



TO LEARN OR NOT TO LEARN: Are Children With Learning Differences Set Up for Success? June 6, 2024

SUMMARY

The Marin County Civil Grand Jury (Grand Jury) investigated the current state of special education in Marin County and is making several recommendations based on the findings from its investigation. Recent studies highlight the long-lasting detrimental effects of COVID-19 on all K-12 students. This report focuses on the resources and services available to parents and guardians who have children with learning differences.

Marin public schools currently have around 4,200 students receiving special education services, which means almost one in seven Marin students receive some of these services. The most common form of special education services are Individualized Education Programs (IEPs), which broadly, are programs tailored for individual students with learning differences to meet their particular needs. IEPs are designed in collaboration with schools, families and specialists, and outline the particular needs, goals and services for each student. Each IEP is designed to meet one particular student's needs for a year, and is annually reviewed, or more often if needed.¹

The Grand Jury's investigation revealed that Marin County public school districts are inconsistent in the way they communicate with parents and guardians regarding services for students who may have special education needs. While some districts provide special education information and available resources on their websites, it is unclear how most districts make information on intervention resources available for parents and guardians of children with learning differences. If the parents and guardians are given information regarding special education resources, they can determine whether their child needs additional support beyond the general education environment.

The Grand Jury also found that if a student qualifies for special education services, school districts need to take greater steps to help parents and guardians proactively engage with teachers and school administrators throughout the school year to access the unique education resources needed for their child's academic development.

Despite state and federal legal requirements for free testing for learning differences and the development of tailored education plans for children, meaningful data is unavailable in Marin County to determine the extent to which children who need additional learning support receive the total service hours outlined in their IEPs.

¹ 34 CFR § 300.320; See this statute for detailed description of IEP requirements.

To ensure that all students with learning differences receive the services and resources necessary for academic success and to be sure all school districts are in compliance with each student's IEP, the Grand Jury recommends the following:

- Every school district should proactively inform parents and guardians at every academic stage about the assessments, services, and resources available for children with learning differences through multiple channels, such as personal interaction, websites, information fairs, and newsletters, to enhance awareness and prompt access to resources.
- Every school district should consistently use the Special Education Information System (SEIS) to track assessments and IEP compliance.

BACKGROUND

Roughly 14 percent of Marin’s public school students participate in special education programs because those students have been assessed as having various learning differences.² In this report, the Grand Jury uses the term “learning differences” to refer to the unique ways some people process information.³ In the United States as a whole, up to one in five students may have a learning difference, which can manifest as challenges in organization, memory, or attention.⁴ These challenges are most apparent in academic skills such as reading, writing, and math. While many students occasionally encounter academic struggles, students with learning differences may endure difficulties throughout their educational journey and beyond.

In 2022, the Grand Jury published a report titled “Marin Schools: A Prescription for COVID Recovery,” highlighting the negative effects of COVID-19 on education for an entire generation of Marin students. The shift to remote learning magnified the challenges faced by children with learning differences, providing a stark example of the broader educational disruptions caused by the pandemic, especially when considering these students' specific needs.⁵

The combination of challenges faced by students with learning differences and the pandemic-caused disruptions to education raises a question: Are Marin public schools currently doing all they can to meet the needs of students with learning differences? Therefore, the Grand Jury undertook this investigation to address that question. Among the areas investigated were these specific topics:

- Do school districts provide suitable information to parents and guardians about the rights of children with learning differences so that they may receive necessary special education services?
- Do students who appear to have learning differences have sufficient access and opportunity to be assessed by the school district?
- Are students who are assessed as needing an IEP receiving the accommodations and services that are promised and due to them pursuant to their IEP?
- For Marin students with an IEP, are the hours of services specified in the IEP plan being provided to the student?
- How is data on IEP services being collected and analyzed in Marin?

² See specific enrollment numbers in the Discussion section of this report, below.

³ Other terms sometimes used to describe people with learning differences include neurodiverse, learning disability, learning disorder, academic impairment, and others. Some terms have specific legal meanings, but this report broadly concerns students with learning differences that qualify them for special education services.

⁴ Amy Barto, “The State of Learning Disabilities Today,” *Learning Disabilities Association of America*, 2023, https://ldaamerica.org/lda_today/the-state-of-learning-disabilities-today, (accessed 2/1/24).

⁵ Kate Henley Averett, “Remote Learning, COVID-19, and Children with Disabilities,” *AERA Open*, 2021, <https://doi.org/10.1177/23328584211058471>

APPROACH

The Grand Jury interviewed teachers, educators, administrators, and resource specialists from many Marin public school districts, as well as other local leaders and experts in the field of special education. The Grand Jury also reviewed applicable law, relevant data, government websites and publications, academic studies, professional articles, and news reports.

The Grand Jury concluded its investigation on May 29, 2024.

DISCUSSION

An Overview of Special Education

Fifty years ago, there were no laws requiring public schools to serve students with learning differences or other disabilities. As a result, some children did not receive the education they deserved. In 1975, the federal government enacted the first version of the Individuals with Disabilities Education Act (IDEA). This law requires public schools to identify students with disabilities, to determine if the disability interferes with learning, and if so, to provide special education services.⁶ California statutes align with IDEA, granting special education rights in the state.⁷ There are also additional rules regarding accommodations for students with acute physical conditions such as blindness, severe autism, or paralysis. Such students are entitled to a “504 plan” to address their needs.⁸ However, 504 plans are not the subject of this Grand Jury report.

Over the years, scientists and educators seeking to optimize special education strategies and instruction have undertaken a great deal of research. One helpful finding is that differentiated, multisensory instruction can benefit students with learning differences. This involves tailoring teaching environments, content, and practices to accommodate the individual’s particular learning needs, which can help that student succeed.⁹ The importance of effective special education in California is critical because the number of students qualifying for special education is growing. In the early 2000s, 10.8 percent of California public school students received special education, which rose to 12.5 percent as of the 2017-2018 school year. The number of students with more severe disabilities also rose. In particular, autism affected about one in 600 students in 1997-1998 but one in 50 in 2017-2018.¹⁰ The majority of students with disabilities have relatively mild conditions, such as speech impediments, and specific learning disorders, such as dyslexia. One challenge for special education is its cost. Both federal and California laws require school districts to provide special education services to all qualifying students. Neither, alone nor combined, pay enough to cover the cost. Funding for special education in California is extremely

⁶ 20 U.S. Code Chapter 33, §§ 1400 et. seq.; Gabriel Petek, “Overview of Special Education in California,” *California Legislative Analyst’s Office*, November 6, 2019, p. 3, <https://lao.ca.gov/reports/2019/4110/overview-spec-ed-110619.pdf>, (accessed 4/19/24).

⁷ California Code of Regulations, Title 5, Division 1, Chapter 3, §§ 3000-3100.

⁸ The original law was section 504 of the Rehabilitation Act of 1973. The current equivalent law, as amended, is 29 U.S. Code § 794, but the term “504 plan” remains in common use.

⁹ Annemieke Smale-Jacobse, Anna Meijer, Michelle Helms-Lorenz, Ridwan Maulana, “Differentiated Instruction in Secondary Education: A Systematic Review of Research Evidence,” *Frontiers in Psychology*, November, 21, 2019, <https://www.frontiersin.org/journals/psychology/articles>, (accessed 2/1/24).

¹⁰ Petek, “Overview of Special education in California,” p. 1.

complex, but the following is a basic overview. The federal government historically has committed to funding “up to” 40 percent of special education services mandated by IDEA. Currently, federal support only covers about 11.5 percent of California’s costs. The State contributes about another 46 percent, and thus, local school districts must fund nearly 43 percent of the total costs.¹¹

What Are Learning Differences?

Learning differences vary widely, and the need for tutoring or specialized instruction depends on the impact on a student's education and daily life.

The following are examples of some of the most prevalent learning differences:¹²

- Students who need help maintaining focus over long periods and prefer physical over sedentary activities may appear inattentive or forgetful due to their susceptibility to distraction and rapidly shifting attention.
- Students who perceive text as jumbled or moving might experience impacts on their spelling, reading comprehension, pronunciation, and note-taking abilities.
- Students who struggle to understand numbers and perform math operations often struggle with sequence-dependent tasks and may confuse basic mathematical symbols and numbers.
- Students with executive function difficulties experience issues with prioritization, organization, time management, and following instructions.
- Students with writing difficulties find it hard to format words on paper, which impacts their ability to spell, manage spacing, and express thoughts through writing.

Intelligence alone is not enough to guarantee success in school. Learning differences can be challenging to identify and assess since they are unrelated to a child’s intelligence. Without special services, children with learning differences may become frustrated and disengage from or leave school altogether.

¹¹ California Department of Education, *2015 Report of California's Statewide Task Force, part VII, Special Education Financing: Determining Appropriate Public Financing for Special Education Services*, 2015, <https://www.cde.ca.gov/sp/se/sr/taskforce2015-financing.asp>, (accessed 3/22/24).

¹² U.S. Department of Health and Human Services, National Institute for Health, Eunice Kennedy Shriver National Institute of Child Health and Human Development (hereafter, NIH), *A to Z Fact Sheets: Learning Disabilities*, <https://www.nichd.nih.gov/health/topics/factsheets/learningdisabilities>, (accessed 4/19/24); Hill Learning Center, *What are Learning Differences?*, March 29, 2022, <https://www.hillcenter.org/what-are-learning-differences>, (accessed 4/19/24).

General Education in Marin

In Marin County, 17 public school districts provide educational services to kindergarten through 12th grade students across 75 school campuses, including elementary, middle, high, charter, continuation and alternative schools. The Marin County Office of Education (MCOE) is considered an additional district for special education services. As of the 2023-24 academic year, the reported county-wide enrollment for public schools was 30,483 students.¹³

Marin County's school districts vary in size and scope. For example, Novato Unified, one of the larger districts, has 15 schools, including elementary, middle, and high schools, with a total enrollment in 2023-2024 of 7,400 students.¹⁴ This district reflects a common administrative structure in Marin, where a single district office often oversees multiple school levels. On the other end of the spectrum, Laguna Joint Elementary is the smallest district, with a 2022-2023 enrollment of just 16 students.¹⁵

Each district operates under the guidance of its own elected board of trustees or board of directors. The MCOE is led by Marin's Superintendent of Schools.¹⁶ School boards play a pivotal role in each district's functioning, including hiring superintendents, influencing curriculum, and setting educational standards for Marin's public schools. This structure can assist each district in addressing its unique educational needs while adhering to overarching educational standards and policies.¹⁷

A term often used by special education educators is "general education classroom." The general education classroom is significant in the special education community because of the idea and rules regarding "least restrictive environment." Generally speaking, the general education classroom often represents the least restrictive environment because that is where the majority of students participate in learning at their schools. A general education classroom is one in which children are given instruction based on state standards and evaluated by regular state educational standards testing.¹⁸ Many people interviewed by the Grand Jury agreed that one goal for special education students is to have as much time and instruction as possible in a general education classroom. This is seen as beneficial in several ways, including social interactions, exposure to

¹³ Marin County Office of Education, "Annual Report, 2023-2024," *Marin District Enrollment, About MCOE / MCOE Annual Report*, (accessed 4/29/24).

¹⁴ Novato Unified District website, <https://nusd.org>, (accessed 4/29/24).

¹⁵ CDE Data Quest, "2022-23 K-12 Enrollment by Age Range: Laguna Joint Elementary Report," <https://data1.cde.ca.gov/dataquest/DQCensus/EnrAgeGrdLevels.aspxcde=agglevel=districtyear=2022-23>, (accessed 4/19/24).

¹⁶ See links to individual Marin school districts, provided on the County of Marin webpage, "School Districts," <https://www.marincounty.org/residents/community/school-districts>, (accessed 2/1/24).

¹⁷ Chuck Dervarics and Eileen O'Brien, "Eight Characteristics of Effective School Boards," *Center for Public Education*, 2019, pp. 1-2. <https://www.nsba.org/-/media/NSBA/File/cpe-eight-characteristics-of-effective-school-boards-report-december-2019.pdf?la=en&hash=1E19C481DAAEE25406008581AE75EB2ABA785930https://www.nsba.org/-/media/NSBA/File/cpe-eight-characteristics-of-effective-school-boards-report-december-2019.pdf?la=en&hash=1E19C481DAAEE25406008581AE75EB2ABA785930>, (accessed 4/19/24).

¹⁸ Jerry Webster, "What is General Education?," *ThoughtCo.*, February 16, 2019, <https://www.thoughtco.com/general-education-glossary-term-3110863>, (accessed 4/19/24).

the standard curriculum, and less potential for negative stigma that is sometimes associated with special education classes.

One of the overarching goals of special education, and also a legal requirement, is to have students participate in the least restrictive environment that will meet their needs.¹⁹ In addition to the general education classroom, other options (listed from least to most restrictive) include:

- support services in the general education classroom,
- support services in a separate room,
- special classrooms serving only special education students,
- special schools,
- and residential placement.

Since the goal is for each student to be a part of the general education setting as much as possible for their specific needs, “placement in more restrictive environments is only to occur when placement in a less restrictive environment does not allow the student to receive the support and services needed to access the general curriculum effectively.”²⁰ For the 2022-2023 school year, Marin special education students were in a general education classroom for 80% or more of the day, and only a few were in a separate school or other setting.²¹

During the Grand Jury’s investigation, many resource specialists and Directors of Special Education commented on the value of co-teaching (sometimes called the push-in method of inclusive education). This is confirmed by the Grand Jury’s research and investigation. Co-teaching services occur in the general education classroom. The general education teacher, special education teacher, and others (such as speech therapists or occupational therapists) work collaboratively. This offers several advantages. The general education teacher has assistance in the classroom and learns from the special education teacher. The student does not get removed from the classroom and thus avoids the “special” label. The goal is to keep the student in the least restrictive environment. Co-teaching works extraordinarily well, and in interviews with administrators it was suggested that Marin school districts should emphasize this practice within their general education classrooms, thereby suppressing bullying or poor self-esteem among students with learning differences.

Special Education in Marin

Over 4,000 Marin students receive special education services, and more begin assessments for learning differences throughout the school year. Each district is responsible for its own special education students, but they are aided by Marin’s Special Education Local Plan Area (SELPA).²² SELPA helps plan for and implement special education in Marin, including facilitating inter-district resource sharing and collaboration.

¹⁹ The least restrictive environment (LRE) is part of IDEA. U.S. Code Title 20, § 1412 (a)(5) says children with disabilities should be educated in general classes to the “maximum extent appropriate.”

²⁰ CDE, “The IEP Module 3: Requirements for local educational agencies under the Individuals with Disabilities Education Act: Individual Education Program Development,” March 7, 2023, <https://www.cde.ca.gov/sp/se/ac/iepmodule3engtext.asp>, (accessed 4/19/24).

²¹ CDE, “The IEP Module 3.”

²² For more information about SELPA, please see discussion later in this report.

Table 1 - Students with IEPs/IFSPs/ISPs by Marin Public School District

Local Education Agency	Students with IEPs/IFSPs/ISPs	Student Population 2022-2023	Percent of Total
Bolinas-Stinson Union	18	101	18%
Kentfield Elementary	125	1,056	12%
Lagunitas Elementary	24	160	15%
Laguna Joint Elementary	<11	16	0%
Larkspur-Corte Madera	141	1,262	11%
Marin County Office of Education ²³	300	497	60%
Mill Valley Elementary	292	2,369	12%
Miller Creek Elementary	226	1,825	12%
Nicasio	<11	34	0%
Novato Unified	914	7,474	12%
Reed Union Elementary	104	1,024	10%
Ross Elementary	32	358	9%
Ross Valley Elementary	220	1,724	13%
San Rafael City Elementary	572	4,290	13%
San Rafael City High	297	2,668	11%
Sausalito Marin City	57	318	18%
Shoreline Unified	90	470	19%
Tamalpais Union High	721	4,937	15%
TOTAL	4,167+	30,583	14%

Source: Based on data from 2023 Fall 1 Census Special Education Pupil Count, Marin County SELPA

The vast majority of children in Table 1 are receiving special education services pursuant to an IEP. For more information on an Individualized Family Service Plan (IFSP) and an Individualized Service Plan (ISP), see Appendix A.

²³ MCOE manages classes for high-need special education students at various locations around the county.

Challenges Faced by Students with Learning Differences

During the interviews and research for this investigation, the Grand Jury found the following examples of challenges that children with learning differences can experience.

Social Isolation and Emotional Well-being

For many students with learning differences, school is not just a place for academic learning but also a critical venue for social interaction and emotional support. Isolation can occur when children with learning differences struggle during class in the general education environment, which can, in turn, lead to increased feelings of loneliness and anxiety, affecting their motivation and engagement.²⁴

Inequitable Access to Educational Media & Technology Resources

Students from lower-income families often lack access to Wi-Fi at home and information outside of the general education classroom. This can be extremely detrimental for all students, but it is especially difficult for those with learning differences who could use online education media to continue learning at home.²⁵

Delayed Identification and Services

Early identification of learning differences is crucial for timely intervention. However, without informed parents/guardians and teachers recognizing the signs of learning differences, delayed identification and delivery of essential services can lead to insurmountable obstacles for many students.²⁶

Other Potential Challenges

Students with learning differences are at higher risk for many difficult challenges, particularly if they are not timely assessed and integrated into special education:²⁷

- Repeating a grade
- School discipline
- Dropping out
- Involvement in the justice system
- Not attending college
- If enrolled, not completing college
- Unemployment

²⁴ Yang Ni and Fanli Jia, “Promoting Positive Social Interactions: Recommendation for a Post-Pandemic School-Based Intervention for Social Anxiety,” *National Library of Medicine*, March 2, 2023. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10047710>, (accessed 1/10/24).

²⁵ Rachel Barr, “Building Equitable Access and Inclusion for Children Growing up in the Digital Age.” *Policy Insights from the Behavioral and Brain Sciences*, 9(1), p. 73-80, February 23, 2022, <https://journals.sagepub.com/doi/full/10.1177/23727322211068388>, (accessed 5/8/24).

²⁶ Kristen Tollan, Rita Jezrawi, Kathryn Underwood and Magdalena Janus, “A Review on Early Intervention Systems,” *Current Developmental Disorders Reports*, February 18, 2023, 10(2), p. 147-153, <https://link.springer.com/article/10.1007/s40474-023-00274-8>, (accessed 1/10/24).

²⁷ Sheldon H. Horowitz, EdD and The Understood Team, “Learning Disabilities by the Numbers,” *Understood*, <https://www.understood.org/en/articles/learning-disabilities-by-the-numbers>, (accessed 4/23/24).

Special Education Strategies and Services

Depending on the type and severity of the learning challenges, early intervention and special instruction may help children learn strategies to foster future success and enable them to participate in their general education classroom. Some interventions are simple, while others are intricate and complex.

As a result of its investigation, the Grand Jury has determined that planning the ideal course of action involves working collaboratively with parents and guardians, teachers, case managers, and resource specialists. Tailoring interventions and accommodations can help children with learning differences become independent learners in a general education setting.

A multidisciplinary team can help design the appropriate intervention to help children with learning differences succeed. This team frequently includes school psychologists, special educators, speech therapists, occupational therapists, psychologists, teachers, literacy coaches, and reading specialists.

Special education services are made available once an assessment has been conducted and the student is identified as needing an IEP. These services provide instructional support carefully designed to meet the unique needs of children whose learning differences affect their educational performance or ability to learn successfully among their classmates in a general education classroom.

Per California Education Code section 56361, Marin County special education program options for students include:²⁸

- Learning centers provide specialized academic instruction delivered subject-by-subject in a separate classroom with and without general education students.
- Resource Specialist Programs provide specialized academic instruction delivered subject-by-subject for less than most of the school day in a separate classroom without general education students.
- Related Services provide designated instruction and services or “related services,” which means developmental, corrective, and other supportive services required to help a child with a disability benefit from special education. Related services may include speech-language pathology, audiology, interpreting, and psychological services.

²⁸ [Marin County SELPA website \(Special Education Programming\)](#), (accessed 3/4/24).

Resources for Students with Learning Differences

Matrix Parent Network and Resource Center (Matrix)

Matrix is a parent-founded, parent-operated nonprofit organization. It was founded in 1983 and its services are free of charge. Its mission is to empower families of children with special needs to understand and access the systems that serve them successfully.

Matrix Values

Respect. We believe that every person, regardless of ability or circumstance, shall have their values, opinions, and situation treated respectfully. This involves maintaining confidentiality and valuing the uniqueness of each individual. Resolving conflicts at the level they occur instills respect among the individuals involved.

Collaboration/Network. We believe that no one individual can move forward alone and challenges are best met by working together to find solutions.

Hope. We believe this is the foundation for optimism.

Courage. All who work with or care for children with special needs have a voice that should be heard on behalf of those children. Speaking out and advocating for one's child and on behalf of children collectively requires the courage to find one's voice in a manner that reaches hearts and minds.

Compassion. Each individual does the best they can. Compassion for where the individual is engenders self-worth, the basis for future growth and change.

Life-long learners. Each individual, no matter what age, is engaged in learning, growing, and developing as they journey through all stages of life. Resources, information, initiatives, and policies change quickly and can be vast and complex. Staying current and making information clear and accessible is critical.²⁹

Special Education Local Plan Area (SELPA)

In 1977, all school districts and county school offices were mandated to form consortiums in geographical regions of sufficient size and scope to provide for special education service needs of children residing within the region's boundaries. Each regional SELPA develops a local plan describing how it will provide special education services.

“SELPAs are dedicated to the belief that all students can learn and that special needs students must be guaranteed equal opportunity to become contributing members of society. SELPAs facilitate high-quality educational programs and services for special needs students and training for parents and educators. The SELPA collaborates with county agencies and school districts to develop and maintain healthy and enriching environments where special needs students and families can live and succeed.”³⁰

²⁹ Matrix Parent Network and Resource Center, <https://www.matrixparents.org/who-we-are>, (accessed 2/11/24).

³⁰ California Department of Education, *California Special Education Local Plan Areas*, <https://www.cde.ca.gov/sp/se/as/caselpas.asp>, (accessed 2/11/24).

School Communication about Special Education Resources

The Grand Jury reviewed every Marin public school district’s website looking for information on Special Education as outlined in the following chart:

School District	Special Education Info on Website?	SELPA?	Matrix?
Bolinas-Stinson	Yes	No	No
Kentfield	Yes	Yes	No
Lagunitas	No	Yes	No
Larkspur Corte Madera	Yes	Yes	No
Mill Valley	Yes	No	No
Miller Creek	Yes	Yes	Yes
Nicasio	No	No	No
Novato Unified	Yes	Yes	No
Reed Union	Yes	No	No
Ross	Yes	No	No
Ross Valley	Yes	No	No
San Rafael City	Yes	Yes	No
Sausalito Marin City	Yes	No	No
Shoreline Unified	No	Yes	No

This review demonstrates mixed results about the accessibility of this important information on Marin’s public school websites.

Special Education Monitoring and IEP Services

In March 2017, the California Department of Education (CDE) finally resolved a class action lawsuit regarding special education services in California. The lawsuit was filed in 1996 and was fiercely contested by CDE until it agreed to comply with an earlier federal court ruling that ordered California to significantly improve its system for monitoring special education. An EdSource article stated, “The plan requires the California Department of Education to create a monitoring system that uses more rigorous data collection, program evaluation, and intervention to ensure that a district complies with the federal Individuals with Disabilities Education Act.”³¹

Efforts to implement the required changes culminated in California Education Code sections 56049 and 56049.1, enacted in 2022. These statutes require monitoring and reporting regarding the extent to which special services are provided in compliance with what is mandated by a student’s IEP. The statutes also confirm that all students, including those with disabilities, are general education students and that all deserve the least restrictive environment possible and require reporting on that issue. During the 2021–2022 school year, the CDE consulted SELPAs

³¹ Jane Meredith Adams, “Two-Decade Old Legal Battle Over Special Education Oversight Nears Resolution, Brings Major Changes,” *EdSource*, March 19, 2017, <https://edsources.org/2017/two-decade-old-legal-battle-over-special-education-oversight-nears-resolution-brings-major-changes/576675>, (accessed 4/2/24).

and other local education agencies on the newly required data elements and on what data collection methodology is required by the new laws.

Under this new data collection, first undertaken in the 2022-2023 school year, Local Education Agencies (LEAs) must review a sample of student records to determine the rate of IEP Implementation for a specified period. The LEA will report to the CDE an aggregated implementation rate of services prescribed in the affirmed IEP. The number of records an LEA must review is based on an LEA's size and count of students with disabilities certified at the time of the census.³²

Marin public school data resulting from the 2022-2023 monitoring and evaluation effort is not available on a per-district basis. SELPA provided information about the results, which showed a range of success among Marin districts, but referenced student privacy concerns when refusing to identify districts. No additional information is available from the CDE.

Special Education Information System (SEIS)³³

SEIS is a comprehensive, web-based platform developed in 2003 by San Joaquin County to facilitate its schools' compliance with special education data reporting required by the state.³⁴ Since then, other counties, including Marin, have also contracted to use the system. Today, SEIS is the most extensively utilized Special Education IEP software across California, deployed in over 950 school districts. It supports approximately 75,000 teachers and benefits 700,000 special needs students. SEIS has standardized IEP forms and goal-setting processes, with numerous goals and objectives available, and has streamlined the transfer of over 3.5 million electronic student records between districts.³⁵

The SEIS system allows for the creation of IEPs, the management of special education data, and the tracking of services. SEIS allows providers to record the provision of services to each student, attendance, and other metrics. When used properly, this feature can track and compile the hours of services delivered. This compilation can then be manually compared to a student's IEP to determine whether the services promised were actually provided to that student. It should be noted that if a student is absent during scheduled services, the school is not mandated to make up for missed resource time. But if the teacher/provider is absent, the services must be "made up" at another time.

During its investigation, the Grand Jury determined that not all Marin school districts use the tracking module within SEIS to track IEP compliance regarding allocated hours versus actual hours provided. Often, resource specialists are shared between schools or contracted out. Using

³² California Department of Education, *2022 Special Education Monitoring and Engagement with Local Education Agencies*, January 24, 2022, <https://www.cde.ca.gov/sp/se/lr/om012422.asp> (accessed 4/15/24).

³³ Special Education Information System (a private paid for technology system), <https://www.seis.org>, (accessed 3/4/24).

³⁴ SEIS, "Procedural Manual Teacher Edition, Section 13," <https://www.sjcoe.org/selpaproceduralmanual/pdf/teacher/Section%2013%20SEIS.pdf>, (accessed 4/19/24).

³⁵ San Joaquin County Office of Education, SEIS page, <https://www.sjcoe.org/CodeStack/SEIS.aspx>, (accessed 03/04/24).

one system of record, like the Service Tracking module within SEIS, to track each student's IEP data will make this information accessible to future educators should the student change school districts. It also allows other service providers access to the progress made for those students with learning differences.

As a result of its investigation, the Grand Jury makes the following findings and recommendations.

FINDINGS

- F1.** Communication with parents and guardians regarding special education services and resources at every child's development stage is critical to identifying whether children have learning differences.
- F2.** Many school districts do not have sufficient information on their website to inform parents and guardians of their rights under federal and state laws to have their children assessed to determine whether they are entitled to special education services.
- F3.** Each school district should have information on its website describing the services available for students with learning differences.
- F4.** The Special Education Information System is a valuable tool that, when used consistently, will increase the likelihood that students with learning differences will have their Individualized Education Programs effectively administered, thereby increasing the chances of success for those students.
- F5.** Many school districts do not use the Special Education Information System to track whether the district has provided the service hours required by Individualized Education Programs.
- F6.** Data is not available electronically in Marin school districts to ascertain whether the districts are providing the service hours required by their students' Individualized Education Programs.
- F7.** The co-teaching method can reduce the negative connotations of a special education class by including the resource specialist in the general education classroom to assist students with learning differences.

RECOMMENDATIONS

The Grand Jury recommends that the following be undertaken by December 31, 2024:

- R1.** Each school district should inform parents and guardians at least annually about special education services and resources available to their students, such as Matrix and the Special Education Local Plan Area.
- R2.** Each school district should develop and implement targeted communication strategies tailored to all parents and guardians regarding their student's rights concerning learning differences.
- R3.** Each school district should use the Special Education Information System service tracking module to track every student's Individualized Education Programs allocated service hours and the hours provided to each student.
- R4.** The Marin County Office of Education should analyze each school district's Individualized Education Programs compliance data and make the results available to the public in its annual report.

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requires responses from the following governing bodies:

From the following elected county officials within 60 days:

- Marin County Superintendent of Schools (F1-F7, R1-R4)

From the following governing bodies within 90 days:

- Bolinas-Stinson School District Board of Trustees (F1-F7, R1-R4)
- Kentfield School District Board of Trustees (F1-F7, R1-R4)
- Laguna Joint School District Board of Directors (F1-F7, R1-R4)
- Lagunitas School District Board of Trustees (F1-F7, R1-R4)
- Larkspur-Corte Madera School District Board of Trustees (F1-F7, R1-R4)
- Marin County Board of Education (F1-F7, R1-R4)
- Mill Valley School District Board of Trustees (F1-F7, R1-R4)
- Miller Creek Elementary School District Board of Trustees (F1-F7, R1-R4)
- Nicasio School District Board of Trustees (F1-F7, R1-R4)
- Novato Unified School District Board of Trustees (F1-F7, R1-R4)
- Reed Union School District Board of Trustees (F1-F7, R1-R4)
- Ross School District Board of Trustees (F1-F7, R1-R4)
- Ross Valley School District Board of Trustees (F1-F7, R1-R4)
- San Rafael City Schools Board of Education (F1-F7, R1-R4)
- Sausalito Marin City School District Board of Trustees (F1-F7, R1-R4)
- Shoreline Unified School District Board of Trustees (F1-F7, R1-R4)
- Tamalpais Union High School District Board of Trustees (F1-F7, R1-R4)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda, and open meeting requirements of the Brown Act.

INVITED RESPONSES

From the following governing bodies:

- Marin County SELPA (F1-F7, R1-R4)

Note: When this report was prepared, information was available on the websites listed.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

APPENDIX A: Children With IFSP and ISP Plans

Table 1 includes data on Marin special education students, including IEP students as well as “IFSP” and “ISP” students. IFSP stands for Individualized Family Service Plan, which is a written plan for children ages 0-3 who may have developmental challenges. It is created by professionals working with the family and lists the early intervention services designed to help the family and child support the child’s development.³⁶ An ISP is an Individualized Service Plan, and these are available to private school students to help ensure special education needs are met, although fewer resources are available to these students than those in public schools.³⁷

The data provided by SELPA to the Grand Jury was obtained from the California Longitudinal Pupil Achievement Data System (CALPADS), which is a system that can only be accessed by education professionals who are registered with CALPADS. The Grand Jury could not ascertain how many of the reported students have IEPs as compared to those with ISPs or IFSPs. This report is focused on IEPs, but similar considerations apply to ISPs students. Very young IFSP children are far less common than IEP/ISP students. According to the California Department of Education, in the 2022-2023 school year, Marin provided special education services to 3,903 students aged preschool and above.³⁸ SELPA data given the Grand Jury listed 3,956 recipients of special education services, a number just 1.3 percent more than the preschool-and-up cohort. It therefore appears the number of IFSP children is a small fraction of the total. Because these children are not yet enrolled in Marin schools, IFSPs are not the subject of this report.

³⁶ 34 C.F.R. §§ 303.340 et. seq.

³⁷ 34 C.F.R. §§ 300.130 et. seq.

³⁸ CDE Data Quest, “2022-2023 Special Education Enrollment by Program Setting: Marin County,” Report <https://dq.cde.ca.gov/dataquest/DQCensus/SPEDEnrLevels.aspx?cde=21&aggllevel=County&year=2022-23>, (accessed 5/29/24).