



SCHOOL BOARD ACTION REPORT

DATE: September 1, 2020
FROM: Denise Juneau, Superintendent
LEAD STAFF: Concie Pedroza, Chief of Student Supports
Patricia Campbell, Executive Director, Special Education
Heather Brown, Director of Early Learning

For Introduction: September 23, 2020

For Action: October 7, 2020

1. TITLE

Special Education Contract Amendments.

2. PURPOSE

This Board Action Report details contract amendments for community agencies, non-public agency schools, and contractors serving students with disabilities.

The following contracts in special education need to be amended: Children's Institute for Learning Differences (CHILD); Maxim Healthcare Services; Overlake Specialty School; Yellow Wood Academy; and Boyer Children's Clinic.

3. RECOMMENDED MOTION

I move that the School Board authorize the Superintendent to approve contract amendments in an amount totaling \$1,254,933.34 for the above-listed agencies and contractors.

4. BACKGROUND INFORMATION

Background - These contracts are over the amount previously approved by the Board due to the number of additional students who were added to each contract's rosters for required services for the 2019-20 school year. This motion is to request retroactive approval for the unanticipated increases to each of these provider contracts.

Children's Institute for Learning Differences (CHILD); Maxim Healthcare Services; Overlake Specialty School; Yellow Wood Academy - There are Seattle Public Schools students with Individualized Education Programs (IEPs) that require highly specialized special education services that the district is unable to provide due to the appropriate, specialized placements for these services. These services may include individual tutoring or instruction and individual behavioral or social emotional learning instruction. The identified agencies agreed to accept these students or provide these specialized, IEP-driven services. The contract amendments are needed for these nonpublic agencies have occurred because additional students were added to their rosters through the IEP process.

In addition, Boyer Children's Services provides special education services under Part C of the IDEA to children ages birth to three. State law requires SPS to pass through all amounts received for Part C services. The Basic Educational Allocation (BEA) rate was increased late in the school year by OSPI. This caused the original contracted amount to be exceeded and an amendment is now needed.

- a. **Alternatives** Not to approve this motion. This is not recommended because the students' legally mandated Individualized Education Programs (IEPs) and evaluative service needs will not be met. SPS would not meet state law if the pass-through amount was provided to Boyer.
- b. **Research** N/A

5. FISCAL IMPACT/REVENUE SOURCE

Fiscal impact to this action will be the following:

Agency	BAR Previously Approved	Amendment Amount	Total
Yellow Wood Academy	\$509,000.00	\$217, 675.44	\$726, 675.44
Overlake Specialty School	\$283,868.00	\$230,000.00	\$513,868.00
Maxim Healthcare Services	\$950,000.00	\$430,000.00	\$1,380,000.00
CHILD	\$245,000.00	\$94,000.00	\$339,000.00
Boyer Children's Clinic	\$3,220,512.00	\$283,257.90	\$3,503,769.00

The revenue source for this motion is Part C flow through dollars for the Boyer contract and State Special Education, state Safety Net funding and Enrichment levy funding for the other contractors.

Expenditure: ☒ One-time ☐ Annual ☐ Multi-Year ☐ N/A

Revenue: ☐ One-time ☐ Annual ☐ Multi-Year ☒ N/A

6. COMMUNITY ENGAGEMENT

With guidance from the District's Community Engagement tool, this action was determined to merit the following tier of community engagement:

☐ Not applicable

☐ Tier 1: Inform

☒ Tier 2: Consult/Involve

☐ Tier 3: Collaborate

Community engagement for the original contracts was elicited through the RFQ process for RFQ 02758, Specially Designed Instruction: Individual Education Program (IEP) Based Tutoring Services and other Compensatory Education Services, for students who require these services as identified in their IEP or by district processes. Through the RFQ process, feedback and responses to questions were elicited from respondent agencies. The SPS Behavior and Autism Intervention Team (BAIT) has also been involved and advised in support of students and the identification of needs. We collaborate with families whose students are receiving services from these providers.

7. EQUITY ANALYSIS

Utilizing the District Equity Analysis tool process, the demographics of the students who are receiving services through the RFQ for the original contracts were reviewed, understanding that the total population is small. IEP teams have made highly specialized recommendations for these students based on their individualized needs, which includes parents/guardians. Additions to the contracts were based on IEP team decisions.

8. STUDENT BENEFIT

All students placed by the district and served by Yellow Wood, Overlake Specialty School, and Maxim are IDEA protected students in receipt of special education services with active IEPs. Students served at Boyer Clinic are qualified for early intervention services under Part C of the IDEA.

9. WHY BOARD ACTION IS NECESSARY

- ☒ Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)
- ☐ Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)
- ☐ Adopting, amending, or repealing a Board policy
- ☐ Formally accepting the completion of a public works project and closing out the contract
- ☐ Legal requirement for the School Board to take action on this matter
- ☐ Board Policy No. _____, [TITLE], provides the Board shall approve this item
- ☐ Other: _____

10. POLICY IMPLICATION

Per Policy No. 6220, Procurement, contracts over \$250,000 require Board approval. Special Education services have been provided under these contracts in alignment with Policy No. 2161, Special Education. This has included programs and services identified in students' Individualized Education Programs (IEPs) and Individual Family Services Plan (IFSP).

11. BOARD COMMITTEE RECOMMENDATION

Notifications under Special Attention items were discussed at the A&F Committee meeting on August 17, 2020. The committee reviewed the notifications and recommended a BAR encompassing all contract overages in special education be considered by the full Board. This motion was discussed at the A&F Committee meeting on 9/14/2020. The committee reviewed the motion and moved the item forward with a recommendation for approval by the full Board.

12. TIMELINE FOR IMPLEMENTATION

Contracts will be paid according to agency invoicing.

13. ATTACHMENTS

- N/A