



September 10, 2019

Heather Carlson, Associate Director of Special Education  
California Department of Education  
Nonpublic Agencies Unit  
1430 N Street, Suite 2401  
Sacramento, CA 95814

**Re: California Department of Education NPA Fee Increases**

Dear Ms. Carlson,

On behalf of the Occupational Therapy Association of California (OTAC), we are writing to thank you and your team for taking the time on Friday, August 23 to participate on a call with NPA members of OTAC, along with our lobbying firm, Capitol Advocacy, and OTAC executive director, Karen Polastri. Thank you for hearing our concerns about the 50% fee increase that was conveyed by CDE August 1, 2019 via email and due October 31, 2019. You explained that the fees were increased in order to cover the two full-time equivalent (FTE) staff you plan to hire due to increasing numbers of audits and influx of new therapists wishing to become NPAs.

Our concerns regarding the increase are as follows:

1. **We would like to understand how the 50% increase was calculated.** You stated the need for \$220,000 per year for the two FTEs, but the increase conservatively translates to more than \$600,000 that will be collected from the more than 830 NPAs, not accounting for the additional requests that you stated continue to occur. We understand that the COLA is supposed to reflect the past ten years as fees have not been increased over that time period, but the significant increase is almost three times more than what appears to be needed to fund two FTEs.
2. **Lack of notice.** From past experience, your agency has given its stakeholders a minimum of a year's notice when a fee/cost has been required, e.g. one-year advance notice was provided for the audit request. To date, the only contact to NPAs from your department was emailed August 1, though you stated that you had submitted the request in January 2019. This means the planning occurred well before December 2018. OTAC was not contacted. All NPAs annually negotiate their contracts with LEAs and school districts by June/July – knowing this increase ahead of time would have altered the price negotiated in those contracts.

For these reasons, we strongly urge the Department to consider the following recommendations:

1. **Fee reduction.** We request that the fee increase be reduced to cover the actual costs for additional CDE staff at this time.
2. **Delay fee implementation.** We request that the increase be delayed by one year, which will give NPAs the opportunity to negotiate the contracts to fully include their cost centers.

OTAC is a not-for-profit professional association representing the interests of the more than 18,000 licensed occupational therapy clinicians throughout California. Occupational therapists (OTs) and occupational therapy assistants (OTAs) work with people of all ages experiencing physical and behavioral health conditions or disabilities to develop, improve, or restore functional daily living skills, such as caring for oneself, managing a home, achieving independence in the community, driving, or returning to work. The provision of this type of care in facilitating and restoring everyday capacities in our patients optimizes participation in work and life for the citizens of California.

Speaking on behalf of all OTAC members, we appreciate the work that CDE does to ensure the health and safety of our students. We support the monitoring process and invaluable work that your staff does to ensure that nonpublic agencies and schools provide the highest level of support to ensure access to the educational curriculum for all students.

We have raised this issue with our members and welcome your input. Please contact Ivan Altamura with Capitol Advocacy at [ialtamura@capitoladvocacy.com](mailto:ialtamura@capitoladvocacy.com) or (916) 444-0400 if you have any questions. Thank you in advance for your consideration of this request.

Respectfully,



Heather J. Kitching, OTD, OTR/L  
President  
[pres@otaonline.org](mailto:pres@otaonline.org)



Diane L. Gale, MBA, OTR/L, CPMT  
Chair, Private Practice Network  
[werthgale@cox.net](mailto:werthgale@cox.net)

cc: Tina Tranzor, Education Administrator, California Department of Education  
Allison Fernandez, Associate Program Analyst, California Department of Education  
The Honorable Holly Mitchell, Chair, Senate Budget Committee  
The Honorable Phil Ting, Chair, Assembly Budget Committee  
California Department of Finance  
Jennifer Johnson, Deputy Legislative Secretary, Office of Governor Newsom