written format and distributed to staff.**

Response: An updated procedural handbook will be provided to all sites on an annual basis. The Director will continue to convey new or revised procedures to site principals. Program specialists will meet with staff to explain changes in policy and or procedures as needed. However, it is appropriate that following the program specialists meeting, a written follow-up will be provided.

5. **There should be an ongoing program of policy and procedure review and revision.**

Response: District forms and procedures are updated as required by state and federal law. The SELPA Local Plan is updated once every four years as defined by EC 56100. This is current practice for updating policies and procedures and will be continued.

6. **The MCS should develop and implement a program that recognizes the hard work, contributions, and achievements by the employees of the Special Education program.**

Response: MCS maintains site and district employee recognition programs. The Director will take a more active role in conveying appreciation and commendations to staff.

ADDITIONAL ISSUES AND CONCERNS:

- 5D. The Community Advisory Committees (CAC) policies, procedures, and meeting schedules were not adhered to effectively.

FINDINGS

1. **The Community Advisory Committee hereafter referred to as the CAC, functions in an advisory capacity to the Modesto City Schools SELPA Governing Board and SELPA Director.**

Agree

2. **The SELPA Local Plan stipulates the CAC provide input on development, review and implementation of the Local Plan and its policies and procedures pertaining to individuals with special needs.**

Agree

3. **The SELPA Local Plan contains a section devoted to the CAC, including CAC Selection and Appointment Procedures and Responsibilities, but does not include a set of by-laws.**

Agree

4. **The SELPA Local Plan is to be signed by the chair(s) of the CAC after its review, but the co-chairs testified they either were not asked for their signatures or refused to sign the Local Plan after 1995.**

Disagree: All requirements as defined in EC 56200 have been followed. Michelle Aiken, CAC chairperson signed the Certification of Participation, Compatibility, and Compliance Assurance document dated December 2nd, 1997. The section she signed is as follows (Exhibit M).

Section 5: CERTIFICATION OF COMMUNITY ADVISORY COMMITTEE

I certify that the Community Advisory Committee has 30 days to review the attached plan prior to submission to the California Department of Education and the Community Advisory Committee has had the opportunity to advise the policy and administrative agency regarding the local plan pursuant of Education Code Section 56194.

5. **The SELPA Local Plan stipulates CAC membership shall not exceed twenty-five (25) members with two (2) year terms and no more than 50% of the membership shall be replaced annually.**

Agree

6. **Parents of students in both Special Education and regular education are recruited for the CAC through the district newsletter, teacher and site administrator's recommendations, and the CAC members' recruitment efforts.**

Agree

7. **Other CAC members include representatives of the Department of Mental Health, California Children's Services, Valley Mountain Regional Center, local colleges and universities, although none of the mandated members have attended meetings on a consistent monthly basis since 1997.**

Disagree: Ed Code Section 56192 states, "The Community Advisory Committee shall be composed of parents of individuals with exceptional needs enrolled in public or private schools, parents of other pupils enrolled in school, pupils and adults with disabilities, regular education teachers, special education teachers and other school personnel, representatives of other public and private agencies, and persons concerned with the needs of individuals with exceptional needs." There are no "mandated members".

All interested parties are notified of meetings and may attend.

8. **The majority of CAC members are parents whose children are Special Education students.**

Agree

9. **The SELPA Local Plan states CAC members are to recommend priorities to be addressed by the Local Plan Development Committee.**

Agree

10. **Education Code Section 56194 and the Modesto City Schools' Local Plan, specifies a needs assessment is to be developed during the first CAC meeting of each school year.**

Agree

11. **Needs assessment results are to be reviewed by the CAC Executive Board to prioritize staff in-service topics, parent education programs and CAC meeting discussion topics.**

Agree

12. **In June 1999, needs assessment surveys were bulk-mailed to parents of students in the Special Education program. Completed surveys were to be returned in envelopes addressed to a post office box previously rented for that purpose by the Special Education office. Those surveys returned by parents were never received by the CAC because the rental period for the post office box had expired.**

Disagree: At the request of the CAC chair the surveys were to be returned to a post office box rented for that purpose. The CAC requested that these surveys be returned to the post office box so that they would be handled only by the CAC. The District rented a post office box for a six-month period for this purpose. The District has no information as to the disposition of the surveys returned to the post box prior to its expiration.

13. **No surveys were returned to the CAC in 1999 due to this administrative/clerical error.**

The District has no information as to how many surveys were returned to the post box during the six months the box was rented prior to its expiration.

14. **The CAC sponsors parent advocacy training, parent workshops on parental rights and responsibilities, the IEP process and parental professional collaboration.**

Agree

15. **From 1996-1999, as many as ten (10) CAC members attended meetings.**

Agree

16. **In 1999-2001, only two (2) or three (3) CAC members attended meetings.**

Agree

17. **Three (3) of eight (8) meetings were canceled in 2000-2001 by the Special Education office.**

Agree

18. **Lack of attendance was a topic of discussion in four (4) of the eight (8) 2000-2001 CAC meetings.**

Agree

CONCLUSIONS

The Civil Grand Jury concludes that:

1. **Modesto City Schools administration prepared Board Policy drafts on SELPA administration to include the CAC but failed to formalize and approve it as Board Policy as required by Education Code Sections: 56001, 56190-56194, 56195.7, 56200 (f), 56205 (12) and 56240.**

Disagree: The Board has adopted the Local Plan, which establishes appointment, composition and responsibilities of the CAC. This is found in Section II of the SELPA Local Plan and Procedural Handbook. The code sections referenced above address adoption of the Local Plan which the Board has complied with, but do not address adoption of specific Board Policies.

2. **Modesto City Schools' Special Education administration has assigned its newly hired Assistant Director the task of providing a potential CAC member interest survey.**

Agree

3. **The meeting times and location of CAC meetings did not prove conducive to parents and external organizations attending meetings. Movement to more convenient times and rotational school sites was begun in September 2001 to increase CAC attendance.**

Agree

4. **The CAC is not provided an annual budget, making it difficult to initiate parent-training workshops or implement innovative ideas at school sites.**

Disagree: The SELPA has provided annual funding for mailing, conference attendance, parent in-service, and parent workshops since the inception of the CAC. There is not a specific budget allocation for this, but approximately \$2,000 to \$4,000 has been spent each year as requested by the CAC.

RECOMMENDATIONS

The Civil Grand Jury recommends that:

1. **Prior to June 2002, the Modesto City Schools' Board of Education and the SELPA CAC should formally adopt by-laws to reflect the State Education Code requirements including: the creation and adherence to a CAC mission statement, and establishing criteria for duties, membership, meetings, officers, parliamentary procedures, and amendments.**

Response: Bylaws were approved by the CAC on October 17, 2001, and by the Board of Education on May 6, 2002 .

2. **The SELPA Curriculum-Personnel Development Committee provide for continuous participation by a CAC representative in 2001-2002 and following years.**

Response: The SELPA will provide for continuous participation by a CAC representative in this process.

3. **The CAC receive and develop an annual budgeted amount of Special Education monies to support recruitment, assessments and parent training prior to establishing the 2002-2003 budget.**

Response: The SELPA will continue to allocate funds for parent communication and training.

4. **The CAC be provided Special Education administrative and clerical support to distribute, collect, analyze, and disseminate results of needs assessment surveys to all interested groups prior to the 2002-2003 school year.**

Response: The District will make administrative and clerical support available to distribute, collect, analyze, and disseminate results of the Needs Assessment Survey to all interested groups prior to the 2002-2003 school year, if requested by the CAC.

5. **The CAC be given the opportunity, on a semi-annual basis, to be placed on the agenda for a presentation to the Board of Education.**

Response: The CAC will be given the opportunity to be placed on the agenda and report to the Board of Education at the CAC's request. The CAC has addressed the Board in the past.

RESPONSE REQUIRED

Per Section 933 [c] and 933.05 of the California Penal Code:

Modesto City Schools ' Board of Education.

This Final Report will be available for public review on the Civil Grand Jury website located at: <http://www.co.stanislaus.ca.us/COURTS/courts/grandjury/index.html>

933. Comments and Reports on Grand Jury Recommendations

- [c] No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elective county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All such comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

933.05 Response to Grand Jury Recommendations--Content Requirements

- A. Section 933.05 of the California Penal Code requires that a responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding(s); or
 - (2) The respondent disagrees wholly or in part with the finding(s). If this response is chosen, the respondent will specify that portion of the finding(s), which is disputed and shall include an explanation of the reasons for the disagreement.
- B. As to each Grand Jury recommendation, the responding public officer or agency shall indicate one of the following:
- (1) The recommendation has been implemented and set forth a summary of the implemented action;

- (2) The recommendation has not been implemented but will be implemented in the future with a time frame for implementation;
 - (3) The recommendation requires further analysis with an explanation as to the scope of the analysis and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department or governing body being investigated. The time frame shall not exceed six (6) months from the date of publication of the Grand Jury report; and
 - (4) The recommendation will not be implemented because it is either not warranted or not reasonable with an explanation as to why the recommendation will not be implemented.
- C. If a finding or recommendation addresses budgetary or personnel matters of a department headed by an elected official, both the Department Head and the Board of Supervisors will respond. The Board of Supervisors response shall be limited to those budgetary or personnel matters over which it possesses decision-making authority.

RESOLUTION

WHEREAS, the 2001-2002 Stanislaus County Civil Grand Jury has conducted an investigation and has reached certain conclusions and made recommendations; and

WHEREAS, the Stanislaus County Civil Grand Jury desires to make its *FINAL REPORT* thereof;

THEREFORE BE IT RESOLVED, by the Stanislaus County Civil Grand Jury that the report is hereby adopted as *FINAL REPORT, PART ONE*.

Robert E. Johnson
Civil Grand Jury Foreperson
Fiscal Year 2001-2002
Released on April 4, 2002

Grand Jury Response Exhibit Listing

Exhibit A	CDE May 2000 Correspondence
Exhibit B	Original 2B Form (blank and example of original form filed in student file with student information redacted)
Exhibit C	MTA September 19, 2000, letter
Exhibit D	MCS September 25, 2000, letter to MTA
Exhibit E	June 20, 2000, letter to parents
Exhibit F	September 22, 2000, letter to parents
Exhibit G	September 28, 2000, letter to staff
Exhibit H	CDE May 7, 2002, file review log
Exhibit I	CCR and Focused Monitoring data and commendations
Exhibit J	Resource Specialist caseload waiver regulations
Exhibit K	Resource Specialist caseload report, May 2002
Exhibit L	CDE August 6, 2001, letter
Exhibit M	CAC Certification Statement



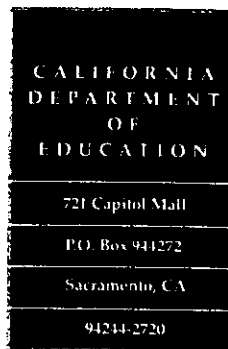
DELAINE EASTIN
State Superintendent of Public Instruction

RECEIVED

MAY 19 2000

MODESTO CITY SCHOOLS

Cham



May 12, 2000

James E. Enochs, Superintendent
Modesto City Elementary
426 Locust Street
Modesto, CA 95351-2631

MAY 19 2000
ENOCHS

Dear Superintendent Enochs,

The California Department of Education (CDE), Special Education Division (SED), is required to provide specific information to the United States Department of Education, Office of Special Education Programs (OSEP), as outlined in Corrective Action Plan (CAP) agreed upon by two agencies dated February 2, 2000. See attachment and/or CDE website address is <http://cde.ca.gov/spbranch/sed>.

CDE needs specific student data in the areas listed below. A one page form is attached for submission of data. **Data is due by:**

June 12, 2000

STUDENT LEVEL DATA NEEDED:

Number of Students

- Without current IEPs (number of past due annual IEPs)
- Not receiving a reevaluation within three (3) years (number of past due three (3) year reevaluations)
- Not receiving needed transition services (ages 14 and ages 16)
- Not receiving needed related services (on a waiting list)
 - Occupational therapy
 - Physical therapy
 - Speech and language therapy
 - Counseling
 - Other(s)
- Not receiving services pursuant to an IEP while under a long-term suspension (10 days or more)
- Not receiving services pursuant to an IEP while expelled
- Not receiving services in the least restrictive environment with needed supplementary aids and services (on a waiting list)



DELAINÉ EASTIN
State Superintendent of Public Instruction

May 25, 2000

James C. Enochs, Superintendent
Modesto City Elementary
426 Locust St.
Modesto, CA 95351 - 2699

RECEIVED
MAY 25 2000
ENOCHS

CALIFORNIA
DEPARTMENT
OF
EDUCATION

721 Capitol Mall

P. O. Box 944272

Sacramento, CA

94244-2720

Dear Superintendent Enochs.

On May 22, 2000 I sent you a letter about data you submitted for the December 1, 1999 CASEMIS report. The letter asks you to provide evidence of correction for all overdue re-evaluations and/or annual reviews of IEPs.

The names of students overdue for reevaluations are attached; some of these students may also be overdue annual IEPs. If the reevaluations and/or IEPs have been completed since the date indicated on the attached list, please enter the most current dates in the spaces provided for each student. If the reevaluation or IEPs have not been completed, please indicate the date when the required action will be completed for each student.

Statute stipulates that the district of residence has responsibility for students in their district. We have, however, included the district of service and school for each of the students to assist you in locating their records.

Please also ensure revised dates are reflected in the June 30, 2000 CASEMIS End-of-Year Report.

If you have additional information or explanation, please include it on a separate sheet. Send, fax or email all of your information to:

Connie Bourne
Department of Education
Special Education Division
515 L Street, Suite 270
Sacramento, CA 95814

Fax: (916) 327-3516
Phone: (916) 327-3696
e-mail: cbourne@cde.ca.gov

Sincerely,

Alice D. Parker, Ed.D.
Assistant Superintendent of Public Instruction
Director, Special education Division

cc: SELPA Director
District File

Attachment

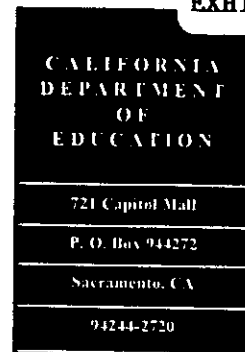


DELAINE EASTIN
State Superintendent of Public Instruction

May 25, 2000

James C. Enochs, Superintendent
Modesto City High
426 Locust St.
Modesto, CA 95351 - 2699

RECEIVED
MAY 25 2000
ENOCHS



Dear Superintendent Enochs.

On May 22, 2000 I sent you a letter about data you submitted for the December 1, 1999 CASEMIS report. The letter asks you to provide evidence of correction for all overdue re-evaluations and/or annual reviews of IEPs.

The names of students overdue for reevaluations are attached; some of these students may also be overdue annual IEPs. If the reevaluations and/or IEPs have been completed since the date indicated on the attached list, please enter the most current dates in the spaces provided for each student. If the reevaluation or IEPs have not been completed, please indicate the date when the required action will be completed for each student.

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Please also ensure revised dates are reflected in the June 30, 2000 CASEMIS End-of-Year Report.

If you have additional information or explanation, please include it on a separate sheet. Send, fax or email all of your information to:

Connie Bourne
Department of Education
Special Education Division
515 L Street, Suite 270
Sacramento, CA 95814

Fax: (916) 327-3516
Phone: (916) 327-3696
e-mail: cbourne@cde.ca.gov

Sincerely,

Alice D. Parker, Ed.D.
Assistant Superintendent of Public Instruction
Director, Special education Division

cc: SELPA Director
District File

Attachment

Modesto City Schools
 Special Education Local Plan Area

426 Locust Street
 Modesto, CA 95351
 (209) 576-4155

STUDENT REEVALUATION

Student: _____ Date: _____

Birthdate: _____ School: _____

Dear Parent:

Federal and state law requires that all special education students be reevaluated at least every three years. Your child is due for his/her three-year reevaluation.

The purpose of this reevaluation is to determine if your child continues to have a disability and if he/she continues to need special education services. To make these determinations, the Individualized Education program Team (IEPT), with your approval, can rely on current data such as your child's progress toward meeting his goals and objectives, current classroom performance, and observations, or may need to rely on additional testing and evaluation.

The individuals listed below believe that additional data is not needed for the three-year reevaluation and believe that _____

- Continues to be a child with a disability
- Continues to need special education services
- Program modifications and/or additions can be made with current information; and
- Present levels of performance and needs can be identified based on current information.

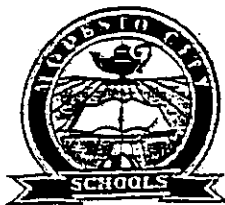
Staff with Knowledge of Student's Needs	Position
_____	Special Education Teacher
_____	General Education Teacher
_____	Psychologist
_____	DIS Provider(s)

Please indicate your consent below by checking the appropriate box:

- I agree that current data is sufficient and no additional testing is needed at this time.
 Signature: _____ Date: _____
- I request a meeting to discuss the additional data that I believe is necessary.
 Signature: _____ Date: _____

Please return this form to: _____ By: _____

Modesto City Schools
Special Education Local Plan Area



426 Locust Street
Modesto, CA 95351
(209) 576-4155

STUDENT REEVALUATION

Student: _____ Date: 6-20-00

Birthdate: _____ School: _____

Dear Parent:

Federal and state law requires that all special education students be reevaluated at least every three years. Your child is due for his/her three-year reevaluation.

The purpose of this reevaluation is to determine if your child continues to have a disability and if he/she continues to need special education services. To make these determinations, the Individualized Education program Team (IEPT), with your approval, can rely on current data such as your child's progress toward meeting his goals and objectives, current classroom performance, and observations, or may need to rely on additional testing and evaluation.

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- Continues to be a child with a disability
- Continues to need special education services
- Program modifications and/or additions can be made with current information; and
- Present levels of performance and needs can be identified based on current information.

Staff with Knowledge of Student's Needs	Position
<u>Heintz / Seanan</u>	Special Education Teacher
	General Education Teacher
<u>Bill O'Brien / Honor Sennar</u>	Psychologist
<u>Pat Bicknell / Tresa Ford</u>	DIS Provider(s)
<u>Marvin Castleberry</u>	

RECEIVED
JUN 26 2000
MODESTO CITY SCHOOLS
SPECIAL EDUCATION

Please indicate your consent below by checking the appropriate box:

- I agree that current data is sufficient and no additional testing is needed at this time.
Signature: _____ Date: _____
- I request a meeting to discuss the additional data that I believe is necessary.
Signature: _____ Date: _____

Please return this form to: _____ By: 6-24-2000



Modesto Teachers Association

817 COFFEE ROAD, BLDG. E • MODESTO, CA 95355
 (209) 526-0191 • FAX (209) 526-0294

To: Chris Neall, Director Special Education
 From: Barney Hale, Executive Director *B.H.*
 Date: September 19, 2000
 Re: Inappropriate use of teacher names on Special Education Forms

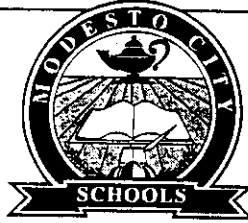
As per our conversation of September 19, 2000, I am formally requesting a list of all teachers, psychologists, speech therapists, etc. whose names appeared in either printed or written form on the "Student Reevaluation" forms signed by parents during June. The names appeared without the knowledge or approval of the teachers creating a potential liability for them and the district. Additionally, copies of said forms bearing bargaining unit members' names should be sent to those individuals as a first step in correcting this problem.

The following names have been verified as appearing on the aforementioned forms: Lynn McSwain, Jill Clover-Mallory, Cynthia Knepp, Robert Stack, Robert Ackerman, Glenn Harris, Marvin Castleberry, Greg Bird, Marilyn Burns, Christine Rosencrans, and Jim Credille. I am forwarding to these teachers a letter from the CTA Legal Department which describes their obligation to notify parents that these forms are invalid if the district does not proceed with such notification.

Several teachers have inquired as to whether the State Department of Education needs to be notified of these irregularities. Pursuant to their inquiries, I am seeking a further opinion from CTA legal.

I would expect a prompt and thorough listing of the certificated names appearing on the "Student Reevaluation" form so that MTA will be able to inform these individuals of their legal rights and obligations in this matter.

cc: James Enochs



James C. Enochs
Superintendent

Sharon L. Burnis
Associate Superintendent
Administrative & Pupil Services

Sandra L. Lemmons
Associate Superintendent
Business Services

David C. Mello
Associate Superintendent
Personnel Services

Wendell L. Chun
Associate Superintendent
Educational Services

J. Brian Sarvis
Assistant Superintendent
Research & Technology

BOARD OF EDUCATION

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President

Kitty Thomson
Vice President

Connie Chin

Odessa Johnson

Gary A. Lopez

Cindy Marks

Kate Nyegaard

MODESTO CITY SCHOOLS

426 Locust Street, Modesto, California 95351-2699
Administrative Offices (209) 576-4011 / Fax (209) 576-4184

September 25, 2000

Barney Hale
Modesto Teachers' Association
817 Coffee Rd., Bldg. E
Modesto, CA 95355

RE: Listing

Dear Barney:

Per your request, the following represents a comprehensive list of those affected by this mailing given our records. If you have further information that shows we have missed someone, please let me know and we will move quickly to correct the situation.

Cindy Knepp, Marilyn Burns, Robert Ackerman,
Michele DuFrane, Margaret Beck, Steve Roseman,
Jodie Echols, Bill Williams, Dayna Hayes, Jim Credille,
Jennifer Satnat, Scott Lankford, Marvin Castleberry,
Christine Rosencrans, Ariel Lundien, Mark Clements,
Jan Davis, Kim Gumm, Nicole Andress, Debbie Guenther,
Glenn Harris, Grace Allan, Tresa Ford, Pam Graham,
Greg Bird, Jill Mallory, Devona Dignan, Robert Stack
and Lynn McSwain.

Sincerely,

Chris Neall
SELPA Director

James C. Enochs
Superintendent

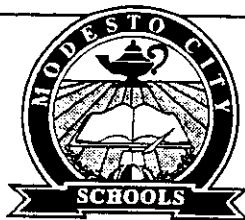
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BOARD OF EDUCATION

John N. Uhl
President

Kitty Thomson
Vice President

Ricardo Córdova

Bob Jackson

Odessa Johnson

Cindy Marks

Kate Nyegaard

June 20, 2000

Enclosed you will find a "Student Reevaluation" form. In the past there has been a requirement for a complete assessment every three years. This has in many cases been unnecessary and this letter is to inform you that recent special education law now does not require a 3 year assessment if your son/daughter continues to qualify for special education as described in the attached form.

Please read this form and if you agree sign and send it back to the special education office no later than Monday June 26th. This is very important as we are "closing the books" on '99-'00 and planning for the new school year and need your prompt reply. We have enclosed a stamped, self-addressed envelope to assist you.

Sincerely,

Chris Neall

Chris Neall
Director of Special Ed.

CN/tm

James C. Enochs
Superintendent

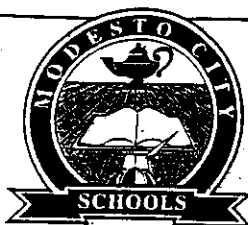
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MODESTO CITY SCHOOLS

426 Locust Street, Modesto, California 95351-2699
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BOARD OF EDUCATION

Ricardo Córdova
President

Kitty Thomson
Vice President

Connie Chin

Odessa Johnson

Gary A. Lopez

Cindy Marks

Kate Nvegaard

September 22, 2000

TO THE PARENTS OF Vanessa Daugherty
1340 Leonard Avenue
Modesto, CA 95350

Dear Parents:

You received a form in the latter part of June, which gave you the option to receive a triennial evaluation for your son or daughter. In the past, this has been required and now parents have the option not to have further assessment if they so choose. This note is to inform you that the staff working with your son/daughter did not have the required input in this process, which was my error. We will resend this form to you in the near future for your review with the appropriate staff input.

We apologize for the inconvenience and please do not hesitate to call, if you have any questions in this regard.

Sincerely,

Chris Neall
SELPA Director
576-4155

CN:mi

James C. Enochs
Superintendent

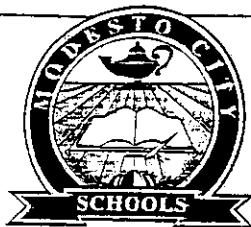
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Assistant Superintendent
Research & Technology



MODESTO CITY SCHOOLS

426 Locust Street, Modesto, California 95351-2699
Administrative Offices (209) 576-4011 / Fax (209) 576-4184

BOARD OF EDUCATION

Ricardo Córdova
President

Kitty Thomson
Vice President

Connie Chin

Odessa Johnson

Gary A. Lopez

Cindy Marks

Kate Nvegaard

September 28, 2000

Pat Bicknell

Dear Pat:

In the latter part of June, a mailing of the new 2B Student Reevaluation form, affecting approximately 27 students, went out of my office in error. The form was incomplete, as it did not have staff input which is an integral part of the process. Parents were notified by mail on Friday, September 22, of the error and the program specialists are working to bring closure to this situation, by taking these students back through the process with your input. On any of the students you feel need an assessment, please work with the program specialists and appropriate site personnel to complete the proper paperwork.

A concern was raised about staff names appearing on the forms. Once the parents returned these forms by mail, a clerk in my office printed in the staff names in order to route them to the sites. This was done without my knowledge and without any intention from the clerk to misrepresent any staff member. I am including the forms that relate specifically to you in this regard, and a copy of the letter that went to the parents.

Please do not hesitate to call if I can provide any further information. At this point, we believe we have gathered all the forms, but if others surface, please let me know and we will work with you to correct the situation.

Sincerely,

Chris Neall

Chris Neall
SELPA Director

Enclosures

cc: Program Specialist *OUR FOURTH R IS RESPONSIBILITY*

DATE REVIEWED	REVIEWER	STUDENT NAME	PROGRAM	DATE OF PSYCH. REPORT	DATE OF 2B	COMMENTS
"	"		Speech	5-19-01	6-22-00	Returned to reg. est 10-25-2000 - Sp. only
"	"		R.S.	12-11-2000	5-02-01	18 years of age / 19 years of age
"	"		R.S.	12-14-98	10-29-00	moved 6-15-01
"	"		Speech	10-20-00	11-22-00	returned to regular ed - 11-22-00
"	"		D/H/H	11-19-00		drop out 9-22-00 20 years of age
"	"		Expanded	12-12-01		
"	"		R.S.		Preblan 2-B	12-12-01 - (R.S)
"	"		S.H.		5-15-00	2-21-00 2-21-00 - drop out removed
"	"		L.H.	3-28-01		removed
"	"		S.D.G./P.H.	5-31-2000		moved IEP - 10-16-00
"	"		S.H./P.H.	11-29-2000		Conty program
"	"		L.H.	11-30-00		3-0-1 - moved
"	"		S.D.G./P.H.		5-05-00	grad. 6-2000
"	"		R.S.	3-24-2000		6-15-01 - Grad
"	"		R.S.	4-07-00		6-15-01 - Grad
"	"		K.S.		11-8-00	
"	"		L.H.	12-9-99	6-22-00	MOVED - 6-0-1
"	"		L.H.			return ER 2-22-01
"	"		Speech		11-15-00	
"	"		R.S.	4-12-2000		grady program
"	"		R.S.	5-5-97		6-2000 Grad
"	"		R.S.	9-30-99		OK
"	"		D.H.H.			Winn. univ. Festival 5-2-01
"	"		R.S.	1-18-2000		
"	"		R.S.	10-26-2000		
"	"		R.S.	10-12-2000		
"	"		L.H.			

Handed
Hawfield
L.H. Grader

Grader in June

~~Handed~~
Handed

DATE REVIEWED	REVIEWER	STUDENT NAME	PROGRAM	DATE OF PSYCH. REPORT	DATE OF 2B	COMMENTS
"	"					
"	"		R.S.H	3-10-55		2-13-02 moved - 18 years of age
"	"		Speech			2-6-2000 - moved 4-12-01
"	"		Speech			moved -
"	"		Speech	5-2000	6-9-2000	MOVED -
"	"		Speech			OK

The out come of this review was good - few problems -
 A second look at the form B adding info about each -
 would help -

B.R

The outcome of this review was quite good - few problems - a second look at the form B adding information about academic achievement would help.

Barbara Ray, CDE

Compliance Summary-Part B-IDEA 6/30/00 CDE Report #4 to OSEP

District	Special Education Pupil Count 12/1/99 0-21 yrs.	Total # Systemic Noncompliant Findings
Sweetwater Union HSD 5/3-4/00	3, 856	13
San Diego 3/20-21/00	15,140	30
Lynwood 4/10-12/00	1, 360	19
Antelope Valley Union HSD 6/5-6/00	1, 623	25
Fremont 4/17-18/00	3, 025	12
W. Contra Costa 3/8, 13, 23/00	4, 755	22
Garden Grove 3/29-30/00	4, 928	35
Modesto Elem. 5/23-24/00	2, 869	2
Norwalk La Mirada 5/9-11/00	2, 257	33
Fairfield Suisun 5/16-17/00	2, 758	22
Mt. Diablo 3/30 & 4/19/00	5, 080	16
Holtville 4/17-18/00	222	16
LAUSD 4/6-7/00	81, 966	69
San Francisco 4/5-6/00	6, 865	35
Saddleback Valley 5/25-26/00	3, 087	2
Santa Barbara Elem. 4/12-14/00	859 (error-to be adjusted 6/30/00)	-0-
Oakland 4/20-21/00	5, 775	36
Sac City 3/23 & 4/12/00	6, 058	22
Compton 5/30 & 6/1/00	2, 701	28
Totals	155, 184	437

District Compliance Profile MODESTO CITY ELEMENTARY SCHOOL DISTRICT
--

QUALITY ASSURANCE PROCESS FINDINGS

<i>OAP Findings</i>	<i>Date(s)</i>	<i>Current Status</i>	<i>Required Corrective Actions</i>	<i>Date(s)</i>
Local Plan:	10/99	Compliant	None-0- NC Identified	10/99
CCR:	1993	Compliant	None-0- NC Identified	1993
CCR:	1997	Compliant	None-0- NC Identified	
CCR (Self Review)	1999	TBD-To be submitted to CDE		7/1/00
Complaints	97/98 to present	Compliant	7 NC Resolved	6/30/00
Due Process	1999	-0-Decisions/Orders		1999

CDE VERIFICATION REVIEW PROCESS

Conducted by CDE on May 23-24, 2000

For this June 30, 2000 report, CDE provides: a detailed summary of noncompliant findings, corrective actions (including activities and timelines); detailed summary of any and all prior findings of noncompliance; current status of corrective actions and of compliance; compliance status of whether children are receiving needed services (including any evidence from parents that corrective actions have occurred) and specific CDE actions has taken or will take to secure compliance including dates and enforcement/sanction actions, as appropriate, regarding the district's:

- Compliance/noncompliance regarding IDEA Part B in general:
- Implementation of the IEP including:
 - transition services;
 - related services (occupational therapy, physical therapy, speech and language therapy, counseling, other(s));
 - FAPE: students receiving services while under a long term suspension 10 days or more or expelled;
 - LRE: students receiving supplementary aids and services in the least restrictive environment

EXHIBIT 13

1996-97 COORDINATED COMPLIANCE REVIEW
NOTIFICATION OF FINDINGS (Continued)

County/District code:			5	0	1	1	LEA Name: Modesto City Schools SELPA
-----------------------	--	--	---	---	---	---	--------------------------------------

See back of form for instructions.

Noncompliance Finding *				(Col. 5) Site name	(Col. 6) CR or CA	(Col. 7) Description of noncompliance
(Col. 1) Numeral & Pro- gram	(Col. 2) Item	(Col. 3) Test letter	(Col. 4) Suborg.			
						<p><u>All Special Education Components were found to be in compliance.</u></p>
				*		<p><u>Special Education Commendations</u></p> <ol style="list-style-type: none"> 1. School sites are commended for being very supportive of special needs students learning the core curriculum. There is a balance between the need to <u>remediate</u> and provide the core curriculum to special needs students. Curriculum strands have been developed for special education in conjunction with the Districts Differentia Standards Policy. 2. Excellent documentation of student records and student services. There is also excellent coordination of the instructional programs between Regular and Special Education staff at each site. In addition all sites demonstrated excellent main-streaming activities. These activities have been enhanced because of the supporti and positive attitudes of the regular teachers. There is maximum interaction with the general school population. 3. The vocational program, including the Community Based Instruction (CBI) component is exemplary. The importance and value of Individual Transition Plans are emphasized and the coordination between the schools and private sector have provided a variety of work experience opportunities for non-severe and severe students. This includes students with low incidence disabilities.

*Put an asterisk next to any finding that was also noncompliant during the last CCR.

5 CCR 3100 - Resource Specialist Caseload Waivers

Article 8. State Board of Education Waivers

3100. Resource Specialist Caseload Waivers.

(a) A school district, special education local plan area, county office of education, or any other public agency providing special education or related services may request the State Board of Education to grant a waiver of the maximum resource specialist caseload, as set forth in Education Code 56362(c), only if the waiver is necessary or beneficial either (1) to the content and implementation of a pupil's individualized education program and does not abrogate any right provided individuals with exceptional needs by specified federal law or (2) to the agency's compliance with specified federal law.

(b) The State Board of Education shall grant any waiver request submitted in accordance with subdivision (a) only:

(1) When the facts indicate that failure to do so would hinder either

(A) Implementation of a pupil's individualized education program or

(B) Compliance by the requesting agency with specified federal law; and

(2) When the waiver request meets all of the conditions set forth in subdivisions (c) and (d).

(c) A request to waive the maximum resource specialist caseload shall be "necessary or beneficial" within the meaning of subdivision (a) and Education Code Section 56101 only if all of the following conditions are met.

(1) The waiver's effective period does not exceed one past school year and/or the school year in which it is submitted.

(2) The number of students to be served by an affected resource specialist under the waiver does not exceed the maximum statutory caseload of 28 students by more than four students.

(3) The waiver does not result in the same resource specialist having a caseload in excess of the statutory maximum for more than two school years.

(d) For the purposes of subdivision (b), a request to waive the maximum resource specialist caseload shall not "hinder" either (1) implementation of a pupil's individualized education program or (2) compliance by the requesting agency with specified federal law if all of the following conditions are met:

(1) The requesting agency demonstrates to the satisfaction of the State Board of Education (A) that the excess resource specialist caseload results from extraordinary fiscal and/or programmatic conditions and (B) that the extraordinary conditions have been resolved or will be resolved by the time the waiver expires.

(2) The waiver stipulates that an affected resource specialist will have the assistance of an instructional aide at least five hours daily whenever that resource specialist's caseload exceeds the statutory maximum during the waiver's effective period.

(3) The waiver confirms that the students served by an affected resource specialist will receive all the services called for in their individualized education programs.

(4) The waiver was agreed to by any affected resource specialist, and the bargaining unit, if any, to which the resource specialist belongs participated in the waiver's development.

(5) The waiver demonstrates to the satisfaction of the State Board of Education that the excess caseload can be reasonably managed by an affected resource specialist in particular relation to (A) the resource specialist's pupil contact time and other assigned duties and (B) the programmatic conditions faced by the resource specialist, including, but not limited to, student age level, age span, and behavioral characteristics; number of curriculum levels taught at any one time or any given session; and intensity of student instructional needs.

[Authority cited: Sections 33031 and 56100(a),
Education Code.][Reference: Sections 56101 and 56362(c), Education Code]

**MODESTO CITY SCHOOLS
Resource Specialist Caseload Summary
2001/02 School Year**

EXHIBIT K1

Showing full-time equivalency of resource specialist assignments, instructional aide time, monthly on-track enrollment, average caseload for each resource specialist/aid unit, percentage of a full caseload for each resource specialist/aid unit, and the school-wide percentage of maximum caseload for each site. At sites with more than one resource specialist, students may be served by either teacher but remain on one class register.

Note: One full-time equivalent (1.0 FTE) maximum caseload is 28 students
 .5 FTE = 14 students
 .6 FTE = 16.8 students
 .8 FTE = 22.4 students
 one day of substitute time = .2 FTE = 5.6 students
 one 8th period student = .2 FTE = 5.6 students

SITE	TEACHER	FTE	AIDE 1	HOURS	Enrollment												Avg. Caseload	% of Max Caseload	Add'l Teaching Time Added	Beginning Date
					Jul-01	Aug-01	Sep-01	Oct-01	Nov-01	Dec-01	Jan-02	Feb-02	Mar-02	Apr-02	May-02	Jun-02				
Baard	BAIREY, M	1.0	LILLY, K	5.0	OFF	OFF	30	18	18	19	20	23	23	24	22	78.1%				
	Hartley, K	0.5			OFF	OFF	6	9	8	10	11	11	13	14	10	73.2%				
					School wide % of maximum caseload															
					76.5%															
Bret Harle	DURGIN, Della	1.0	CORREA, C	5.0	23	21	23	10	22	23	23	23	26	25	22	77.9%				
	GARCIA, V	1.0	LEPASSET, L	5.0	24	27	27	23	11	26	25	30	31	26	25	90.0%				
					School wide % of maximum caseload															
					83.9%															
Burbank	THARPE, T	1.0	SANTOS, D	5.0	15	21	18	22	23	14	9	23	23	23	18	64.6%				
	MACKENZIE, T	0.5	BROWN, L	5.0	8	20	21	12	10	22	23	26	27	12	18	128.6%				
					School wide % of maximum caseload															
					86.0%															
El Vista	RUNYAN, M	1.0	TANTILLAS	5.0	OFF	OFF	28	29	31	31	33	29	35	32	31	90.3%	1 day sub time	2002 - May		
Enslin	HILL, C	1.0	COOPER, S	5.0	OFF	OFF	29	28	28	28	29	32	34	35	31	77.8%	2 days sub time	2001 - Oct		
					School wide % of maximum caseload															
					77.8%															
Everett	MOORE, M	1.0	GRUBAUGH, C	3.5	OFF	OFF	20	24	11	24	24	27	26	30	23	83.0%				
					School wide % of maximum caseload															
					83.0%															
Fairview	CHAFFEE, T	1.0	VACANT	5.0	14	18	14	16	18	20	18	25	25	20	19	67.1%				
Fairview	LUCAS, J	1.0	HAFFNER, L	5.0	17	15	17	11	18	16	16	27	27	20	18	65.7%				
					School wide % of maximum caseload															
					66.4%															
Franklin	DICKENS, A	1.0	SMOTHERMAN, L	5.0	28	27	24	20	26	25	26	36	38	30	25	100.0%				
Franklin	OSBORN, J	1.0	MUNES, C	5.0	18	29	24	28	22	28	25	37	38	33	29	101.8%				
					School wide % of maximum caseload															
					100.9%															
Freemont	SCHERREE, M	1.0	HEPPER, D	2.0	OFF	OFF	15	15	17	18	17	20	23	22	18	65.6%				
Freemont	KINCHELLOE, K	0.5	STANFELDS	5.0	OFF	OFF	14	18	19	22	22	21	23	23	20	144.6%				
					School wide % of maximum caseload															
					92.0%															

SITE	TEACHER	FTE	AIDE 1	HOURS	Jul-01	Aug-01	Sep-01	Oct-01	Nov-01	Dec-01	Jan-02	Feb-02	Mar-02	Apr-02	May-02	Jun-02	Avg. Caseload	% of Max Caseload	Add'l Teaching Time Added	Beginning Date
Garrison	GOLDMAN, I	1.0	GROHOLT, M	5.0	OFF	OFF	21	18	21	19	19	22	22	21	21	20	20	72.8%		
Kirschner	CARDER, V	1.0	DUARTE, M	5.0	26	35	15	18	23	23	21	29	28	23	23	24	24	86.1%		
	CORBETT, E	1.0	RATH, PA	5.0	10	16	20	24	25	21	17	26	26	15	15	20	20	71.4%		
Likewood	BRUCE, A	0.6	MANNING, L	3.0	OFF	OFF	12	11	11	11	12	12	12	13	13	12	12	69.7%		
	MURRETT, M	1.0	MENDIOLA, J	5.0	10	15	18	16	12	15	12	19	18	21	21	16	16	55.7%		
Marshall	SEN, K	1.0	TRAHAN, M	5.0	13	13	13	14	13	18	17	20	22	20	20	16	16	58.2%		
	RATLIFF, K	1.0	CASTILLO, A	5.0	20	28	10	18	21	20	25	27	30	18	18	22	22	77.5%		
Martone	WEINHOLTZ, C	0.5			24	18	14	17	9	11	14	17	17	9	9	15	15	107.1%		
	ENSLEY	1.0	WHEELER, J	5.0	OFF	OFF	17	28	17	16	13	19	18	18	18	19	19	67.4%		
McCur	Harley, K	0.5			OFF	OFF	5		11	11	11	14	10	12	12	10	10	72.3%		
	Pearson	0.6	SMITH, M	5.0	23	6	12	12	14	15	20	19	20	19	19	20	15	15	95.2%	
Robt. Rd	LARSEN, S	1.0	LONGENBAUGH, A	5.0	20	25	21	21	23	28	35	35	32	29	29	27	27	96.1%		
	BRYANT, K	0.8	PARKER, R	5.0	OFF	OFF	21	29	23	23	25	25	23	23	23	24	24	84.5%	1 day sub time	2002 May
Rose Ave	WEINHOLTZ, C	0.5	FONTANA, J	5.0	OFF	OFF	15	14	14	16	15	15	15	19	19	16	16	111.6%		
Shackelford	MACKENZIE, T	0.5	STEWART, K	5.0	20	17	15	20	20	16	2	15	19	19	19	16	16	117.1%		
	SMITH, J	1.0	FEDERLE, L	5.0	9	22	23	11	14	26	31	36	38	17	17	23	23	81.1%		
Sonoma	HUGHES, N/WELTNE	1.2	SHULER, R	5.0	OFF	OFF	29	29	31	31	31	32	34	35	35	32	32	93.1%		
	FEKETE, R	1.0	DAMIE, J	5.0	37	31	13	27	25	34	22	37	37	24	24	29	29	93.8%		
Tuolumne	FILIPPI, D	1.0	PEREIRA, L	5.0	21	25	22	13	25	23	28	34	34	28	28	25	25	102.5%		
	KINSEY, R	1.0	SMITH, J	5.0	OFF	OFF	32	17	14	15	16	15	18	15	15	18	18	90.4%		
Wright	EDGMON, R	1.0	AUTRY, P	5.0	OFF	OFF	32	28	24	29	32	33	36	39	39	32	32	64.3%		
	DENZ, D	0.5			4XX	4XX	4XX	10	7	11	10	15	15	15	15	12	12	83.6%	2 days sub time	2002 May

5/21/02

School wide % of maximum caseload

School wide % of maximum caseload

School wide % of maximum caseload

School wide % of maximum caseload

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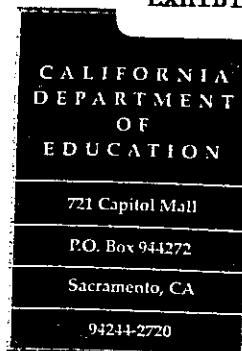
School wide % of maximum caseload

EXHIBIT K4

SITE	TEACHER	FTE	AIDE 1	HOURS	Jul-01	Aug-01	Sep-01	Oct-01	Nov-01	Dec-01	Jan-02	Feb-02	Mar-02	Apr-02	May-02	Jun-02	Avg. Caseload	% of Max Caseload	Add'l Teaching Time Added	Beginning Date
					OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF				
MHS	BJARNASON, K	1.0	WATTS, C.	5.0	OFF	OFF	38	38	36	37	36	35	37	35	31	35	37	108.6%	8th Period	2001 - Oct
MHS	GERITZ, S	1.0	BOLLERUD, M.	5.0	OFF	OFF	38	38	36	37	36	35	37	31	31	31	36	107.1%	8th Period	4 days sub
MHS	GUY, H	1.0	MORTON, J.	5.0	OFF	OFF	41	38	38	37	38	35	37	38	38	38	38	112.4%	8th Period	
MHS	MITTAN, B	1.0	BARTELLS, S.	5.0	OFF	OFF	38	38	36	37	36	35	37	32	32	32	36	107.5%	8th Period	
School wide % of maximum caseload 93.4%																				
Elliott	KLINGLESMTIH, K	1.0	VICK, I.	5.0	OFF	OFF	27	36	31	30	21	35	32	27	27	27	30	88.9%	8th Period	
Elliott	KASPER, C.	1.0	DE LISLE, T.	5.0	OFF	OFF	26	33	26	30	27	33	27	28	28	28	29	85.6%	8th Period	
School wide % of maximum caseload 87.2%																				



DELAINE EASTIN
State Superintendent of Public Instruction



August 6, 2001

Dr. James C. Enochs, Superintendent
Modesto City Elementary School
426 Locust Street
Modesto, CA 95351-2699

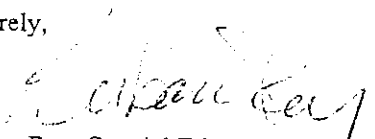
Dear Superintendent Enochs:

This letter is to inform you that all issues of previously identified non-compliant items found during the initial Verification Review conducted in 1999-2000 have been found compliant from the evidence reviewed as determined by follow-up monitoring conducted June 15, 2001 by the California Department of Education (CDE) Special Education Division (SED). Follow up included review of evidence provided by your district and CDE's review and approval of the district's corrective action plan with a re-sampling of previously identified non-compliant items to ensure compliance correction.

It is CDE's expectation that these issues will remain in compliance with the Individuals with Disabilities Education Act (IDEA) and accompanying state laws and regulations. As required of CDE in its supervisory and monitoring responsibilities as a State Education Agency, CDE conducts ongoing monitoring under the four components of the Quality Assurance Process. This includes review and approval of the local plan, investigation of compliance complaints, the district self-review process and data from verification reviews. In addition, CDE monitors procedural safeguards and educational benefit for students with disabilities through analysis and reporting of data provided by your district through the California Special Education Management Information System (CASEMIS). This includes monitoring of timely three-year re-evaluations and annual Individualized Education Program (IEP) reviews.

I appreciate the partnership and cooperation of your staff in this important review process and most importantly, ensuring that students with disabilities receive a free appropriate public education in the least restrictive environment. If you have any questions, please contact your regional focused monitoring consultant, Barbara Ray, at (916) 327-4219.

Sincerely,


Barbara Ray, Special Education Consultant
Focused Monitoring & Technical Assistance-
Region 3
Special Education Division

BR:blm

Enclosure

cc: Dr. Alice D Parker, Director, Special Education Division
Chris Neall, SELPA Director
Complaints Management & Mediation Unit, SED
Central File

**CERTIFICATION OF PARTICIPATION, COMPATIBILITY,
AND COMPLIANCE ASSURANCES**

(34 CFR 300L.228-231, 236-237, 239)

Code	SELPA Name MODESTO CITY SCHOOLS SELPA	Application Date
------	--	------------------

1. Check (✓) mark one, as applicable:

Single District
 Multiple Districts
 District/County

2. CERTIFICATION BY AGENCY DESIGNATED AS ADMINISTRATIVE AND FISCAL AGENCY FOR THIS PROGRAM (If Applicable)

SELPA Name MODESTO CITY SCHOOLS SELPA	Name/Title of RLA Superintendent (typed) James C. Enochs, Superintendent	Telephone Number (209) 576-4115
Street Address 426 Locust Street	Superintendent Signature Date <i>James C. Enochs</i> 12-3-97	Date of RLA Board Approval 11/7/97
City Modesto	Name/Title SELPA Director (typed) Chris Neall, SELPA Director	Telephone Number (209) 576-4155
Zip 95351	Street Address of SELPA Director 426 Locust Street Special Education Department	City Modesto Zip 95351

3. CERTIFICATION OF COMPATIBILITY BY THE COUNTY SUPERINTENDENT OF SCHOOLS

County Office Name Stanislaus County Office of Education	Name of Authorized Representative Martin G. Petersen	Title County Superintendent of Schools
Address 101 County Center Three Ct.	Authorized Representative Signature <i>Martin G. Petersen</i>	Date 12/2/97
City Modesto	Zip 95355-4900	Telephone (209) 525-4900

4. CERTIFICATION OF ASSURANCES

I certify, 1) that this plan has been adopted by the appropriate local board(s) (district/county) and is the basis for the operation and administration of special education programs; and 2) that the agency(ies) herein represented will meet all applicable requirements of state and federal laws and regulations, including general compliance with Public Law 94-142, Section 504 of Public Law 93-112, and the provisions of the California Education Code, Part 30. (See specific assurance statements, Section C, on the back of this form.)

Signature of RLA Superintendent _____

Date _____

5. CERTIFICATION OF COMMUNITY ADVISORY COMMITTEE

I certify that the Community Advisory Committee has had 30 days to review the attached plan prior to submission to the California Department of Education and the Community Advisory Committee has had the opportunity to advise the policy and administrative agency regarding the local plan pursuant of Education Code Section 56194.

Name of Chairperson Michelle Aiken	Signature of CAC Chairperson <i>Michelle Aiken</i>	Date 12/2/97
---------------------------------------	---	-----------------

FOR DEPARTMENT OF EDUCATION USE ONLY

Recommended for State Board Approval:

Date: _____ By _____

Date of State Board Approval _____