



August 9, 2012

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Judge Ricardo Cordova  
Superior Court – Stanislaus County  
P.O. Box 3488  
Modesto, California 95353

Re: Civil Grand Jury Report Case 12-13C

To the Honorable Judge Ricardo Cordova:

Modesto City Schools is in receipt of the Civil Grand Jury Report Case 12-13C that investigated the District Special Education Department's evaluation practices required for students during the eligibility and reevaluation periods for Special Education eligibility.

The District was originally investigated by the California Department of Education (CDE) and adhered to their findings and recommendations. The findings and recommendations of the Grand Jury report echo the CDE report; that is, the Grand Jury report duplicated CDE's report. Immediately following the CDE report, systems were implemented to mitigate areas of noncompliance. While the District questions the need for the Grand Jury to duplicate CDE findings, it takes these seriously and has already implemented the recommendations.

Administration

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Educational Services

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Associate Superintendent  
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**Reponses to Findings:**

**Finding F1:** The District agreed with CDE and the Grand Jury report that of our 3,800 students receiving Special Education services, eight students did not receive a written psycho-educational report at their Individualized Education Plan (IEP) meeting as required by EC 65327. One student's report did not contain the required verbiage of using appropriate assessments for second language students. *The District agrees with the finding of noncompliance.*

**Finding F2:** The District agreed with CDE and the Grand Jury report that of our 3,800 students receiving Special Education services, three students did not have an IEP meeting within the required timeline of 60 days when an assessment form has been signed as required by EC 56381 (a) (2). *The District agrees with the finding of noncompliance.*

**Finding F3:** The District agreed with CDE and the Grand Jury report that multiple psychological assessments are used, as well as, academic assessments for determining whether a pupil is an individual with exceptional needs. *The District agrees with the finding of compliance.*

**Finding F4:** The District agreed with CDE and the Grand Jury report that the District failed to properly offer an assessment through an assessment plan when the IEP team recommended further evaluation. *The District agrees with the finding of noncompliance.*

**mcs4kids**

Modesto City Schools  
426 Locust Street  
Modesto California  
95351  
209.550.3301  
www.mcs4kids.com

**Finding F5:** The District agreed with CDE and the Grand Jury report that there was insufficient evidence to support the compliant allegation that the District failed to prevent the use of official authority by an employee to intimidate, coerce or threaten another employee to keep them from assisting a parent of a pupil with exceptional needs to obtain services or accommodations (EC 56046). *The District agrees with the finding of compliance.*

**Finding F6:** The District agreed with CDE and the Grand Jury report that the allegation of discrimination in the population of special education students that actually receive completed tests and testing results is unsubstantiated. *The District agrees with the findings that the allegation is unsubstantiated.*

*The following findings were only included in the Grand Jury report:*

**Finding F7:** The District disagrees with the Grand Jury report that there were lapses of SELPA management in regards to the oversight of one of the high schools' Special Education department. The SELPA provides training and assistance to District personnel on legal compliance and required documentation for IEP paperwork. It is the specific site administration that is responsible for the evaluation and monitoring of Special Education site personnel. This is because the site principal and assistant principal actively participate in the IEP meetings, not the District management personnel. *The District agrees there were lapses on the part of the assistant principal to monitor the Special Education program. The District agrees with the Grand Jury that personnel issues and disagreements between staff at the school may have contributed to problems. The District followed appropriate progressive discipline procedures with the assistant principal in regards to the monitoring of the Special Education program.*

We find the term "systemic" to be vague and ambiguous. *The District disagrees with the statement, "the problems at a district high school program may be systemic."* The District has randomly pulled and reviewed in detail 50 files from our 7 high schools in the month of May 2012 and did not find one file without appropriate assessment documentation.

**Finding #F8:** *The District agrees with the Grand Jury that the District was not financially reimbursed for testing upon receiving IEP reports.*

#### **Responses to Recommendations:**

**Recommendation #R1:** The SELPA Director and responsible staff continue to monitor student education reports to insure they meet CDE standards in the future. The District will continue to monitor student education reports in the following manner:

- Direct program managers to randomly check files on a monthly basis to ensure paperwork standards are met.
- Continue to pull monthly data reports to ensure IEP meetings are held within specified timelines.
- Direct all administrators to follow up using progressive discipline when assessment reports are not provided to parents at IEP meetings.

**Recommendation #R2:** It is difficult to interpret the recommendation of “SELPA management randomly monitor student interviews from psychologist and Site Administrators to determine the special education program criteria are being met.” Until the age of 18, students are invited but not required to attend IEP meetings. Both evaluation instruments and procedures require expertise of a highly qualified individual (usually with a master’s degree) so a student is unlikely to be able to judge if criteria has been met. Additionally, student assessments take place over several weeks so it would be very difficult to monitor each conversation of the entire evaluation period.

However, the District currently seeks and will continue to seek parent input on the evaluation process. This input is received by the following methods:

- Parents are told at each IEP meeting of the Community Advisory Committee (CAC) monthly meeting dates and their purpose. This provides parents a forum to get questions answered or get more information. Additionally, CAC provides training on the IEP process including evaluation procedures.
- Parents and adult students are provided every year a document that outlines their rights and procedural safeguards. This document is provided in their home language.
- Every four years, the District completes a thorough self-evaluation to identify problems and implements and monitors an action plan to address deficiencies. This includes sending a letter to the home of every special education student inviting them to a meeting to seek their input. The District also randomly pulls IEP files from all sites representing all disability groups and ethnicities to review documentation for legal compliance and educational benefit. This spring, the District pulled a total of 124 files from the sites for review. All non-compliant findings are reported to the state and are corrected. The District Office keeps documentation verifying corrections. This report will be provided to the school board at the suggestion of the Grand Jury.

**Recommendation #R3:** CDE required and the Grand Jury recommends additional training for site administrators and psychologists emphasizing timelines and guidelines for providing psycho-educational evaluation reports with the required content. This training has been completed as well as expanded to include other staff that assesses students (i.e., speech therapists, occupational therapists, adapted physical education, and board certified behavior analysts).

The trainings for the site administrators were provided on February 1 and 7, 2012. The District has training documentation that consists of the presented PowerPoint and sign-in sheets. This training was repeated on July 26, 2012 as part of the beginning of school year in-services required of all administrators.

The psychologists were trained on January 19, 2012 and documented with sign-in sheets and the presented PowerPoint. This training will be reviewed and discussed at the bi-monthly psychologist meetings for the 2012-2013 school year.

The District hopes the above response addresses the issues investigated by the Grand Jury. As always, if we can be of any further assistance, please do not hesitate to contact us.



Pamela Able  
Superintendent  
Modesto City Schools



Rubén Villalobos  
Board President  
Modesto City Schools

cc: Ginger Johnson, Associate Superintendent  
Modesto City Schools Board of Trustees