

Paso Robles Joint Unified School District
Board of Trustees Meeting, DATE October 12th, 2021
Approval to Submit a Specific Waiver for Non-CDE approved NPS Placement

☒ **Specific Waiver**

SUBJECT	
Request by Paso Robles Joint Unified School District Special Education staff to the PRJUSD Board of Education Trustees to approve the submittal of Specific Waiver to the CDE to waive California <i>Education Code</i> Section 56366.1(a), the requirement for state certification to allow an uncertified out-of-state nonpublic school, Judge Rotenberg Center, located in Massachusetts, to provide services to a California student with disabilities.	<input checked="" type="checkbox"/> Action Consent

In the Spring of 2020 the Paso Robles Joint Unified School District (PRJUSD) contacted multiple in/out of state nonpublic schools and nonpublic agencies (NPS/As), and residential treatment centers to offer a free appropriate public education (FAPE) to one adult student who has intellectual disability with significant behavioral needs. However, none of these placement options would accept the student, or they were unable to meet the student's comprehensive, unique needs. The uncertified out-of-state nonpublic school, Judge Rotenberg Center, located in Canton, Massachusetts, accepted the student. The student's parent, who holds educational rights and conservatorship over the student, and the district continue to agree this is the most appropriate placement to implement the student's individualized education program (IEP). The District requests to waive California *Education Code* Section 56366.1(a), the requirement for state certification, to allow the use of California's federal special education funds for the placement of this student at Judge Rotenberg Center.

Authority for Waiver:

Waiver Topic: Special Education Program
Ed Code Title: Child Specific/ NPA or NPS Certification
Ed Code Section: 56366.1(a)
Ed Code Authority: 56101

SUMMARY OF KEY ISSUES

In the summer of 2019, PRJUSD was provided a 30 day notice of removal for an adult student placed in a RTC for the past several years. The decision of the IEP team was to have the student return home and participate in the ISP adult program provided by the district. The student was unable to maintain safe behavior. After Due process hearing in the spring of 2020, the judge directed, and the IEP team agreed to placement in a Residential Treatment Center.

PRJUSD staff contacted certified, in-state NPS/As and residential treatment centers for possible placement to offer a FAPE to the student. These placement options would not accept the

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student, or could not meet the student's unique needs as defined in the IEP. Judge Rotenberg Center did however accept the student, and the student's parent and LEA agree the school is the appropriate placement for the student because it provides services specific to support students with Intellectual Disabilities who have significant challenges with behavioral and global functioning.

In the fall of 2020, the PRJUSD board of trustees approved the approval to submit a specific waiver which was completed and accepted by the CDE with conditions. Staff has met these conditional requirements and was able to utilize federal special education funding for this placement. Further, staff is required to submit another specific waiver over the course of this school year as JRC is not CDE certified.

Since placement of the student in the summer of 2020 to the present, the district has remained committed to monitoring the student, and engaging with the JRC program as well as the parent.

PRJUSD staff has also contacted the California Department of Education for actionable steps as well as consulted with our local San Luis Obispo SELPA office.

SUMMARY OF MONITORING

- PRJUSD will consult with the Judge Rotenberg liaison monthly to monitor the provision of services (academic, therapeutic/behavioral), and review the student's progress via email and/or phone calls, and the review of program data. Program data will include the progress on IEP goals, school attendance, work completion rate, active participation in the therapeutic/behavioral program, and incident/safety reports.
- PRJUSD will contact the student's parent monthly to discuss treatment progress and address concerns.
- PRJUSD will schedule IEP meetings at a minimum of every four months to review program data, the student's progress, both academically and therapeutically/behaviorally, and determine any necessary changes in the student's academic and/or therapeutic/behavioral program.
- PRJUSD will consult and coordinate with the San Luis Obispo Special Education Local Plan Area to review the student placement on-site at least two times while the student is attending JRC. Parent will be offered visits and the school district, in conjunction with SLO SELPA will make yearly visits to the site.

SUMMARY OF PREVIOUS PLACEMENT APPROVALS BY THE PRJUSD BOARD

Cinnamon Hills Youth Center, Utah

- Enrolled October, 2017- February 2018

Logan River Academy, Utah

- Enrolled February 2018-September 2019

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FISCAL ANALYSIS

Current contract cost for Judge Rotenberg Center

- For the 2020-2021 School Year \$415,467
- Includes: Education, Board and Care, and Related Services

Upon approval of the Specific waiver from CDE, PRJUSD will again be able to use state special education funds for placement of student at JRC. With approval, the waiver will be backdated to July 1, 2021

Prior to the Specific waiver being approved, PRJUSD will only use local funds to support the student's placement at Judge Rotenberg Center. This has been accounted for in collaboration with PRJUSD CBO and Director of Fiscal.

RECOMMENDATION SOUGHT

PRJUSD Staff recommends consent for approval to submit a Specific Waiver with the California Department of Education (CDE) due to JRC being non-CDE certified at the time of placement.

The Specific waiver is being sought for the time period of one year, July 1, 2021 through July 1, 2022. Out of State NPS schools are only able to seek CDE approval upon a California student being enrolled and are willing to seek CDE certification.