

School Budget Review Committee

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

Notes

December 7, 2016

The following members were in attendance: Reg Avery, Olga Butler, Ron Caplan, David Clark, Joshua Kaufman, Paul Lemle, and Jason Werther. In addition, County Auditor Steve Peters and Council Analyst Jeff Meyers attended. The following representatives of the School System participated: Nancy Fitzgerald, the Executive Director of Special Education and Student Services.

The video/audio archive of the meeting is available at this web address:
<http://cc.howardcountymd.gov/Online-Tools/Watch-Us>

Chairperson Joshua Kaufman began the meeting at 6:40 p.m. The Chairperson noted that the lack of a quorum meant that no official business could be done. Nevertheless, since Ms. Fitzgerald was in attendance, the committee continued with its work.

Committee members asked Ms. Fitzgerald a variety of questions related to the Special Education program. Before taking the position with HCPSS, Ms. Fitzgerald worked for MSDE and reviewed and audited local special education programs.

The program sometimes seems to have surplus money because of staffing turnovers. That money is transferred into the fixed charges – health account. That account serves staff, including special education staff. Ms. Fitzgerald stressed that every staff vacancy was filled as promptly as possible, there were no staffing cuts or hiring freezes in special education. In addition, all of the services specified in IEPs were provided. Although Ms. Fitzgerald was not formally consulted before the transfers were made, she was aware that they would be made and ensured that all special education needs were met first.

To craft future budget proposals for special education, staff considers the current levels of service, the number of contents of existing IEPs, expected population growth trends, the cost of

assistive technology, and the benefits of early intervention. Population growth in the special education area is hard to predict accurately and generally is not spread evenly across all schools.

The school system does not consider cost in cases where the system and the family disagree over placements (“absolutely not”). The system prefers in-house placements because that allows students to have access to their non-disabled peers. This is why the Cornerstone Program was established. There is a separate budget category for non-public placements. The system pays 300% of the average system cost per pupil (about \$31,000) plus 30% of the remaining non-public fee. The State pays the remainder. Students are placed in the appropriate program and as close to home as possible. No students have been placed out-of-state¹. Many are in programs in Baltimore city and county and Howard County. Some are in Montgomery County. Approximately 190 students are in non-public placements, a figure consistent with the last several years, at a cost of about \$7 million. Our non-public placement rate of about 6% is slightly lower than Montgomery County². The lower rate reflects the availability and quality of in-house programs.

The special education staffing formula is based on hours of service, not case-load. The system tracks hours of service and adjusts staffing as necessary. Projections for future staffing needs are made in February and refined in May and August. The special education department has not been told to cut back on staff while Ms. Fitzgerald has been on-board and the County Executive’s budget cuts did not affect special education. Staff feedback comes to her through instructional coordinators and resource teachers. Sometimes she works with schools to adjust scheduling because she wants to ensure that schools have appropriate resources.

IEPs, particularly from students transferring from out-of-state, are reviewed and adjusted. These reviews may result in a reduction or increase in specified hours of service. Special education includes roughly 10% of the student population. Around 1,000 have 504 plans and about 5,000 have IEPs. The numbers in these categories grow at the same rate as the overall student population. The system reports demographic information of special education students to the State. The State’s evaluation of that data indicates that the system is not identified as “disproportionate.”

Although staffing numbers has remained flat for several years despite the population growth, Ms. Fitzgerald is confident that sufficient staff is available to meet student needs. Success is measured based on IEPs. Most special education spending goes towards staff. Although staff training is provided, it is not set out separately in the budget.

¹ “there have been a very few rare occasions when HCPSS has placed a student out-of-state.” David Clark, citing Nancy Fitzgerald, via email 12/12/16

² “I believe the 6% included Public day placements such as Cedar lane. The percent of nonpublic is closer to 4%.” Nancy FitzGerald by email 12/14/16

The system has 4 behavior specialists³. They are busy. Ms. Fitzgerald wouldn't object to having more.

The State last did a Special Education Compliance Audit in 2012. Another one is likely in 2017. In that kind of audit, a selection of records and IEPs are carefully scrutinized. In the interim, resources teachers and instructional facilitators monitor compliance. Annual spot checking has not revealed any across-the-board problems. The internal compliance reviews are less formal than the State's audit and are more focused on results. State-wide, Howard County is among the top systems.

The special education budget is about \$50 million for school-based services, \$9 million for county-wide services (like OT where the staff travels to various locations), \$4 million for Cedar Lane, and \$10 for RECC. These numbers were not cut in this budget cycle.

Instructional facilitators attend IEP meetings and sometimes resource teachers also attend.

Open questions

- What is the non-public placement rate for special education students in all Maryland counties?
- What is the formula for special education staffing?
- What are the vacancy and turnover rates for special education staff?
- What are the demographics of special education students over the last several years?
- How is Maintenance of Effort for special education calculated?
- What percent of the special education budget is devoted to training?
- Should Maryland limit caseload size similar to what is done in Pennsylvania?
- What is the budget and actual amounts for spending on legal services related to special education?
- How much federal money does the County get for special education?

The Committee will meet next on December 22 to discuss the questions related to legal services. It is hoped that HCPSS will send individuals with appropriate expertise to brief the Committee. The Committee will also review its priorities, progress, and plans.

The Committee adjourned at 7:58 p.m.

³ "HCPSS has seven behavior specialists" David Clark, citing Nancy Fitzgerald, by email 12/12/16
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