# Attachment 13: El Dorado County Special Education Local Plan Area Letter to Chief Executive Officer Okoye-Johnson Dated December 1, 2021

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## El Dorado County Special Education Local Plan Area Letter to Chief Executive Officer Okoye-Johnson Dated December 1, 2021

**The below letter was prepared on the official letterhead of the El Dorado County Special Education Local Plan Area, bearing its website address, mailing address, and telephone number.**

December 1, 2021

Ogo Okoye-Johnson
CEO
Eagle Collegiate Academy
P. O. Box 803234
Santa Clarita, CA 91380

Dear Ms. Okoye-Johnson,

The SELPA appreciates your willingness to share information about the declining student count and facility troubles at Eagle Collegiate Academy. As a new member to the El Dorado Charter SELPA, one of the main criteria is the ability to operate as your own LEA. After our discussion, and other information brought to our attention, it is a concern that Eagle Collegiate may lack the capacity to operate as their own LEA for Special Education.

The SELPA has offered support and consultation in the following ways:

* Review and implementation of the Child Find process
* Detailed one-to-one instruction and multiple training sessions on the IEP system (SEIS)
* Basic special education program standards and practices

It is our understanding, there has been no finalization of identifying students with IEP’s and the child find process has not yet been set up. We are concerned that students with IEP’s are not being serviced at this time.

This is a formal notice that the El Dorado Charter SELPA is concerned in Eagle Collegiate Academy’s ability to function as an LEA. Pursuant to the El Dorado Charter SELPA CEO Policy 28 (attached), the Charter SELPA will continue to monitor the special education practices and data to determine whether practices are in line with Eagle Collegiate’s requirement to serve students with disabilities. If this concern persists, the Charter SELPA, in accordance with CEO Policy 28, may initiate a program and/or fiscal review and the withholding of funds.

We remain fully committed to our partnership with Eagle Collegiate Academy and the SELPA team is readily available to continue to provide support in resolving these issues.

Sincerely,

Ginese Quann
Executive Director

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Cc: Stephanie Farland, Director, Charter Schools Division, CDE
Robert Steponovich, Business Director, El Dorado Charter SELPA

##  El Dorado Charter SELPA CEO Policy 28

### SELPA OVERSIGHT

The Charter SELPA is responsible for monitoring all required areas of compliance with federal, state and Charter SELPA policies. The purpose of all monitoring and oversight activities is to ensure legal and effective LEA practices are in place to meet the needs of students with disabilities. This policy outlines areas of oversight and indicators that may cause the initiation of a Charter SELPA review process. Charter SELPA administration will keep the CEO Council informed of SELPA oversight activities and determinations.

If compliance, performance and/or student population data for an LEA in the Charter SELPA varies significantly from expected results or standards, it may be an early warning for the Charter SELPA to initiate contact. In this case, the Charter SELPA will contact the LEA to confirm the data, discuss any underlying issues which may impact the data, and identify how the Charter SELPA can assist the LEA in any necessary corrective action.

The Charter SELPA will monitor special education practices and data continuously to determine whether practices are in line with the LEA’s responsibilities to students with disabilities and SELPA policies. Data will be collected and reviewed by the Charter SELPA. Examples of existing indicators and standards include but are not limited to:

* Identification rate of special education students that is below 4% or greater than 14%
* State Performance Plan Indicators
* Significant swings in enrollment and/or enrollment trends that are not aligned to the LEA’s instructional calendar
* Pattern of compliance complaints or due process hearings
* Evidence of exclusionary practices
* Significant and/or abrupt change in leadership or staff
* No/low participation or engagement in the Charter SELPA (CEO Council, Steering Committee, professional development offerings, etc.)
* Unspent funds greater than 25%
* Annual independent audit which shows serious fiscal solvency issues or material findings (e.g. findings related to internal control or program compliance, high debt ratios, deficit spending, going concern findings, adequate reserves, and adequate cash)

### SELPA REVIEW PROCESS

If one or more of the preceding triggers indicates a potential problem, the Charter SELPA may initiate a program and/or fiscal review. Program and fiscal reviews are facilitated by the appropriate Charter SELPA administrator. Charter SELPA’s goal in each review process is to clearly identify the areas of SELPA concern, discuss any underlying issues which may be impacting the findings, and identify how the Charter SELPA can assist the LEA in any necessary corrective action. The Charter SELPA may request additional information as necessary to resolve identified concerns.

When multiple or connected concerns exist, the Charter SELPA may implement an Integrated Review Team (IRT) visit. An Integrated Review Team (IRT) visit consists of Charter SELPA program and business administrators meeting directly with the charter LEA leadership team. *El Dorado Charter SELPA CEO Policy 28*

### CHARTER SCHOOLS AT-RISK

Whether through a Charter SELPA review process or other source, or if significant matters arise that are potentially harmful to students, demonstrate negligence, may harm the SELPA, or there is a concern that funds are not being spent appropriately for special education, Charter SELPA administration is empowered to act in the best interests of the SELPA as a whole. Such matters include, but are not limited to:

* Pattern of noncompliance with federal, state or Charter SELPA regulations
* Notice of revocation
* Notice of bankruptcy
* FCMAT extraordinary audit
* Annual audit with material findings and identification of operational issues that cause concern regarding the long-term viability of the organization
* Other circumstances that create a concern that a loss to the SELPA is possible or funds are not being spent appropriately for special education

Charter SELPA administration may make a determination and proceed to:

* Notify appropriate public agencies;
* Notify the LEA’s governing board;
* Withhold state and/or federal funding;
* Move an LEA to reimbursement-based state funding, requiring expenditure reporting prior to cash distribution;
* Require an LEA to submit proof of actual expenditures; and/or
* Initiate termination of membership pursuant to CEO Policy 26.

Approved CEO Council 10-16-19