



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

Specific Waiver

<p>SUBJECT</p> <p>Request by Temecula Valley Unified School District to waive Education Code (EC) Section 56836.21; the word "school" from this section, to allow submission of an extraordinary cost pool claim for services provided by a nonpublic "agency". Granting the waiver would allow payment for services in FY 1999-2000, and 2000-2001.</p> <p>Waiver Number: 19-4-2002</p>	<p><input checked="" type="checkbox"/> Action</p>
	<p><input type="checkbox"/> Consent</p>

RECOMMENDATION

Approval Approval with conditions Denial

That the California Department of Education (CDE) receive budget authorization from the Department of Finance to reimburse Temecula Valley Unified School District (from the Extraordinary Cost Pool) for services provided to Brett, a special education student, by the Centre for Neuro Skills.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

EC Section 56101 allows a LEA to submit a request to the State Board of Education (SBE) to waive one or more sections or regulations governing California's Special Education Program.

SUMMARY OF KEY ISSUES

EC Section 56836.21 requires the CDE to administer an Extraordinary Cost Pool to protect the LEA from high costs associated with the placement of special education students in nonpublic, nonsectarian schools. The Temecula Valley Unified School District submitted this request to waive the provisions of EC Section 56836.21 that limits reimbursements from the Extraordinary Cost Pool to only nonpublic school placements.

The Temecula Valley Unified School District is requesting reimbursement from the Extraordinary Cost Pool to pay for services provided to a special education student by a nonpublic agency. The Temecula Valley Unified School District reports that the student received "related services" from the Centre for Neuro Skills (a certified nonpublic, nonsectarian agency) and this constituted "the child's full educational program."

These services were the result of a decision from the California Special Education Hearing Office (SEHO) that found that the student was in need of a specially designed program to treat traumatic brain injury. In a due process decision, SEHO stated that while "it would have been preferable for (the student) to receive appropriate academic instruction," the student's "primary need in April 2000, was to be in a program that addressed his behavioral problems." The Centre for Neuro Skills was deemed to be an appropriate placement for the student relative to his needs.

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As reported by the School Fiscal Services Division, the funds supporting the Extraordinary Cost Pool for fiscal years 1999-00 and 2000-01 have been exhausted. As such, the CDE would need to seek approval from the California Department of Finance for necessary

budget authority to pay the Temecula Valley Unified School District claim from either fiscal year 2003-04 or fiscal year 2004-05. The funding source (either the Extraordinary Cost Pool or another account) would need to be identified and approved.

Based upon the information provided by the Temecula Valley Unified School District, it is recommended that the SBE conditionally grant this waiver to allow reimbursement from the Extraordinary Cost Pool for services provided to Brett, a special education student. The approval is conditioned on the receipt of budget authorization from the Department of Finance to reimburse Temecula Valley for services provided to the special education student by the Centre for Neuro Skills. It is clear that the student was in need of a specialized program to meet his needs. The Centre for Neuro Skills was identified as the appropriate placement to provide these services.

Authority for the Waiver: EC 56101.

Bargaining unit(s) consulted on date(s): Does not apply to this waiver.

Position of bargaining unit(s) (choose only one): Does not apply to this waiver.

Neutral Support Oppose

Name of bargaining unit(s)/representative(s): Does not apply to this waiver.

Local board approval date(s): Not included on waiver request.

Period of request: April 3, 2000 to August 2000.

FISCAL ANALYSIS (AS APPROPRIATE)

The Temecula Valley Unified School District submitted a total claim of \$130,165.74 for services provided by the Centre for Neuro Skills for the period April 2000 – August 2000. Insufficient data currently exists to measure the fiscal impact as this claim crosses two fiscal years (1999-00 and 2000-01). The Temecula Valley Unified School District need to resubmit two separate claims (by fiscal year) and allocate the appropriate expenses for each fiscal year before the Department can determine reimbursement amounts.

BACKGROUND INFORMATION

Some documentation is available for web viewing. Waiver forms and other hard copy documents are available at the Waiver Office or State Board Office.