

County School Facilities Consortium

February 28, 2017

Mr. Juan Mireles
California Department of Education
School Facilities and Transportation Services Division
1430 N Street
Sacramento, CA 95814

**RE: Title 5 School Siting and Design Standards Review
County School Facilities Consortium Recommendations – Special Education
Integration**

Dear Mr. Mireles:

On behalf of the County School Facilities Consortium (CSFC), I want to thank you for the opportunity to propose updates to the school siting and design standards contained in California Code of Regulations, Title 5, Section 14001 et seq.

This Title 5 review provides an opportunity to improve integration of students with special needs. Federal law (the Individuals with Disabilities Education Act, or IDEA) requires students to be educated in their least restrictive environment (LRE), an issue that directly relates to the siting and design of school facilities. CSFC believes that enhancing coordination between school districts, county offices of education (COEs), and Special Education Local Plan Areas (SELPA) will help optimize opportunities for integration. For many students, their LRE is in a special education program run by a county office of education housed on a school district campus.

Challenges to Integration

School districts, SELPA, and COEs face a number of challenges to achieving integration of special education students. These challenges have been identified and explored by entities such as the Special Education Task Force and the State Allocation Board Program Review Subcommittee. Special education students benefit from consistency and stability, but unfortunately their programs are frequently moved from site to site, year after year, with no certainty of where they will be housed in the future. This system does not lend itself well to achieving integration.

Challenges are driven by fluctuating student populations and program needs, as well as broader coordination issues between the various entities. An integrated site often includes facilities owned by both the school district and COE. While modernization and new construction projects provide the best opportunity to achieve integration, the reality is that synchronizing project processes and timelines with multiple entities can be difficult. There can be issues with linking School Facility Program processes, such as eligibility determination, financial hardship approval, and separate site and design apportionments. We believe that success begins with meaningful and engaged coordination between school districts, SELPA, and COEs, in the interest of upholding Federal law and appropriately serving special education students.

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Rebekah Cearley
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1303 J Street, Suite 520
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Proposed Revisions to Title 5 – Special Education Integration Coordination

CSFC encourages you to amend Title 5 to enhance opportunities for special education integration. Specifically, we are requesting that you require school district applicants to have a conversation with their COE and SELPA regarding the need for school facilities for special education students. This conversation could be a condition of both site and plan approvals.

New construction and modernization projects provide important opportunities to address the needs of special education students and the programs that serve them. If the opportunity is missed, it is difficult to achieve integration. This approach would help raise awareness and could facilitate a critical conversation at such decision points.

We believe that Title 5 is the appropriate place to add this provision, as it would serve to enforce existing Federal and state law regarding integration of students with special needs. Title 5 already sets standards for special education classrooms and areas. Education Code Section 17070.80 requires facilities purchased or constructed under the School Facility Program to be “designed and located on the schoolsite so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both.” Existing California law supports Federal law regarding the education of students with exceptional needs in their least restrictive environment, requiring students with exceptional needs to be educated with their non-disabled peers and providing specificity on special classes and separate schooling as needed (Education Code Section 56040.1).

Additional Title 5 Revisions

CSFC proposes additional enhancements to the existing Title 5 special education and integrated facilities standards. In general, we believe that firmer guidance on integration can be provided throughout Title 5.

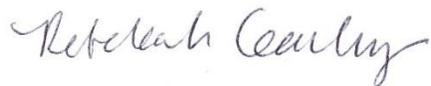
Recommendations include:

- Remove “whenever possible” from the provision regarding the same ratio of relocatable to permanent classrooms for special education and regular education students (Section 14036(a)). The use of “whenever possible” dis-incentivizes serious consideration of the standard.
- Update the old Lease-Purchase Program reference in Section 14036 (Education Code Section 17047.5) to the current School Facility Program section (Education Code Section 17070.80).
- Consider incorporating LRE into other elements that are currently silent on serving special education students:
 - o Educational specifications – Section 14030(a). Districts could examine and include their special education program and facilities needs, to inform planning and coordination. Additionally, they could be asked to consult with SELPAs and COEs in order to address those needs.
 - o Site layout and placement of buildings – Sections 14030(b) and (f). While Section 14030(b) speaks to an integrated bus drop-off for handicapped students, integrated placement of special education facilities on the site should be addressed in more detail.

CSFC believes that a complete school is one that includes a diverse range of abilities, including students with special needs. Despite the many challenges, there are ways to optimize integration opportunities. While Title 5 does currently include some guidance on integration and special education facilities, we believe that the standards should be refined and enhanced, to better enforce Federal and state law. Together, we can make a significant impact on the education of our most vulnerable student population.

Thank you for your consideration.

Regards,

A handwritten signature in cursive script that reads "Rebekah Cearley".

Rebekah Cearley
Legislative Advocate
County School Facilities Consortium