

## MEMORANDUM

To: WSCSC Commissioners  
From: Joshua Halsey, Executive Director  
Date: June 18, 2014  
Re: Staff Analysis with recommendations of materials submitted by First Place on June 15, 2015

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### Purpose

This memo provides an analysis of the materials First Place Scholars Charter School submitted to the Washington State Charter School Commission on June 15, 2015 in response to the Letter with Conditions issued on June 3, 2015. In addition to an analysis, this memo contains questions that remain unanswered and are recommended to be explored with representatives of First Place during the June 18, 2015 monthly Commission meeting. Finally, this memo was collaboratively developed by Commission staff in consultation with general counsel and external charter school financial experts.

### Conditions

#### Special Education

1. Demonstrate that Special Education and related services are being provided for all eligible students and will continue to be provided going forward for students who may enroll and may be identified as eligible to receive special needs services and supports (School Psychologist, SLP, PT, OT, services for students with visual impairments, services for students with hearing impairments, services for students with autism, services for students with physically impaired, etc.).

#### Evidence required:

- Documentation showing that First Place has hired or retained personnel, with the proper credentials, to deliver these services;
- Copies of contracts/agreements to provide students with required services; and
- A budget excerpt detailing allocations dedicated to paying for special needs programs, services, staffing for school year 2015/16.

#### Analysis: Partially met.

First Place did provide documentation that it has retained the services of a School Psychologist, Speech and Language Pathologist, Physical Therapist, and Occupational Therapist, all of which possess the proper credentials to deliver services. This documentation came in the form of executed contracts for each service provider. While there is documentation that the special education teacher is willing to return next year, there was no contract for a special education teacher for the 2015-2016 school year.

First Place did provide a budget excerpt detailing expenses associated with the school's special needs program, related services and staffing for the 2015/16 school year; however, the budget excerpt contains errors. The excerpt's detailed expenses do not align to the service providers' executed contracts nor the certificated special education teacher's salary as noted in First Place's 2015/16 school-year expense budget. Furthermore, based on the number of students and services required this school year, the service providers' contract hours/days do not appear to be sufficient to meet the needs of currently enrolled students during the next school year.

**Questions to Consider Asking First Place Representatives:**

- Please explain your rationale for the number of hours/days of service noted in the following contracts. Note that the students currently enrolled at First Place who are eligible for special education services required the following number of related service hours this past school year:
  - SLP: 867
  - PT: 72
  - OT: 781
- Please explain why the contract for related services are not aligned with the 2015/16 expense budget.
- Describe how these contracted hours will meet the total required compensatory education hours required.

**Special Education**

1. Demonstrate that all required Special Education compensatory services are currently being delivered to each eligible student in accordance with the proposed corrective action compensatory education plan.

**Evidence required:**

- Master schedule for Special Education compensatory services signed by service providers at completion of each service delivery.

**Analysis:** Not met.

First Place did submit a master schedule for Special Education compensatory services, which was signed by school leader Dr. Linda Whitehead and special education teacher Cori Ryarson. The effective date of the master schedule is May 26, 2015 with compensatory services being provided during the school's extended day program. According to the master schedule, the related service provider schedules are to be determined.

The school did provide service logs associated with the extended day program. These logs show that specially designed instruction was provided during the extended day program and occupational therapy for students who qualify began on June 2, 2015. There is no evidence that Physical Therapy or Speech and Language Therapy is being provided.

According to the related service provider contracts (School Psychologist, Speech and Language Pathologist, Physical Therapist, Occupational Therapist), Physical Therapy (PT) will be provided starting July 7, 2015 and Occupational Therapy (OT) services began on June 2, 2015. It is noted that the OT's contract was not signed until June 8, 2015. The Speech and Language Therapist's contract commences on May 22, 2015; however, as noted above, no documentation was provided that services are currently being provided.

**Questions to Consider Asking First Place Representatives:**

- You provided a contract signed on May 22, 2015 for speech and language compensatory education services. Please share what services are currently being provided in the area of Speech and language services.

**Special Education**

1. Confirm that required (from 2014/15) Special Education compensatory services will be delivered per plan prior to the beginning of the 2015/16 school year.

**Evidence required:**

- Master schedule signed by all assigned service providers;
- Documentation and other evidence that First Place has the funds, financial support, or other resources to deliver the compensatory services per the plan.

**Analysis:** Partially met

First Place did provide a master schedule for Special Education compensatory services that is signed by all assigned service providers. The school also provided a budget outlining the costs associated with conducting the Summer Compensatory Education Program and a letter of support from Catholic Community Services (CCS) that confirms CCS will provide financial support to First Place for the Summer Compensatory Education Program. However, the total compensation for each service provider per the executed service contracts is greater than the funding from CCS.

The revised special education compensatory service plan is based upon actual and projected compensatory education services. A summary of family contacts and final compensatory education service determinations for the summer has been provided along with copies of Prior Written Notices (PWNs) of action and IEP amendments for summer compensatory education services for all eligible students. When the Summer Compensatory Education Program hours are compared to the proposed number of compensatory hours in the amended IEPs, it appears there is a gap between what will be provided and what is proposed.

**Questions to Consider Asking First Place Representatives:**

- Please help us understand how you determined the new compensatory education hours which appear to be substantially less than the hours you reported in late March.

- The following questions are asked an effort to determine how the IEP amendments were developed. Other than the dates and hours of services required and provided, all the IEPs currently have the same language. IEPs are just that, individualized education plans- based on individual student needs. The larger questions here are:
  - Please explain how each of these IEP amendments have been individualized to provide specific services based on assessed and specifically determined student need.
  - To what extent did you meet with and ensure that parents fully understood the exact nature of lost services and the specific compensatory education services (SDI, OT, PT, Speech and language) due to their child?
  - Were documents and meeting materials provided (translated) in the language spoken by the parent? Did you have interpreters available?
  - As a professional educator how do you justify providing only a fraction of the services due to your most vulnerable population students? (in some cases 1/10)
- Per your Summer Compensatory education budget are you proposing that para-educators provide speech and language, OT and PT compensatory education? If yes, what training have these individuals received?
- Please explain why you proposed a DRAFT master schedule.

### **Special Education**

1. Demonstrate that required Special Education compensatory services ordered by OSPI on December 31, 2014 as a result of Special Education Citizen Complaint (SECC) No. 14-64 are being provided.

### **Evidence required**

- OSPI approved documentation that services have been secured with a private contractor, chosen by the parent, to conduct an independent educational evaluation (IEE) of the student.

### **Analysis: Not met**

First Place did provide documentation that on June 15, 2015 deposits were made for the required services per SEC No. 14-64; however, there is no evidence of the required OSPI documentation that services have been secured and are being provided. Additionally, due to the multiple deadline extensions provided by OSPI and the delay in implementing the compensatory service as ordered, OSPI issued a letter on May 26, 2015 informing First Place that OSPI will be unable to process the school's 2014-2015 Federal Part B funding under IDEA.

### **Questions to Consider Asking First Place Representatives:**

- The information First Place provided included a series of emails between Case Manager Jamal Hussein and Robin Tinch of Explanations LLC., Dr. Cindy Dupuy's office. Based on these emails, specifically February 17, 2015, two dates were provided (March 11 or 24, 2015) for the evaluation process to begin. Neither date was confirmed, resulting in the evaluation process not beginning until July 14, 2015. Please explain why FPS did not accept the proposed March

11, or 24, 2015 service provider options that would have complied with the OSPI December 31, 2014 decision.

**English Language Learners**

1. Provide progress reports documenting delivery of required ELL services for all eligible students between the dates of May 15, 2015 and June 15, 2015.

**Evidence required:**

- ELL schedule for each student signed by teacher providing services.

**Analysis: Met**

First Place did provide an ELL schedule for each student signed by the teacher providing the services.

**English Language Learners**

1. Provide copies of the plan for each student eligible to receive language acquisition services/support.

**Evidence required:**

Each student's plan must include:

- A two sentence description of the services being provided to support the student's English language development;
- Description of the procedure for determining that the services being provided are appropriate for the student's language development needs;
- Name of staff who is responsible for providing instruction; and
- A chart that shows the intensity and frequency of instruction.

**Analysis: Met**

**Core Educational Program Components**

1. Demonstrate student progress monitoring is occurring 2014/15.

**Evidence required:**

- Samples of 2 student “Report Cards” from each classroom teacher for 2014/15, signed by Linda Whitehead and the student’s teacher(s). Each “Report Card” must contain assessment of each student’s social emotional growth and be accompanied by information that describes how the various student assessments that were used throughout the grading period contribute to the final “Report Card” score for each content area assessed.

**Analysis: Met**

The school provided samples of 2 student “Report Cards” from each classroom teacher for 2014/15, signed by Linda Whitehead and the student’s teacher(s). Also provided are social /emotional reports and information on how the various student assessments were used to assess student progress.

### **Financial Viability**

1. Establish a viable expense budget for the 2015/16 school year using the Commission budget template.

#### **Evidence required:**

- Expense budget for the 2015/16 school year using the Commission budget template. Evidence must be received by the Commission by close of business June 15, 2015.

#### **Analysis:** Partially met

First Place did submit an expense budget for the 2015/16 school year using the Commission budget template. While First Place did submit an expense budget, the budget is not viable for it does not contain several known expenditures. The expense budget does not contain the following, which are known costs:

- Reconciliation for over apportionment payment that First Place received this year from the state, estimated at \$140,000;
- Annual audit cost, estimated at \$10,000;

Additionally, the expense budget does not show expenses associated with renting or leasing the building that First Place occupies or janitorial services for this facility. Case Managers at First Place are responsible for coordinating various state and federal programs including Special Education, yet these positions are not a component of the 2015/16 budget. Puget Sound Educational Service District has been providing payroll services for First Place this year, yet payroll services is not an expense identified in the 2015/16 budget.

Finally, when the expense budget is compared to the executed contracts for Special Education related services providers who will provide services next school year, there are large discrepancies.

#### **Questions to Consider Asking First Place Representatives:**

- How is First Place accounting for the estimated \$140,000 reconciliation that must occur with OSPI next school year due to over apportionment payments this school year?
- The Personnel tab does not indicate FTE for Case Managers, and with the Case Managers currently responsible for coordinating various state and federal programs including SPED, who will be responsible for these duties? This is a capacity question.
- The budget does not contain costs associated with the Audit (must occur annually per the charter contract) or Payroll Services (PSESD is providing back office support). Why are these costs not reflected in the budget?
- The budget does not contain costs associated with Janitorial Services or Building Rent/Lease. While First Place Inc may be providing support to First Place Scholars in these areas, they should still be reflected in the expense side budget for First Place Scholars, so why are they omitted?