



CALIFORNIA ASSOCIATION OF PRIVATE SPECIAL EDUCATION SCHOOLS

A California Public Benefit Tax Exempt # 51-0195211 501 (c)(3) Corporation

921 Eleventh Street, Suite 501, Sacramento, CA 95814

www.capses.com 916-447-7061

CAPSES mission is to maximize the potential of individuals with disabilities by advocating for them in public policy and by promoting high quality instruction, guidance, therapy and staff development.

March 19, 2020

Governor Newsom, Superintendent Thurmond, Board President Darling-Hammond, and State Special Education Director Wright,

The COVID-19 pandemic has placed the system of education and support within California in an immediate compounded crisis. Extraordinary times call for extraordinary measures. These state wide shut downs are like nothing we have seen, as they are not limited to a region, and have the potential duration greater than anything we have faced in the past. CAPSES, in representing not just nonpublic schools and agencies (NPSA), wants to advocate on behalf of the students of California, the complex and often most vulnerable students we serve, and the workforce that dedicates their lives to ensuring these students find learning and support within school.

We appreciate the actions taken by the Governor, the State Legislature, and the guidance provided by CDE related to continued ADA funding, ensuring there is a 'hold harmless' statement for employees of districts and contractors, and guidance around continued payment for NPSA by the school districts. Our hope is the Governor's Executive Order, SB 117, and the released guidance by CDE create circumstances where our organizations can partner with districts to rise to this unprecedented challenge.

As an organization our goals are:

- Providing equitable access for the students we serve, with the restrictions currently in place
- Ensuring our students and families have the supports and resources they need to navigate these closures without fear of impact to their own jobs or wellbeing
- Ensuring stability within our workforce, because not doing so would cause potential long term damage to a system of care already in crisis

In the field we have seen a wide range of responses as districts and NPSA try to navigate the demands in place. In order to keep our focus on our students, we felt it was important to send out a statement of beliefs, so that time and energy can focus on guidance, logistics, and ultimately supporting the families who likely need the most support in a time such as this.

Equitable Access:

- Within the Governor's emergency declaration he called for remote learning and everyone rising to this challenge. The system of public schools has called for models of remote learning; and yet some districts have challenged the idea of NPSA delivering services remotely, stating it would be considered a change in placement. The present challenge we are living in is not typical circumstances; therefore our solutions must be based in the ethics of meeting the needs of our families given the current circumstances and restrictions in place. The challenge of meeting the needs of our learners remotely cannot



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be understated, but it is something we must attempt to do, it is something we must innovate around, and our families will need some support; even if delivered differently, opposed to no support at all. Additionally, if general education peers are having access to remote learning opportunities, some level of access must be granted to our students.

Ensuring supports are in place:

- Within the NPSA community, we have seen many wonderful things already occurring. Virtual classrooms, food delivery, consultation calls with parents, tele-therapy, connecting students for social interaction in virtual settings, and more. The response to this innovation from parents has been that of appreciation. Given the complexities of our students, and the vast array of ability to access remote learning, this challenge is immense and will require innovation, focus, and dedication. We have encouraged our members to provide materials, resources, sample schedules, sample activities, to conduct direct phone call consultation to parents, to set up virtual classrooms where appropriate, to deliver direct services when at all possible; and when not possible, to conduct consultation to parents and caregivers so that some level of support can continue. We have stressed the importance of contact in a time of isolation, the power in making a call and checking in, and to think beyond traditional means so that support can be offered at a level that is appropriate given the restrictions in place. There is no direct answer to this, and time does not warrant a discussion on defining what should and should not qualify as meeting IEP listed services. This is a time to come together as a community, to partner with one another, and to share resources, approaches, and systems of support so that all students and families have access to learning.

Stability in the Workforce:

- California past precedent on emergency closures, paired with the Governor's order, SB 117, and CDE guidance make it clear that all NPSA should be paid as if it was 'business as usual'. CAPSES believes other than the logistics of how this will be implemented, this should be without question. The State of California, prior to this pandemic, has been in a state of crisis for professionals within the field of California special education. To compound that by questioning the legitimacy of payment to NPSA is dangerous, and could have disastrous consequences to our system of education and care in California. Moreover, to inadvertently punish a workforce that is dedicated to our most complex and vulnerable learners is unethical and puts unwarranted stress on small businesses that will be at risk to close, reducing the state's ability, and mandate to meet the needs of all learners. We very much appreciate the complexities in place with competing legal interpretations, traditional educational law, and the restrictions in place from the state and each county within California. As stated above, extraordinary times call for extraordinary measures. We cannot think in a traditional sense to rise to meet the needs of our students and families, and it does us no benefit to allocate precious time fighting over who should be paid and why, when it is both clear in the actions taken; and that



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districts will continue receiving funding, with the intent of keeping the educational system intact and operational. We acknowledge the difficulty of sorting out those who rise to the challenges, and those who are bad actors, but stress we must focus on the long term stability of the system, and focus our energy on the current challenge in meeting the needs of students and families now.

Given the above, we ask that there is strong agreement that NPSAs should be paid during these times of closure, as is consistent with past precedent, consistent with the Governor's order, and in line with SB 117, solidifying stability within the larger workforce. Further that continued efforts on all parties involved to process and pay invoices when presented in a timely manner, and that any additional information needed from us, and the organizations we represent is made clear and presented as soon as possible. This enables focus on students, innovations, and meeting the needs within our communities.

We appreciate very much the actions already taken, the partnership many SELPAs and districts have been showing, and the overwhelming support being offered in the community. We are here as partners for this challenge, and our organizations are dedicated to the support and care for the students and families they serve.

Sincerely,

Ryan C. Eisenberg, Ed.D.
Board President, CAPSES
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