

Focused Monitoring Technical Assistance

How does California effectively monitor efforts to serve the hundreds of thousands of students with disabilities in the state's thousands of schools? The short answer is with the help of Focused Monitoring and Technical Assistance (FMTA) at the California Department of Education (CDE). As part of the larger Quality Assurance Process (QAP),¹ which is designed to ensure that students with disabilities receive the services mandated by law, FMTA is one area where the policy gets personal.

The day-to-day work of FMTA is performed by individuals who serve as consultants—not to the CDE but rather to anyone in the state who has concerns about, or is involved with, the education of children with disabilities. FMTA is organized by five geographical regions; consultants are assigned within those regions to individual counties,² where they work with parents, teachers, school administrators, lawyers, and anyone else in need of direction, clarity, information, or support on issues of special education compliance.

Who Are These People?

California's FMTA consultants are people like Bill Lundquist who, after retiring from a 35-year career in education, realized he was not yet ready to leave public service. "I've worked in school districts as a SELPA administrator and in classrooms as an RSP [resource specialist] and general education teacher. I've taught in rural counties where you work with everyone. This job as a consultant fits perfectly with what I want to do at this point in my life, which is to serve children with disabilities. I understand the issues that parents have. I've been

through many of the challenges that district administrators face, and I know the challenges of special education." His own experiences, Lundquist says, "make it possible for me to respond well to people who call with concerns."

They are people like Terence Williams, who lightly dismisses his several degrees and certificates—in law, psychoanalysis, education, speech, and social work—and tells how he was drawn to his current work as a FMTA consultant because of his younger brother, who had Downs syndrome. "I know the impact [of disability] on family life and on me," says Williams. "I have a very personal interest in this work. I like to look back and think about what we as a family would have needed and what would have helped us with my brother, and that is what I apply to my work today."

Then there is Renzo Bernales, who joined the FMTA effort just last December. An immigrant to the United States, Bernales received his education here and went on to become a teacher and then a school administrator. Grateful for the opportunities afforded by his education, he wanted to give something back to the system; he sees his work in FMTA as a good way of doing that.

In addition to the county FMTA consultants, there are FMTA consultants who work as complaint investigators. Their job is to make an objective finding of compliance or noncompliance based on available evidence. Anita Salvo came to FMTA as an investigator five years ago, having worked as a teacher for almost 30 years in both general and special education at nearly all levels—elementary school through university. "Some of those years involved work with children

who were severely emotionally disturbed," Salvo says. She regularly "relies on the experience of those 30 years" to inform her current work.

Peggy Hernández, another investigator, says that she "always wanted to serve underrepresented populations." She has been a public servant since 1986, has held a number of positions, including vocational instructor at Folsom Prison, and has earned numerous credentials and degrees with a special education emphasis. Of herself and her colleagues at FMTA she says, "This is the type of employment that most of us aspired to achieve." She believes that school and district personnel all want to help students and that, despite the fact that her job involves monitoring and oversight, "I genuinely believe that no one [at a school district] wakes up each morning with the intent to deny services to children with disabilities. In most instances, the school and district personnel simply require technical assistance or additional training. This belief is based on my direct experience with school district staff and on the genuine effort and enthusiasm of most staff serving students with disabilities."

Hernández does not seem to be overstating the qualifications of her colleagues when she says that they are all "individuals with extensive background in special education, wanting to work with underrepresented populations to motivate and inspire people to make positive changes," which amount to better

1. Go to www.cde.ca.gov/sp/selqalqap.asp for more about the QAP.
2. See page iii for a list of the FMTA consultants assigned to each county and page iv for FMTA regional divisions.

service for students with disabilities.

In general, the FMTA consultants are a collaborative group. As consultant Lisa Stie explains, “We spend a lot of time sharing information with each other, sharing experiences and resources.”

What Do They Do?

FMTA consultants work closely with their procedural safeguards colleagues, complaint investigation team, and FMTA support staff to provide individualized assistance to the education entities in their assigned counties. “Each county in California has different financial, human, and community resources,” says Stie. “Our challenge is to get to know the students, their families, the special education service delivery people, and administrators and to customize technical assistance based on the myriad factors presented to us in individual situations. We work with families who are new to special education, families who are experienced, and everyone in between. Our goal is to promote clarity and understanding and to facilitate meaningful educational progress.”

This work involves monitoring school districts, Special Education Local Plan Areas (SELPA), county offices of education (including juvenile court schools), and California’s Developmental Centers (in conjunction with the California Department of Developmental Services) to help determine whether or not they are complying with special education laws and regulations. The consultants review data and help personnel from these entities perform the routine Self-Review and, if necessary, the Verification Review.

Approximately one-quarter of the California school districts conduct a Special Education Self-Review (SESR) every year, so that all districts will have conducted an SESR within a four-year period. The districts collect data and enter it into software that has been created for this purpose. Then, based on the data, the software generates corrective actions—what a district has to do to remedy any problem—for those

procedures that are not being followed according to regulations. For example, if an IEP (individualized education program) team has not completed transition planning for a student by the time the student is 16, this failure would require a corrective action.

When districts are in Self-Review, the consultants might visit them to “provide training on aspects of the process: uploading software, entering information, conducting a ‘file review,’” says Bernales. “This is especially important if the district has had staff turnover, particularly of staff who were familiar with the process.”

A Verification Review, which also comes with its own software, is required if a district is found to be systemically out of compliance with its legal obligations—for example, if the data show that general education teachers rarely participate in IEP meetings. For the Verification Review, FMTA consultants visit the districts to closely examine student records and meet with and survey parents for their perspectives.

As Lundquist explains, both types of reviews are customized. Based on 1,000 individual items from a Master Item Table, each review is created with items “selected from various allegations that correlate with the district’s compliance history, parental input, and items frequently noncompliant statewide,” says Lundquist. If a review shows that a problem is systemic in a district, then that district has to undergo training and review its policies, procedures, and practices for appropriate content. Consultants help to assign corrective actions and, if appropriate, sanctions, which can range from requiring a district to make a certain notice available in Spanish to withholding specific kinds or amounts of funding.

While all of these processes are designed to bring districts, SELPAs, and county offices of education into compliance with state and federal requirements, the processes are not designed to be punitive. Consultants work with the

district or county staff to help them get the information and training they need to improve their efforts, the intent being “to ensure that these entities are abiding by the law and that everyone is just doing what they are required to do,” says Hernández. As Bernales sees it, these processes “provide a vehicle for districts to improve on the delivery of services to students with disabilities.”

In addition to the reviews, “Sometimes districts just need information about points of law,” says Stie. “They need to understand procedures for reporting data, they require guidance on how to work with other units in the Special Education Division, and they need to know what it means to be a highly qualified teacher. We are here to help find answers. We are not just a complaint desk; we welcome all kinds of questions.”

“All of these laws, regulations, and procedures,” explains Lundquist, “are in place to ensure one thing: that a child receives ‘educational benefit.’ This means that the IEP is giving the child an opportunity to progress in understanding material in the curriculum and gain skills. The child has a right to make progress, and how he does that is a measure of the benefit the child is deriving from the IEP-directed special education supports and services. What parents sometimes don’t understand is that, as the child makes growth, he may need fewer services. That’s a good thing, not a bad thing. The reviews we conduct help to give us a snapshot over time, telling us whether or not progress is taking place.”

Salvo talks about an additional aspect of FMTA work: “educating parents about how to advocate. That involves understanding the difference between compliance and best practices.” While the state is required to comply with the legal mandates of IDEA, it is not required to provide the best possible education or most ideal set of services for a child with a disability. This distinction is important—but not always easy—to

understand, and it sometimes helps to talk with someone well versed in the law. Given the law's complexity, a FMTA consultant may well be a parent's best source of information and clarity.

In general, FMTA consultants spend a great deal of time on the phone and seem to thrive on personal connections. Bernales, for example, operates out of the belief that "all questions are interesting and important. The person calling me must have a deep-seated interest in getting an answer. I take that very seriously. The system is sometimes complicated and difficult to navigate. I can help by providing information and, when necessary, direction to additional resources."

In Bernales' experience, "There are times when parents call me with a question that may have nothing to do with the monitoring functions of a consultant. We try to direct them so they know where to find the information they need for their child." And Stie says that she is "always happy to talk to families, especially those who are dealing with IEPs for the first time. I can give them some guidance about processes."

What Don't They Do?

While FMTA consultants operate from a wealth of experience and have many resources to offer, Lisa Stie points out that she and her FMTA colleagues cannot do everything their callers request. We "are not mediators or administrative law judges when there is a dispute. If a problem cannot be solved, if the involved parties cannot come to an agreement, they can file for an administrative hearing. But that is not what we do. We provide information."

Lundquist reiterates this point: "While we provide information and direction, we cannot directly 'fix' a district, although sometimes this happens through ordered corrective actions as a result of a complaint." And Williams explains, "We do not set policies for the schools. Our responsibility is to ensure that districts are in compliance with applicable laws and regulations." But if anyone has a question about special education and is not sure if the FMTA county consultant is the right person to call, Williams insists they "call anyway. Often we can help. I get parents who call

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and do not want to file a complaint. But I can follow up with a school so that a situation does not grow out of hand.”

What Do They Recommend?

Collectively these consultants have seen every conceivable problem in special education. Conversely, they have also seen countless ways to avoid problems and provide effective services. What, after thousands of hours of working with school districts and parents, do they advise? Williams, for one, encourages “school staff to write an IEP so their colleague who will be the incoming teacher for this student has meaningful information that will help that teacher know the student. I also like to remind staff that, when they are writing an IEP, it is not just for their colleagues and it is not just one more IEP. For each parent, this is the *only* IEP.”

The most common complaint that Salvo sees is “the failure to implement the IEP.” She encourages parents and teachers both to be diligent in knowing exactly what the IEP says and what evidence exists that it is being followed. She encourages parents to be particularly aware of what they are agreeing to and to know that they can agree to parts of the IEP; they do not have to agree to the whole thing. Knowing this, in Salvo’s experience, can help prevent the delay of important services—and prevent misunderstandings.

Finally, it is helpful for everyone involved in special education to be aware of the most common stumbling blocks. Salvo believes they have to do with IEP goals. “Goals are one of the hardest things to understand and to write,” she says. The better teachers are at writing IEP goals and the more parents understand goals, the better the IEP communications will be. (For information about writing IEP goals based on state academic standards, go to www.cde.ca.gov/sp/selsr/ieptraining.asp.)

While the FMTA consultants, in Stie’s words, bring “a wealth of experience to their job,” they also bring a

realistic sense of how their monitoring efforts fit into the larger scheme of things. Lundquist describes his work as “trying to help school districts complete processes that the California Department of Education requires, without impinging on [the districts’] job of educating students.” Bernales says, “We all know that they [school and district administrators] are overloaded all the time. Having an agency that comes in to monitor them only adds an additional level of stress that probably does not seem relevant to them. As consultants, we understand that, and so we go in with an attitude of working on things together. Our goal is simply to help the districts do a better job serving the needs of every child with a disability.”

Stie jokes about the CDE identification badges she and her colleagues wear when visiting districts. “Some of us like to show our badges and begin a visit with, ‘Hi. We’re from the State and we’re here to help,’ at which point both the district and CDE staff have a good laugh. Then we all sit down to work jointly towards just that.” While Stie and her fellow consultants seem to take delight in poking fun at themselves, they take a very serious delight in helping districts shed negative perceptions of FMTA services. “We work hard to help, especially with the most challenging cases. When we show up, people do not need to be afraid,” she says.

In the meantime, if you have a question, just call.

California’s Five Focused Monitoring Regions

