



CSIS California School Information Services

San Leandro Unified School District

Special Education Review (revised)

May 22, 2014

Joel D. Montero
Chief Executive Officer







CSIS California School Information Services

May 22, 2014

Michael McLaughlin, Superintendent
San Leandro Unified School District
14735 Juniper Street
San Leandro, CA 94579

Dear Superintendent McLaughlin,

In September 2013, the San Leandro Unified School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for a special education review. Specifically, the agreement stated that FCMAT would perform the following:

1. Analyze the district's special education encroachment on the general fund for the 2011-12 and 2012-13 fiscal years and make recommendations for greater efficiency.
2. Provide an analysis of staffing ratios for all special education certificated and classified staff positions using requirements for mandated services and statewide guidelines.
3. Review special education transportation including routing, scheduling, operations, staffing and the role of the IEP, and determine how costs could be reduced.
4. Analyze current special education programs and services and determine if a full range of services are provided consistent with federal and state law.
5. Determine if the district overidentifies students for special education, and assess the identification rates of preschool students transitioning into the district.
6. Examine the use of 1-to-1 instructional aides and the procedures for identification, placement and fading and make recommendations to improve efficiency.
7. Examine the costs of nonpublic school placements and the use of nonpublic agencies and make recommendations for greater efficiency, if needed.

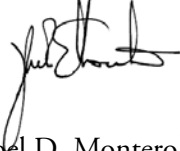
This revised final report contains the study team's findings and recommendations in the above areas of review. FCMAT appreciates the opportunity to serve the San Leandro Unified School District, and extends thanks to all the staff for their assistance during fieldwork.

FCMAT

Joel D. Montero, Chief Executive Officer

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Administrative Agent: Christine L. Frazier - Office of Kern County Superintendent of Schools

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel D. Montero', with a stylized, cursive script.

Joel D. Montero
Chief Executive Officer

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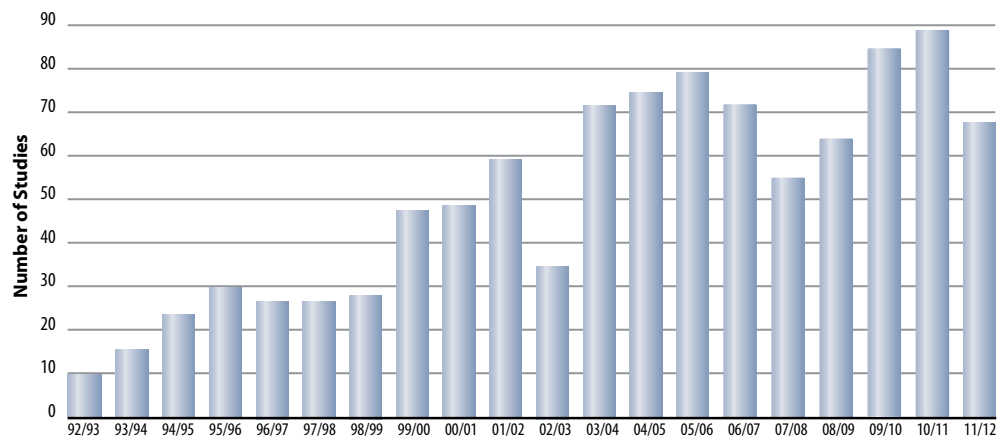
About FCMAT

FCMAT's primary mission is to assist California's local K-14 educational agencies to identify, prevent, and resolve financial and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related school business and data services. FCMAT's fiscal and management assistance services are used not just to help avert fiscal crisis, but to promote sound financial practices and efficient operations. FCMAT's data management services are used to help local educational agencies (LEAs) meet state reporting responsibilities, improve data quality, and share information.

FCMAT may be requested to provide fiscal crisis or management assistance by a school district, charter school, community college, county office of education, the state Superintendent of Public Instruction, or the Legislature.

When a request or assignment is received, FCMAT assembles a study team that works closely with the local education agency to define the scope of work, conduct on-site fieldwork and provide a written report with findings and recommendations to help resolve issues, overcome challenges and plan for the future.

Studies by Fiscal Year



FCMAT also develops and provides numerous publications, software tools, workshops and professional development opportunities to help local educational agencies operate more effectively and fulfill their fiscal oversight and data management responsibilities. The California School Information Services (CSIS) arm of FCMAT assists the California Department of Education with the implementation of the California Longitudinal Pupil Achievement Data System (CALPADS) and also maintains DataGate, the FCMAT/CSIS software LEAs use for CSIS services. FCMAT was created by Assembly Bill 1200 in 1992 to assist LEAs to meet and sustain their financial obligations. Assembly Bill 107 in 1997 charged FCMAT with responsibility for CSIS and its statewide data management work. Assembly Bill 1115 in 1999 codified CSIS' mission.

AB 1200 is also a statewide plan for county offices of education and school districts to work together locally to improve fiscal procedures and accountability standards. Assembly Bill 2756 (2004) provides specific responsibilities to FCMAT with regard to districts that have received emergency state loans.

In January 2006, SB 430 (charter schools) and AB 1366 (community colleges) became law and expanded FCMAT's services to those types of LEAs.

Since 1992, FCMAT has been engaged to perform nearly 850 reviews for LEAs, including school districts, county offices of education, charter schools and community colleges. The Kern County Superintendent of Schools is the administrative agent for FCMAT. The team is led by Joel D. Montero, Chief Executive Officer, with funding derived through appropriations in the state budget and a modest fee schedule for charges to requesting agencies.

Introduction

Background

San Leandro Unified School District has an approximate enrollment of 8,800 students in programs from preschool through 12th grade. The district has eight elementary schools, two middle schools, one high school, one continuation high school and one adult education center. The Fiscal Crisis and Management Assistance Team (FCMAT) was asked to review the district's increasing costs for special education programs and services, the identification of students for special education, and the efficiency of special education central office operations.

Study Guidelines

FCMAT visited the district on February 11-14, 2014 to conduct interviews, collect data and review documents. This report is the result of those activities and is divided into the following sections:

- Executive Summary
- Fiscal
- Program Delivery
- Staffing and Caseloads
- 1:1 Instructional Aides
- Nonpublic Schools and Agencies
- Transportation
- Identification Rate
- Appendices

In writing its reports, FCMAT uses the Associated Press Stylebook, a comprehensive guide to usage and accepted style that emphasizes conciseness and clarity. In addition, this guide emphasizes plain language, discourages the use of jargon and capitalizes relatively few terms.

Study Team

The study team was composed of the following members:

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*As members of this study team, these consultants were not representing their respective employers but were working solely as independent contractors for FCMAT. Each team member reviewed the draft report to confirm accuracy and achieve consensus on the final recommendations.

Executive Summary

The district's contribution to special education from its unrestricted general fund was 29.4% of total special education funding in 2011-12, including transportation. This was below the state-wide average of 32% reported by the California State Board of Education Workgroup Guidelines developed in November 2011. The district anticipates an increase to 35.4% for the 2013-14 fiscal year, which is a growth of 6% in the past two years.

Increased expenditures were caused by many factors. At the same time that revenues of the district for special education decreased by \$420,164 in 2012-13, the expenditures for salaries and benefits increased by \$703,991. The total cost of special education programs and services exceed statutory requirements by \$1,032,254 as a result of outdated program design and implementation.

Overstaffing has occurred in the past two years due to a lack of leadership, accountability and oversight.

Numerous inefficiencies are caused by a lack of internal operational procedures, interdepartmental communication, and effective systems to support efficient special education operations.

The district offers a full continuum of special education programs and services consistent with the requirements in federal and state law; however, a more robust continuum would allow students to remain in district programs and reduce the need for costly out-of-district placements.

The district identifies 12% of its students as eligible for special education, which is higher than the statewide average of 10%. This is due to the lack of implementation of Response to Intervention because no informal interventions are available at lower levels. Schools identify students for special education to obtain some level of classroom support.

Excess transportation costs for the 2013-14 school year are projected at \$534,507. The district is a member of the South County Transportation Group, through which it transports its disabled students. The joint powers authority (JPA) currently has no leader, no staff, and the bylaws provided do not provide much insight into the JPA's operations. Durham Transportation is the service provider; however, no one manages the contract. The contractor provides the routing and there is no detailed billing.

Approximately 18.7% of the district's special education students have transportation designated as a related service on their Individualized Education Program (IEP). This exceeds the average of 10% that FCMAT finds in districts studied.

Findings and Recommendations

Fiscal

Unrestricted General Fund Contribution

The district requested FCMAT to review its unrestricted general fund contribution to special education. Most school districts need to make contributions from their unrestricted general fund to special education to sustain these programs as required for excess costs; however, the district is concerned about the amount of the contribution.

The Code of Federal Regulations defines excess costs as follows:

Excess costs means those costs that are in excess of the average annual per student expenditure in a LEA (local educational agency) during the preceding school year for an elementary or secondary school student, as may be appropriate. (34 CFR 300.16)

Excess special education costs that require a contribution from a district's unrestricted general fund (also known as encroachment) begin to accrue only after the costs of educating special education students exceed the district's proportionate share of the average per-pupil expenditures. Therefore, a school district's local general fund is required to pay its share of the cost of special education first.

The State Board of Education Work Group reported to the state board in November 2011 that the expected average unrestricted general fund contribution to special education for California school districts was 30.49% in 2011-12, and projected an increase to 32.08% in 2012-13.

The Legislative Analyst's Report dated January 3, 2013 states, "a combination of increasing special education costs and relatively flat state and federal special education funding has resulted in local budgets covering an increasing share of these costs."

The report also states the following:

For FY (fiscal year) 2012, Individuals with Disabilities Education Act (IDEA) federal funding covered 16 percent of the estimated excess cost of education children with disabilities, less than in FY 2008 when federal funding covered 17 percent of the cost and well below FY 2009 when additional funding through the American Recovery and Reinvestment Act (ARRA) covered 33 percent of the cost. The IDEA Part B "full funding" for FY2012 would have amounted to approximately \$28.33 billion, or roughly \$16.95 billion more than was actually appropriated. The shortfall in IDEA funding has been assumed by the states and local school districts.

Districts have little control over special education revenues. California distributes funds to special education local plan areas (SELPA) based on the total number of students in the SELPA, not on their disability status.

The reporting methods of districts, county offices and SELPAs can vary. Some districts include transportation, while others do not; some but not all have county office apportionments, and there are variations in how special education funds are allocated through a SELPA's allocation plan. Therefore, it is not always possible to accurately compare a district's unrestricted general fund contribution to that of other districts. However, a district may need to address a general fund contribution that is excessive or increasing.

Maintenance of effort (MOE) is the federal statutory requirement that a district must spend the same amount of state and local money on special education each year, with limited exceptions. In considering how to reduce the overall unrestricted general fund contribution, the district is required to follow the guidelines in the MOE document (20 U.S.C.1413 (a)(2)(A)). This document from the California Department of Education (CDE) lists the following as exceptions that allow the district to reduce the amount of state and local funds spent on special education:

1. The voluntary departure, by retirement or otherwise, or departure for just cause, of certificated and/or classified special education or related service personnel (does not include contract nonrenewal or staff layoff due to budget shortfall).
2. A decrease in enrollment of children with disabilities.
3. The termination of the obligation to provide a program of special education to a particular child with a disability that is in an exceptionally costly program because:
 - A. Child has left the jurisdiction of the agency; or
 - B. Child has reached the age at which the obligation of the agency to provide free appropriate public education to the child has ceased.
 - C. The child no longer needs the program of special education.
4. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities (must have per unit cost of \$5,000 or more).

The CDE recently reported to a state MOE work group that the federal regulations regarding the use of the local only test may be reinstated to ensure that LEAs are monitoring their MOE. The local only test determines if the same amounts of local funds were expended by the district on special education activities as the previous fiscal year and/or the same student per capita amount from local funds was expended in the previous fiscal year.

Language in proposed federal regulations indicates districts may go back to the last time they used local only to pass MOE. However, if the local only test has never been used to pass MOE, then a district may only go back to the prior fiscal year. The final federal regulations have not yet been passed into law but are expected to be soon.

The district's percentage of unrestricted general fund contribution based on the MOE documents provided to FCMAT was 29.4% or \$2,757,487 in 2011-12 and 35.4% or \$4,184,712 in 2012-13. This is an increase of 6% or \$1,427,225 in three years. This general fund contribution is estimated to further increase in 2013-14.

FCMAT reviewed the district's general fund contribution with district staff. The district's concern was both the percentage and the increase of the general fund contribution over the last two years.

Several factors affect a district's unrestricted general fund contribution, including the revenue received to operate the programs and the expenditures for salaries and benefits, staffing and case-loads, nonpublic school and nonpublic agency costs and transportation. Litigation and Extended School Year (ESY) can also increase a district's general fund contribution, but the district reported that these are not areas of concern at this time.

The district belongs to the Mid-Alameda County Special Education Local Plan Area (MAC SELPA), which has developed an allocation plan for the member districts. The SELPA AB 602 Special Education Funding Exhibit for 2013-14 dated 2/12/14 allots the SELPA \$209,568 for staff and operating expenses. An additional \$230,000 is retained by the SELPA for program transfers. All other funds are allocated to the member districts.

The one revenue area that a district has some control over is Medi-Cal Local Education Agency (LEA) billing. It is generally understood that Medi-Cal monies cannot be used to supplant (to substitute for funds or services that would otherwise be provided during the time in question) the district's current expenditures or for staff salaries during the portion of the day that they generate Medi-Cal funds.

Medi-Cal funds can generally be used for one-time expenditures such as a van, other equipment, and travel. When district budgets are severely affected, such purchases may not be possible, even with Medi-Cal funds. Medi-Cal funds are also used to cover the billing contract for the Medi-Cal billing provider and for staffing such as new health aides. Medi-Cal money can also be used to cover expenses such as new testing materials, protocols or conferences for the support staff that generate Medi-Cal revenue. Once an item is funded under either the special education or general fund budget, the ability to fund it under Medi-Cal is significantly restricted.

The SLUSD Special Education Fiscal Year Comparison document provided by the district to FCMAT includes Medi-Cal revenue. In 2011-12 the revenue was \$72,214, in 2012-13 it was \$43,739, and for 2013-14 it is estimated at \$44,722. Until this year the district submitted Medi-Cal forms manually. This year submissions are digital using the computerized Individualized Education Program (IEP) system SEIS. The district's billing agent has reported that submissions are down from last year and that the district, at this time, will not be receiving the amount anticipated. Specific questions about expending Medi-Cal funds should be addressed to the district's Medi-Cal billing agent.

The table below compares the revenue the district receives from both state and federal resources excluding the Medi-Cal revenue discussed earlier. This data was provided to FCMAT in the SLUSD Special Education Fiscal Year Comparison document. Since 2011-12 the district's revenue received to operate special education programs has decreased by \$420,164.

Special Education Revenue from 2011-12 to Estimated 2013-14

	2011-12	2012-13	Estimated 2013-14	Difference from 2011-12 to estimated 2013-14
Preschool	\$178,000	\$247,506	\$160,392	-\$17,608
Mental Health (including one time funds)	\$585,603	\$684,011	\$599,176	+\$13,573
Revenue limit	\$1,420,476	\$1,379,179	\$1,241,960	-\$178,516
Property Tax	\$332,927	\$401,030	\$395,953	+\$63,026
Transfer Apportionment	\$3,137,352	\$2,907,357	\$2,959,913	-\$177,439
Entitlement	\$1,820,860	\$1,939,371	\$1,745,395	-\$75,465
Medi-Cal Administration (MAA)	\$50,940	\$30,472	\$30,472	-\$20,468
Staff Development and Low Income	\$5,026	\$4,989	\$5,159	+\$133
Apportionment	\$254,717	\$254,232	\$254,232	-\$485
Mandated Claims	\$26,915	\$0	\$0	\$26,915
Total Difference from 2011-12 to estimated 2013-14				-\$420,164

Source: District document titled SLUSD Special Education Fiscal Year Comparison

The table below compares salaries and benefits for both certificated and classified special education staff provided to FCMAT by the district. During this time the revenue has decreased by \$420,164 while salary and benefits expenditures have increased by \$703,991.

Salaries and Benefits from 2011-12 to Estimated 2013-14

	2011-12	2012-13	Estimated 2013-14	Difference
Certificated Salaries	\$5,789,074	\$5,952,521	\$6,335,625	+\$546,551
Classified Salaries	\$1,819,350	\$2,087,563	\$1,989,948	+\$170,598
Benefits	\$1,419,527	\$1,505,536	\$1,406,369	-\$13,158
Total Increase				+\$703,991

Source: District document titled SLUSD Special Education Fiscal Year Comparison

Staff reported that the increase in certificated salaries from 2012-13 to the projected 2013-14 budget was for additional psychologist and program specialist positions. The increase in the classified budget was for additional instructional aide positions, not clerical staff.

Stipends are included in the classified salary schedule. Resource specialists, special day class teachers, speech therapists, psychologists and the behavior specialist all receive stipends. Stipends for speech therapists and psychologists have been included in the salary schedule in other districts that FCMAT has reviewed. It is not as common to find stipends for special education teachers. Using the average stipend rate, FCMAT estimated that if the special education teacher stipends were eliminated, the district could reduce expenditures by \$201,370; however, any changes such as this would need to be negotiated with unions representing certificated staff.

Estimated Savings if Stipends are Eliminated

	Average Stipend	Current Staffing	Total Savings
Resource Specialist	\$2,304	25.4	\$58,522
Special Day Class	\$4,608	31	\$142,848
Total			\$201,370

Source: San Leandro USD Additional Stipends 2013-14

The district reported that some staff may be coded 100% to special education although a percentage of their day is in general education. Adjusting the coding for any staff that are providing services to both general education and special education will not reduce the total budget but will ensure that the special education budget is accurate.

Communication and Budgeting

The previous director of special education did not interface with the business department regarding either budget development or budget monitoring. The special education budget has been under the direction of the business department. District staff reported that the special education budget is rolled over from one year to the next year based on the prior fiscal year's income and expenditures.

It is normal for a special education budget to fluctuate during the year, and the business department should be aware of these fluctuations. The district's student services, human resources and business departments do not meet or communicate regularly regarding budget changes. As a result, the business department relies on the SELPA for budget information. With the

curriculum and instruction department implementing Common Core, it is equally important for student services to meet regularly with curriculum and instruction so that duplication of training and purchase of materials do not occur.

Recommendations

The district should:

1. Monitor the district's general fund contribution through the annual MOE and determine if the district can reduce expenditures using any of the exemptions allowed.
2. Monitor the proposed federal regulations regarding MOE and any changes regarding the local only test that may allow increased flexibility in reducing the unrestricted general fund contribution.
3. Review the process for Medi-Cal billing with all staff who can submit for Medi-Cal and monitor the billing monthly to ensure maximum revenue recovery.
4. Review the current practice of providing stipends to special education teachers and determine if this practice should continue.
5. Review the coding of all special education staff to determine if there are staff that should be coded to general education, thereby reducing the potential increase in the general fund contribution in the MOE.
6. Ensure that the director of special education is involved in all areas of special education budget development and monitoring.
7. Schedule meetings at least quarterly prior to the SELPA finance meetings with the special education, human resources and business departments to monitor the general fund contribution and all budget adjustments.

Program Delivery

FCMAT was asked to analyze the district's special education programs and services to determine if a full range of services is provided in accordance with state and federal legal regulations.

The special education program is administered through the Department of Special Services. The department leadership includes a director, two full-time equivalent (2.6 FTE) program specialists, and two secretarial staff (2 FTE). This staff is responsible for support and oversight of the special education program preschool through adult transition.

Special education programs and services have been delivered in alignment with the San Leandro Special Education Procedural Manual (2009 edition). This manual outlines a continuum of programs and services intended to meet the minimum standards required by state and federal regulations. While it is good practice to maintain a procedural manual, its contents are outdated and have not kept pace with the changes in the state and federal regulations. Furthermore, district and site procedures have broken down over time, leading to overidentification of students, as well as overstaffing in certificated, classified, and itinerant positions across the district. The current level of overidentification (12%) and overstaffing has resulted in more than \$1 million in increased contribution from the unrestricted general fund. The total cost of the special education program and services exceeds statutory requirements by \$1,032,254.

The job descriptions for positions in the special education department are outdated, such as resource specialist program (RSP), special day class teacher (SDC), speech and language pathologist (SLP), and psychologist. Some job descriptions have not been updated since 1972.

The district lacks a formalized procedure to assess the need for a student to transfer from one tier of intervention to another. Changes in learning environment, e.g., from least restrictive to more restrictive are made based on subjective data gathered individually.

The district lacks a response to intervention (RtI) system to provide support at the lowest level prior to making program placement adjustments. This distances students from interactions with typical peers and grade level learning experiences with the Common Core State Standards (CCSS). RtI is cited in the reauthorization of the Individuals with Disabilities Education Act (IDEA) of 2004 related to the determination of a specific learning disability and in 34 Code of Federal Regulations Sections 300.307, 300.309 and 300.311 as a proactive approach to providing intervention proportional to student needs. The CDE recently revised its guidance recommendations to expand intervention support through a Multi-Tiered System of Support (MTSS; Sugai and Horner, 2009). Two key approaches within the MTSS methodology are establishing an effective Response to Instruction and Intervention (RtI²) program and establishing a positive behavior support program (PBSP). Detailed information about the MTSS methodology can be found in the CDE 2014 [Draft ELA/ELD Framework Chapter 9](#). Additional information about resources and strategies for effective RtI² programs can be found in the guide developed by the CDE entitled "[Determining Specific Learning Disability Eligibility Using Response to Instruction and Intervention \(RtI²\)](#)."

The district lacks internal capacity to provide sufficient services to students with special needs and has an overreliance on student placement at nonpublic schools (NPS) because of limited available space in district classrooms.

A breakdown in communication with the Curriculum and Instruction Department contributes to the overall disconnect between student identification and individualized services provided in the least restrictive environment. Special education teachers do not have access to training for

the implementation of CCSS. Special education teachers and students do not have adequate access to grade level core curriculum and classroom technology commensurate to that of the general education teachers and students. An overall lack of training in the use of state standards, combined with inadequate core instructional materials and technology, creates inequitable access to grade level learning environments for students with special needs.

The district lacks a comprehensive early identification program for preschool age children (3-5 years old). Rather than using a multidisciplinary team, the initial consultation up through evaluation and identification is completed by a psychologist and the parents. This practice may lead to narrow perspectives and decisions, and it limits the ability of the district to provide a continuum of services that may benefit the student, general and special education.

The district's policies, procedures, and implementation of mental health services contain deficiencies. With the passage of Assembly Bill 114 on June 30, 2011, county mental health agencies ceased providing mental health services to disabled students. School districts are now solely responsible for providing these services. Both the funding and costs have been transferred to the school districts to manage. Detailed information on the [AB 114 Special Education Transition](#) can be found at the CDE website. The district has not developed sufficient programs to address the transition of mental health services to the local level. Exemplary districts have developed a memorandum of understanding with a nonpublic agency (NPA) or have implemented a PBSP with adequate staffing to ensure that mental health services are delivered effectively.

The district provides a continuum of services ranging from mainstreaming in general education classrooms with resource program level support to moderate to severe programs with significant restriction from the general education environment. A brief summary of the service delivery options is shown in the table below. Many of these options are outdated and do not reflect exemplary program delivery practice in California school districts.

Service Delivery Options for Students with Special Needs

Service Delivery Option	Description	Program Status
Resource Special Program (RSP)	Traditional program description with emphasis on support provided outside of the general education classroom	Outdated model
Mild/Moderate SDC	Language rich and primarily academic in focus; self-contained, limiting student access to typical peers.	Outdated model
Moderate/ Severe	The instructional emphasis is not on academics, with focus on teaching skills that will enable the student to function in their natural environment. Major focus is on community-based instruction with an emphasis on pre-vocational/vocational, recreation/leisure, domestic and community.	Outdated model
Counseling Enriched Special Day Classes (3-5) (6-8)	Program designed to provide counseling as a component of the program for students needing a higher level of support. Offered at Roosevelt Elementary and Muir Middle School. Not aligned to PBSP or PBIS structure, not accessible at all schools.	Outdated model
Day Treatment (ED)	Program for emotionally disturbed students with extreme aggressiveness and/or severe emotional withdrawal with strategic implementation of behavioral management techniques. Individual, group, and family and crisis intervention is provided on site.	More information needed to determine alignment to current practice in state. Need to determine level of SELPA involvement.
Visually Impaired Special Day Class	Regional class provided in Castro Valley. Serves infants, preschool and K-12 students. Orientation and mobility provided through these classes.	Standard program delivery model

Service Delivery Option	Description	Program Status
Hearing Impaired Special Day Class	Self-contained regional classes in Hayward Unified School District with two approaches in classrooms: oral and total communication.	Standard program delivery model
Nonpublic Schools	Out-of-district placement in a certified nonpublic school when all other program options have been exhausted. NPS have been over-utilized.	Non-standard program delivery model due to overutilization
California Schools for the Deaf and Blind	These are residential schools operated by the state and are the most restrictive placement for these low incidence disabilities. The School for the Deaf is located in Riverside and the School for the Blind is in Fremont.	NA

Source: District-provided data

The district offers a variety of related services based on student need. The related services are identified in the district's Special Education Procedural Model (2009) as DIS (Designated Instructional Services). Similar to the program service delivery options, the terms and descriptions need to be updated to align to industry standard. Many of the related services are provided using a nonpublic agency (NPA). However, there is no evidence of district procedures for developing individual service agreements (ISA) that are fiscally responsible and delineate fading plans for student reintegration into the mainstream environment. The table below summarizes the related services and how they are provided.

Related Services Provided By District or NPA

Related Service	Total Students Receiving Service	Service Provider
Speech and Language	10.3 FTE	District (.8 NPA)
Adaptive Physical Education	1.4 FTE	District
Hearing Impairment and Audio logical	None listed	
Orientation and Mobility		
Visually Handicapped	.3	SELPA
Psychological Counseling	Not listed	
Health and Medical	Not listed	
Vocational Education and Career Development	Not listed	

Source: District-provided data

Recommendations

The district should:

1. Form a special education task force composed of representatives from all stakeholder groups to research exemplary special education programs and make recommendations that will lead to the development of a strategic plan. This plan will define the service delivery model for supporting students with special needs.
2. Review special education program service delivery models and align to industry standards, maximizing student access to mainstream classroom and typical peers.

3. Revise and align special education certificated job descriptions to redefined program service delivery models.
4. Revise guidelines for preparation and facilitation of a legally defensible IEP team meeting process.
5. Revise guidelines for the development of an IEP with emphasis on student placement in the least restrictive environment.
6. Develop guidelines for IEP teams to follow in considering out-of-district placements in county programs, state regional programs, and/or nonpublic schools.
7. Develop procedures for student placement at nonpublic schools and/or nonpublic agencies to include fading plans to return students to mainstream educational environments as rapidly as possible.
8. Establish a strong communications between the Curriculum and Instruction and Special Services departments to ensure that special education programs are valued and included in district planning and decision making related to curriculum and instruction.
9. Ensure that all special education teachers and staff have access to a variety of professional development opportunities (Common Core, collaboration, progress monitoring, intervention, curriculum review, etc.) to continually develop their knowledge, skills and abilities to provide high quality instruction aligned to grade level standards.
10. Ensure that all special education teachers and students have access to high quality, district adopted, and state approved instructional materials aligned to grade level standards.
11. Complete a technology audit of all special education classrooms and programs.
12. Use result of the technology audit to develop a plan to refresh technology systems and devices to align to industry standards.
13. Create an interdepartmental committee to develop a comprehensive Multi-Tiered System of Support that includes an Response to Intervention and Instruction (RtI²) program and a districtwide Positive Behavior Support Program to address student needs at the lowest level and as rapidly as possible.
14. Develop a positive behavior support team to provide necessary training and support to both general and special education staff.
15. Develop a multidisciplinary team to develop and implement a system for preschool screening and identification.
16. Revise the Special Education Procedures Manual after implementation of the special education task force and development of the strategic plan.

Staffing, Caseloads and Efficiency

FCMAT was asked to analyze all special education certificated and classified staff positions using requirements for mandated services and statewide guidelines.

The district provided FCMAT with two staffing reports; each was generated manually and in isolation from the other. Review of both staffing reports identified discrepant information related to staffing levels for special education services districtwide. FCMAT utilized the staffing report containing staff lists aligned to budget codes. Maintaining data manually can lead to great inefficiencies as it is often inaccurate, outdated, or more vulnerable to human error. It is also time-consuming to enter and maintain. Inaccurate staffing data may lead to decisions that are subjective rather than driven by objective staffing criteria. The district does not use a position control system to monitor staffing assignments for certificated and classified staffing positions.

It is best practice for special education administrators to establish objective staffing criteria and to monitor the following data monthly:

1. Caseloads and class sizes of all service providers and teachers using a carefully maintained database. This should include lists by school, service delivery option and teacher, to be shared with special education staff and school site principals.
2. The number of instructional assistants and one-to-one assistants, especially when new staff is added.
3. All related services (formerly designated instruction services) caseloads including psychologists (counseling), speech language pathologists, adaptive physical education, occupational therapy, assistive technology, etc.

Resource Specialist Programs (RSP)

The resource specialist position provides specialized academic instruction/intervention to disabled students in the general education classroom setting and as a pullout program. Education Code 56362 identifies the maximum RSP caseload as one teacher per 28 students. District data indicates that a total of 25.4 RSP teachers serve 634 students, for an average caseload of one teacher per 25 students. This caseload average is three students lower per classroom than the maximum allowed by Education Code. The staffing ratio for elementary schools is near the maximum, with an average caseload of one teacher to 27 students. Middle and high school caseloads are significantly smaller, with an average caseload of one teacher to 23.5 students in middle school and one teacher to 24 students in high school. This shows overstaffing in the middle and high school grade spans. If the district staffed RSP positions more closely aligned to the statutory requirements, using a 1-to-27 ratio, a staffing reduction of 2.0 FTE (full-time employees) would be possible. This staffing reduction would yield a savings of \$161,860 including salary and statutory health/welfare benefits.

Comparison of RSP Caseloads to Education Code Guidelines (EC 56362)

Grade Span	Total Teacher FTE	Total Students	Total Ratio	Education Code Guideline Ratio (FTE to Student Caseload)	Classroom
Elementary	8.4	227	1:27	1:28	10
Middle	8.0	188	1:23.5	1:28	8
High	9.0	219	1:24	1:28	19
Total	25.4	634	1:25	1:28	37

Source: District-provided data

FCMAT analyzed the allocation of instructional assistants in the RSP classrooms and found a similar pattern of overstaffing. Education Code 56362 (6)(f) states, “At least 80% of the resource specialists within a local plan shall be provided with an instructional assistant.” The district tracks the allocation of instructional assistants using total hours per day of service rather than FTEs. FCMAT converted the total hours of instructional assistant allocation (247 hours per day) to FTEs using an average of six hours per day per instructional assistant, resulting in 37 instructional assistant FTE. The Special Services Department lacks clearly defined guidelines for assigning instructional assistants, nor is there a clear procedure for determining the number of hours they work daily. FCMAT found that their daily assignments varied between 5.0 and 7.0 hours per day.

Thirty-seven instructional assistants are assigned to support 25.4 elementary, middle and high school RSP teachers. As a result, the district staffs its RSP classrooms with an average of 146% instructional assistant support, almost double the statutory requirement. If the district followed the Education Code guideline for staffing instructional assistants in RSP classrooms, 20 instructional assistants would be needed districtwide. A reduction of 17 FTE instructional assistants would yield a savings of \$446,114.

In addition to the 37 RSP instructional assistants, four 1-to-1 instructional assistants are assigned to RSP classrooms districtwide. The 1-to-1 instructional assistant staffing will be covered in a separate part of this report.

Recommendations

The district should:

1. Develop and implement caseload criteria for RSP teachers and instructional assistants based on Education Code.
2. Develop and implement consistent criteria for a standard work day for instructional assistants supporting RSP.
3. Develop an automated system for monitoring and tracking special education staffing and caseloads for both certificated and classified staff.
4. Align the automated staffing and caseload system with information maintained in multiple databases across multiple departments (Support Services, Human Resources, Business Services).

5. Schedule consistent interdepartmental staffing meetings to discuss and adjust staffing levels as appropriate before, during and after the school year.
6. Reduce the RSP staffing by two teachers (2.0 FTE) for a potential cost savings of \$161,860.

Mild to Moderate Program (SDC)

The district operates a mild to moderate special day class (SDC) service delivery option for disabled students at the preschool, elementary, middle, and high school levels. This service delivery model provides instruction in self-contained environments with low levels of mainstreaming in general education classrooms. The Education Code does not indicate maximum caseloads for mild to moderate SDCs; however, School Services of California, Inc. (SSC) has developed recommended caseload guidelines.

The SSC guidelines for mild to moderate preschool classrooms identify a staffing ratio of one teacher to 10 to 12 students. The district's mild to moderate program average class sizes for preschool is one teacher per 14 students. The preschool class size exceeds the SSC guidelines for preschool mild to moderate classrooms by two students per teacher.

The SSC guidelines for mild to moderate elementary, middle, and high school classrooms identifies a staffing ratio of one teacher to 12 to 15 students. The average class size for mild to moderate programs in the district's elementary, middle and high schools is one teacher per 13 students. This falls within the average range of the SSC guidelines.

FCMAT analyzed the allocation of instructional assistants in the mild to moderate classrooms. SSC guidelines indicate one instructional assistant to between 12 and 15 students for preschool through grade 12. Nineteen instructional assistants are assigned to support 19 preschool, elementary, middle, and high school mild to moderate teachers, which falls within the average range of the SSC guidelines.

Comparison of Mild to Moderate Special Day Class to SSC Caseload Guidelines

Level	Total Teacher FTE	Total Students	Total Ratio	SSC Guideline (FTE to Student Caseload)	Classroom
Preschool	2	28	1:14	1:10 to 1:12	2
Program (K-12)	17	225	1:13	1:12 to 1:15	17
Total	19	253	1:13	1:10 to 1:15	19

Source: School Services of California, 2011

Moderate to Severe Program (SDC)

The SSC guidelines for moderate to severe preschool classrooms recommend staffing with one teacher per eight to 10 students. The district's moderate to severe preschool program average class size is one teacher per nine students.

The SSC guidelines for moderate to severe K-12 classrooms recommend staffing with one teacher per 10 to 12 students. The district's average class size is one teacher per eight students, significantly below the SSC guidelines for moderate to severe classrooms. If the district staffed these classrooms to align with the SSC guidelines, a reduction of 2.0 FTE would be possible. This would yield a savings of \$161,860 including salary and statutory health/welfare benefits.

FCMAT analyzed the allocation of instructional assistants in the moderate to severe classrooms, which indicated significant overstaffing. SSC guidelines indicate two instructional assistants to each moderate to severe program. There are 24.2 instructional assistants assigned to support 12 preschool through high school moderate to severe programs. This is an overall staffing ratio of four instructional assistants for every program, or two instructional assistants above the SSC guidelines per classroom. If the district staffed moderate to severe classrooms with instructional assistants support to align with the SSC guidelines, staffing could be reduced by 10 FTE. This would yield a savings of \$262,420 including salary and statutory health/welfare benefits.

Comparison of Moderate to Severe Special Day Class to SSC Caseload Guidelines

Level	Total Teacher FTE	Total Students	Total Ratio	SSC Guideline (FTE to Student Caseload)	LVN Classroom
Preschool	2	18	1:9	1:8 to 10	4.2
Program (K-12)	10	101	1:8	1:10 to 12	20
Total	12	119	1:10	1:8 to 12	24.2

Source: School Services of California, 2011

Related Services

The district-provided related services staffing and caseloads are all within the state and/or industry standard for staffing ratios. Adaptive physical education provides services to 58 students using one teacher (1 FTE), which is within SSC guidelines. Thirty-five students (25 individual and 12 group) receive occupational therapy services as a component of the SELPA contract. Visually impaired services are provided to 11 students as a component of the SELPA contract. The ratio of psychologists to students (1-to-1466) is within the CalEdFacts guidelines. Speech and language pathologist services average 56 students to one speech pathologist, which is slightly above statutory requirements (EC 56363.3).

Recommendations

The district should:

1. Review the staffing for mild to moderate preschool SDC classrooms to ensure it is within SSC guidelines.
2. Research and revise mild to moderate and moderate to severe program service delivery models to align to industry standards.
3. Develop and implement caseload criteria for mild to moderate and moderate to severe teachers and instructional assistants based on SSC guidelines.
4. Develop and implement consistent criteria for a standard work day for instructional assistants supporting mild to moderate and moderate to severe classrooms.

5. Develop an automated system for monitoring and tracking special education staffing and caseloads for both certificated and classified staff in mild to moderate and moderate to severe classrooms.
6. Align the automated staffing and caseload system with information maintained in multiple databases across multiple departments (Support Services, Human Resources, Business Services).
7. Schedule consistent interdepartmental staffing meetings to discuss staffing levels and make adjustments as appropriate before, during and after the school year.
8. Reduce the moderate to severe staffing by two teachers (2.0 FTE) for a potential cost savings of \$161,860
9. Reduce the moderate to severe instructional assistant staff by 10 FTE for a potential cost savings of \$262,420 including salary and statutory health/welfare benefits.

1-to-1 Instructional Aides

Site and district staff reported that 1-to-1 aides are only requested when absolutely necessary. The district's general guidelines regarding 1-to-1 aides include observations, data collection, an independence plan, a flow chart, and a school day analysis. The analysis enables an IEP team to determine if and when during a school day a student needs additional support, and if natural supports or other staff are available that may mitigate the need to add support for the student or the classroom. However, district and site staff reported that they do not always complete the forms, and never complete them at the annual IEP.

The district's process is included in a procedure manual that has not been updated since 2009 and has not been distributed to all staff. This could lead to inconsistencies and inefficiencies in programs and procedures.

Mandatory training for administrators and general and special education staff is the best practice to ensure that the guidelines in the procedure manual are followed.

Guidelines can help staff determine the following:

- The need for additional aides
- Dependence factors
- Measurable outcomes
- Descriptors of success
- Alternatives to aides
- Whether existing resources are used optimally
- The need to continue services
- The need to increase or decrease aide hours

Whenever a 1-to-1 or additional classroom support aide is included in a student's IEP, it should be accompanied by goals for independence and a fading plan to reduce and/or eventually eliminate the additional support. Staff reported this does not occur, although the continued need for additional support is discussed at the annual IEP team meeting. Having goals and a fading plan in the IEP ensures that all staff, the family, and the student work toward the same goal of independence and student success.

The district has no procedure manual for any of the instructional aides. Staff reported that in some cases the 1-to-1 aide may assist other students in the class, but this is at the discretion of the classroom teacher rather than district guidelines. Staff also reported that many of the 1-to-1 aides are not trained and may not be sure what they should do if their student is absent.

A specific aide procedural manual could provide expectations for all aides, including that aides are not to work exclusively with one assigned student or how aide support could be provided by various staff. As stated earlier, a lack of standard procedures causes inconsistencies and inefficiencies.

Although the district does not consistently complete the forms for 1-to-1 aides or develop fading plans, the district currently employs only nine 1-to-1 aides. The aides are assigned to less than 1% of the special education students. Four were assigned to students for medical reasons and therefore would not have a need for forms or fading plans. The other five aides were assigned

either for behavior reasons, to prevent a nonpublic school placement or to avoid litigation. These students would require the forms and fading plans.

Staff reported that a San Leandro Unified School District Personnel/Position Action Form is to be completed when a student no longer needs the 1-to-1 aide, and it is the responsibility of the school site to inform Special Education regarding the prospective change. Staff reported that this does not always happen in a timely manner.

The school site is not involved in the selection process when a 1-to-1 aide is approved. Staff reported this has led to problems such as that the assigned aide did not have the skills needed for the position.

Recommendations

The district should:

1. Ensure that the district's forms are completed and reviewed by the IEP team prior to the determination of the need for a 1-to-1 aide.
2. Ensure that every IEP that includes a 1-to-1 or extra support aide, with the exception of medically necessary support, includes goals for independence and a fading plan.
3. Ensure that at every annual review, the initial 1-to-1 placement forms are completed as part of the process for continuing the 1-to-1 aide.
4. Develop guidelines and/or a procedure manual to ensure that all 1-to-1 aides have consistent information regarding expectations of their assignment, district policies and practices regarding student and aide absences.
5. Review and adjust the process for informing Student Services, Human Resources and Business when 1-to-1 aide time is reduced or eliminated.
6. Develop a process that includes the school site administration in the selection of 1-to-1 aides.

Nonpublic Schools and Agencies

FCMAT was asked to review the use of resources allocated for nonpublic schools/agencies, and make recommendations for greater efficiency.

Education Code 56034 defines a nonpublic school (NPS) as follows:

- (a) private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individual education program and is certified by the department. It does not include an organization or agency that operates as a public agency, an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, or a public university or college. A nonpublic, nonsectarian school also shall meet standards as prescribed by the Superintendent and Board.

The MAC SELPA, along with the other SELPAs in the Bay Area, negotiates the NPS rates and provides the district with an NPS/NPA contract. The district is responsible for developing the individual service agreement (ISA) for each NPS student. The current practice is for the NPS to complete the ISA. Once the NPS completes it, the staff submits information to the business department for budgeting and paying the NPS invoices.

The NPS contract does not specify the number of days an NPS can operate an extended school year (ESY) program. Each individual district negotiates with the NPS regarding the number of ESY days. Most districts operate a 20-day ESY program and in some areas do not contract for over 20 NPS ESY days. The district has 29 NPS ISAs for more than 20 days of ESY. Reducing the NPS contracts to the 20-day level could save the district approximately \$60,094, not including transportation.

Cost of NPS ESY in Excess of 20 Days

	24 ESY (+4)	24 ESY (+4)	25 ESY (+5)	27 ESY (+7)	30 ESY (+10)	30 ESY (+10)	38 ESY (+18)	Total Savings
Rate/Day	\$165	\$160	\$191	\$285	\$180	\$199	\$159	
No. of Students	3	1	1	1	9	2	12	
Cost over 20 Days	\$1,980	\$640	\$955	\$1,995	\$16,200	\$3,980	\$34,344	\$60,094

Source: NPS/NPA Budget for 2013-2014

Reducing the number of ESY days is not an easy negotiation when several other districts send students to the program and past practice has been established. Working with the SELPA member districts and the other districts that negotiate the contracts may be needed to realize these savings.

Student Services has been submitting documentation to the Business Department when students are enrolled in or no longer attending an NPS. However, the communication has not been consistent and at times has resulted in an inflated special education budget. Keeping track of these changes is important to avoid increasing the district's obligations under the MOE.

The district has a written procedure for placing a student in an NPS, although site staff are not consistently aware of the procedure. It is unclear when the procedure was written or whether it has been distributed. Site staff reported an understanding that they are to attempt to provide for students in district programs. They also said that students referred for an NPS were placed by the

district director. Site staff stated they are aware that NPS placements are expensive, but had no idea of actual costs.

District staff reported that the IEPs for NPS students do not include a transition plan to return the student to a district program. The ability of a student to return to a district program is discussed at the annual IEP meeting but without a formal plan.

The total number of district students enrolled in an NPS has significantly increased since 2011-12. The information provided by special education in the documents titled NPS/NPA Budget 2011-12, 2012-13, 2013-14 includes the daily rate for educational services and the cost of any related services not included in the daily rate such as speech, APE, OT, counseling, transportation, residential room/board and therapy. The mental health funds received by the district are used for some of the NPS costs, but staff reported some confusion as to what could be charged to the mental health funds and what could not. The information received by the business department does not consistently clarify what costs should be coded to the mental health funds; therefore the coding to these funds is not consistent and may at times be inaccurate.

In a letter from the director of the Special Education Division of the California Department of Education dated January 5, 2012, addressed to County and District Superintendents, Special Education SELPA Directors, Charter School Administrators, Principals, and Nonpublic School Directors, information is provided regarding the limitations and allowable uses of the mental health funds is addressed. The memo states, "The funds cannot be spent on educational services that have historically been provided by LEAs for students with emotional or behavioral needs." The letter further states "These funds may be used for:

The salaries of certificated supervisors and administrators; and clerical, technical, and office staff salaries associated with administering related services for students with emotional or behavioral needs.

The room and board costs of residential placement if it is included in the student's IEP.

Professional and consulting services (e.g., case management, medical services, day treatment, individual therapy, family therapy, group therapy, group rehabilitation, therapeutic behavior services, assessment, psychological services and residential placement) costs for students with emotional or behavioral needs.

Rental and/or lease of office space to provide professional and consulting services for students with emotional or behavioral needs.

Transportation costs of students to receive related services from a provider.

Books and supplies related to providing related services."

The related services referenced in this letter are specific to the various types of mental health counseling and do not refer to other related services such as speech, occupational therapy, etc.

FCMAT reviewed NPS and NPA cost separately to better understand the cost increases in this area. To be consistent with the NPS comparison, all costs related to a placement except for district transportation were included for each year.

The table below compares the total number of district students who were enrolled in a NPS and the total cost for those students.

NPS Costs from 2011-12 to 2-14-14

	2011-12	2012-13	As of 2-14-2014	Change Since 2011-12
Number of Students	44	52	43	-1
Total Cost of Services	\$1,197,938	\$1,595,461	\$1,491,352	\$293,414

Source: District documents titled NPS/NPA budgets 2011-12, 2012-13, 2013-14

The primary reason for the increase from 2011-12 to 2012-13 is eight additional students in NPS placements.

Both site and district staff stated that the district's special education programs are not appropriate for the students in an NPS, but data as to what is needed to keep the students in a district program was not available. Determining what those services or alternative programs are and then developing them can reduce the need for NPS placements. Once a student is placed in an NPS, it can be very difficult to return them to a district program.

District staff reviewed 18 of the 32 students in an NPS and indicated that seven students potentially could be returned to a district program either this year or next with some additional supports. Three students have or will be moving or graduating, three could return to a newly developed district intensive autism program and four to five could return to a newly developed district intensive behavior program. This would leave 14 students in NPS placements.

Most autistic and/or behavior disordered classes have 8-10 students. The district does not currently have 8-10 students in either of these categories at similar grade levels. However, smaller classes could reduce current NPS costs and the costs associated with future NPS placements. Further, opening the classes to the other districts in the SELPA would generate additional funding.

FCMAT used a base of five students at an average NPS rate of \$170/day for 180 days. This provides a more comparable calculation with a district program. Neither the NPS nor the district calculation includes any additional related services or the cost of NPS or district transportation.

A district comparable class would require one highly qualified teacher and one 6.5 trained aide. A .20 FTE behavior specialist and a .10 FTE school psychologist also would be needed. A district program allows students to stay in their home district and provides district control over the curriculum and standards for the class. Additional staff time would be needed if more students were added to the class. Appropriate facilities, materials and supplies are also needed to develop a comparable program but are not the major cost of new classes.

Cost for 5 Students in a District Program vs. 5 Students in an NPS Program

5 NPS students at \$170/day for 180 days		\$153,000
One teacher	\$83,272	
One 6.5 hour aide	\$33,443	
.20 behaviorist	\$17,447	
.10 psychologist	\$9,386	
Total cost of district class		\$143,548
Potential savings		\$9,452

Nonpublic Agencies (NPA)

Education Code requirements for NPAs are now the same as those for NPSs. Specifically, the code requires an NPA to meet the following requirements.

“...be under contract with the local educational agency to provide the appropriate special educational facilities, special education, or designated instruction and services required by the individual with exceptional needs if no appropriate public education program is available.” Education Code 56365(a)

The district uses the SELPA contract for NPAs. District documents provided to FCMAT showed a significant increase in NPA contracts in 2012-13. Independent contractor (IC) information was available for 2012-13 and this year. The increases in IC costs also affect the special education budget.

Comparison of Costs from 2011-12 to 2-14-2014

	2011-12	2012-13	As of 2-14-2014	Change since 2011-12
NPA	\$285,664	\$579,662	\$439,225	+\$153,561
IC		\$2,500	\$20,225	+\$20,225
Total	\$285,664	\$582,162	\$459,450	+\$173,786

Source: District-provided list of NPA contracts for 2011-12, 2012-13 and 2013-14 and IC contracts for 2012-13 and 2013-14

The district uses NPA services for nursing, physical therapy, speech, independent educational evaluations, and autism services. The district is also using ICs for assessments, translating, and consultation for hearing impaired students. It is unlikely that the district has enough students to find it cost efficient to hire staff for these services. Contract review is essential to determine if the services are still needed and if the NPA or IC is the most cost efficient way to provide the services.

Recommendations

The district should:

1. Continue to have the SELPA negotiate NPS and NPA contracts.
2. Implement a procedure for developing the ISAs.
3. Begin discussions with the SELPA member districts and other districts in the area regarding reducing the total number of NPS ESY days.
4. Monitor and adjust the district special education budget to reflect when students enter or exit an NPS placement.
5. Develop a process for all sites to follow in making a referral for an NPS that includes data regarding the supports provided to a student prior to the NPS referral.
6. Provide information to the site administrators regarding the actual costs of NPS placements.

7. Ensure that every NPS IEP includes a transition plan to return the student to a district program.
8. Implement a procedure to give the business department the necessary information to ensure that mental health funds are appropriately allocated.
9. Implement a process to determine the specific reasons for an NPS referral and use that information to develop district's supports and programs to appropriately serve those students.
10. Review each of the students in an NPS to determine if the district could develop programs to meet those students' needs.
11. Monitor the NPA costs to make budget adjustments as appropriate.
12. Review each NPA and independent contract to determine if the services are required and if the NPA/IC is the most cost efficient way to provide those services.

Transportation

Modes and Costs

The district does not offer regular education home-to-school transportation service.

California Special Education Management Information System (CASEMIS) data shows approximately 1,212 students have Individualized Education Programs (IEPs). Two hundred twenty-seven of these students have transportation identified as a necessary related service on their IEP. This is approximately 18.7%, which is a relatively high percentage compared to other districts that FCMAT has studied. One hundred seventy-six students are transported on approximately 15 buses under a cooperative contract with 10 other districts in the area. This is a bus loading factor of approximately 11.7 students per bus route, which is relatively efficient. Transportation is provided by a for-profit school transportation provider, Durham School Services. Eleven school districts in the southeast San Francisco Bay Area participate in this contract, presumably to benefit from the economies of scale.

The annual cost for student transportation on Durham buses is approximately \$4,954 per student. “Per year” in this and the following cases refers only to 180 school days.

Twenty-seven parents transport their children and are being paid to do so in lieu of receiving district-provided transportation service. This transportation cost averages \$1,304 per student per year.

Approximately 14 students receive tickets to ride trains operated by the Bay Area Rapid Transit or buses operated by the Alameda-Contra Costa Transit District. Some of these are for field trips and some are for transportation to work assignments for transition students. FCMAT could not determine the average cost per student for this service. The district purchases bus and train passes and tickets and distributes them, keeping a log of who was issued the tickets or passes. The accounting of this is difficult to follow, and more detail is needed.

Three students are transported by their nonpublic school program (NPS). This transportation cost averages \$8,522 per student per year.

Seven are transported on a contract with Welcome Transportation, a local taxi and transportation company. This transportation cost averages \$9,000 per student per year.

School transportation is arguably one of the most poorly funded areas of the education budget in California. Prior to 1977, school transportation was fully funded. School districts would report their operational costs and they were fully reimbursed in the subsequent school year. With the passage of Proposition 13, the state began reducing the percentage of reimbursement. By the 1982-83 school year, districts were reimbursed at 80% of their reported costs. The state capped the reimbursement at the level of costs the districts reported in that year, only occasionally granting a cost of living adjustment. Over the past 31 years, costs have risen significantly, demographics have changed and the need for special education transportation has increased dramatically. In the past five fiscal years, the amount each school district has received has been reduced by approximately 20% compared to the highest amount received in the 2008-09 fiscal year.

In the 2013-14 fiscal year California adopted a new school funding formula, the Local Control Funding Formula (LCFF). School transportation has been funded at the same level as the prior year appropriation. In addition, the funding was structured as an add-on to the base grant received by each district. It can only be spent on school transportation, and districts need to spend at least as much as they receive to maintain the same level of funding. On a statewide

basis, California provides approximately 38% of the funding necessary for school transportation, based on school districts' reported approved costs.

FCMAT San Leandro Unified School District		
TRAN data table		
	2011-12	2012-13
	SD/OI	SD/OI
Buses	12	15
Students	146	170
IEP Students	146	170
Miles	237,356	257,331
Approved Cost	\$ 1,046,986.70	\$ 1,038,298.15
Revenue	\$ 252,839.00	\$ 254,232.00
Cost/Mile	\$ 3.84	\$ 3.89
Cost/Pupil	\$ 6,244.29	\$ 5,884.34
District Contribution	\$ 794,147.70	\$ 748,066.15
% State Revenue	24.15%	24.49%

In the 2012-13 school year the district spent \$1,038,298 on transportation service, requiring a district contribution of \$748,066.

The district will receive \$254,232 from the state for the 2013-14 fiscal year, which is similar to the prior fiscal years. The district has budgeted approximately \$788,739 for special education school transportation for the 2013-14 school year. This appears to be short of the estimated need. If the current number of students is transported throughout the year, the total invoice for a 180-day school year will be approximately \$871,904. Many students attend Extended School Year (ESY) programs, further increasing transportation costs.

Approximately 18.7% of the special education population receives pupil transportation service. This indicates the district may have a propensity to liberally assign school transportation service. Appendix A is a decision checklist document that may be helpful for IEP teams and their leaders to utilize in the IEP process. A formal training and department directive should be issued relative to the process of identifying and assigning transportation as a related service in the IEP.

It is unclear how many bus aides are assigned to the Durham routes for district students. At this time it appears that two nurses are assigned, each to a specific student. One of the NPS vans has an aide for a district student. Generally, when bus aides are necessary, a classroom aide or district nurse is assigned. The cost for this is budgeted in the special education program budget. Bus aides are reasonable transportation costs and should be budgeted in Resource 7240 for special education transportation.

Costs for NPS transportation, bus or rail passes, or paying parents in-lieu are also budgeted in the special education program budget. These are a legitimate transportation expenses and should be budgeted in Resource 7240.

Recommendations

The district should:

1. Increase the 2013-14 budget to reflect the projected cost of service for this year.
2. Enhance the accounting for bus, train tickets and passes so the department can identify the cost for each pupil or program.
3. Train IEP teams on the use of a transportation decision tree.
4. Assign the cost of bus aides, NPS transportation and parent in-lieu to the transportation department.

Contract Analysis

Most students are transported on school buses on a cooperative contract with the South County Transportation Group. The cooperative of 11 school districts includes:

- Castro Valley Unified School District
- Dublin Unified School District
- Fremont Unified School District
- Hayward Unified School District
- Livermore Valley Joint Unified School District
- New Haven Unified School District
- Newark Unified School District
- Pleasanton Unified School District
- San Leandro Unified School District
- San Lorenzo Unified School District
- Sunol Glen Unified School District

The contract identifies the South County Transportation Group as a JPA. The district could not produce a joint powers agreement, only a three-page document identified as the Joint Powers Board By-Laws. Further research indicates that the group has never formed and filed as a JPA with the California Secretary of State. The bylaws state that each representative to the board is appointed by their school district and serves a term of two years. Each member is allowed one vote. Officers are elected by the board and include the offices of president and clerk. The bylaws indicate the board is to meet annually, and that special meetings may be convened more frequently. The meetings shall follow all stipulations of the Ralph M. Brown Act governing public meetings in California.

The bylaws indicate that the board has no authority to commit any LEA to the expenditure of any funds, to employ any person, or commit any LEA to any service. The group has no employees nor does any member school district act as a lead agency of the group.

The contract provider is Durham School Services. The rates for school transportation service are based on a per-student per-day amount for ambulatory students and wheelchair students. The

current rates are \$27.28 per ambulatory student and \$45.24 per wheelchair student per day. The rates increase annually by the percentage annual increase in the consumer price index (CPI) as of February for “all urban consumers” for the San Francisco/Oakland urban area, with the increase applied to the following fiscal year. No rate listed for bus aides, indicating that the contractor does not provide this service.

The contractor has responsibility for routing all students.

The contract rate is beneficial to the district and other group members because it requires the contractor to route students efficiently. The contractor reports that it currently transports 2,150 students on 160 routes, indicating an average efficiency of 13.4 students per route, which is relatively good compared to other entities that FCMAT has reviewed.

Nevertheless, many complaints have been received relative to the service provided by Durham School Services. The district is very displeased with the service. These concerns have included buses very late to school and home, drivers observed leaving the bus with the students aboard, and routes without drivers that result in lack of service for the students.

The contract contains a stipulation that allows the district to reduce its payment to the contractor based on poor service. This stipulation is known as liquidated damages. For every half hour of late service the district can reduce the invoice for that service by 25%. A missed trip allows the district to reduce the invoice for that service by 150%. No one in the district regularly monitors the service, and the district has rarely enforced or taken liquidated damages for poor service, despite a significant number of late or missing buses.

The contract allows the group to recommend the removal of drivers that do not meet qualifications, to inspect buses and maintenance records, requires the contractor to report accidents, and lists a maximum age of buses and minimum number of standby buses and drivers for the contract. Other stipulations that one would expect in a pupil transportation contract are not in this document. Future contracts should require that bus drivers are fingerprinted and background checked, and that the group may inspect driver’s DMV driving records and licenses.

Other future options may include providing the service in-house, cooperating with other school districts to provide service, or contracting separately for the service.

The district does not receive a detailed invoice from Durham. The district should require an invoice that lists every student transported every day as well as detail regarding any field trip provided. That invoice should be reviewed monthly to ensure that it reflects the students for whom the district has requested transportation.

One clerical position in the Special Education Department for San Leandro USD has primary responsibility for communicating transportation requests to Durham School Services. No one in the group or at the district manages the contract for the benefit of San Leandro USD or for the group as a whole. FCMAT interviewed one other member of the group who does manage the contract, assesses liquidated damages and requires the contractor to perform its duties. That entity has required Durham to provide on-time data available through its global positioning system (GPS) software.

The contract stipulates that if the ridership of the group falls below 1,650 pupils, the contractor may renegotiate the rate charged. At this point, the reduction of the 176 students that are transported by Durham for San Leandro USD would not trigger a renegotiation of rates for the group as a whole.

The contract between Durham School Services and the South County Transportation Group may not be valid. The South County Transportation Group should secure legal counsel to advise it relative to its formation and the contract's legality. No language in the group bylaws outlines the process for membership or withdrawal from the group. The group has no current president. One member of the group reported that an employee of the Pleasanton Unified School District had served as president for at least the past decade. He was laid off from the district last year, and apparently no one else wishes to serve as president. Further, the board has been composed of representatives that are primarily special education directors. It should be composed of business or transportation professionals representing each district because of their specific expertise related to transportation operations and budgetary aspects. One member of the group shared that the board has issued a "letter of nonconformance" to Durham the past couple of years, effectively putting it on notice that poor service could potentially jeopardize the contract.

Interviews with another participant district in the group indicate that the group was formed in 1984 and the contract has been re-bid on several occasions. The current contract was entered into August 1, 2009 and expires June 14, 2015. The contract states that the group has the option to renew the contract for an additional five years. Anecdotal information indicates that Durham has been the contractor for the group since its inception. It is unknown if other contractors were notified of the opportunity to bid on this contract as it became available over the years.

Another active member of the group shared that to withdraw from the group as of any June 30, formal notice must be given by December 31 of that fiscal year. That stipulation is not contained in the bylaws or any other document reviewed by FCMAT.

The formation of a larger cooperative organization can be beneficial for all members of the group, but only if it is a viable organization that manages its contract. Withdrawal from the group or cessation of the contract with Durham would not be advisable, as timely special education transportation service still needs to be provided. Consideration of such action would only be logical if the district determined it could provide the service by establishing its own transportation department, working with other school districts to develop a district-provided cooperative service, or if there were other competitive contractors in the area that could provide the service for a lower price. At this time, it does not appear that any of these options are viable.

A formal contract exists between the district and Welcome Transportation. The master contract is with the Bay Area SELPA Collaborative, and each individual school district separately signs the agreement. The contract is in a form of a Licensed Childcare Institution (LCI) agreement, but lacks specificity relative to the provision of transportation. It indicates that its employees will be fingerprinted and that all licenses will be available for inspection by the district; however, it does not mention driver licenses. It also does not state whether or not the district will have access to information on background checks, a driver's license history and activity, or whether or not the driver will be enrolled in a drug and alcohol testing program similar to a school bus driver.

Students transported on contracts with NPS programs do not have a formal transportation agreement in place. This is quite common.

The district has a rather high number of parents that transport their own children and are paid for that in lieu of receiving bus transportation. The district has no formal contract with parents, but does standardize the mileage for each parent. Overall, this is the least expensive mode of special education transportation for the district. A formal contract between the parent and the district could stipulate responsibilities and limit the district's exposure.

Recommendations

The district should:

1. Encourage the South County Transportation Group to secure legal counsel relative to its legal formation and the contract with Durham School Services.
2. Encourage the South County Transportation Group Board of Directors to be composed of business and transportation professionals rather than special education directors.
3. Encourage the South County Transportation Group to consider a professional manager to oversee the contract on behalf of all members.
4. Appoint a district employee to manage the contract with Durham and:
 - a. Require detailed invoices that include each student transported for the district and the number of days that service was provided.
 - b. Require the contractor to provide GPS data consistent with the contract requirement relative to on-time performance.
 - c. Charge liquidated damages for late or missed trips.
5. Take an active role in the South County Transportation Group to:
 - a. Ensure its legal formation.
 - b. Consider if regular staff is warranted to manage the contract.
6. Determine if the contract with Welcome Transportation should include the right for the district to ensure that every driver has been fingerprinted and background checked, has the proper license, participates in a drug and alcohol testing program similar to school bus drivers, and allows the district to review each driver's DMV record.
7. Develop a formal contract for parent transportation and payment in lieu of district-provided transportation service for their child (see Appendix B).

Identification Rate

FCMAT was asked to determine whether the district overidentifies students for special education, including an analysis of the rates of preschool students transitioning into the district.

The district's overall identification rate for disabled students in elementary, middle and high schools is 12%. The state average for identification of students with special needs is 10%. As indicated earlier in this report, the district does not have a formalized Multi-Tiered System of Supports (MTSS) designed to quickly respond to academic and behavioral challenges students may face during the school year. Additionally, IEP teams have reported they feel pressure from staff to identify students for special education services in lieu of a formalized system of support. This approach violates state and federal regulations (IDEA, 2004, and Education Code 5600-5601) with regard to maintaining placement in least restrictive environment and significantly delays students' access to the initial levels of intervention prior to consideration for special education services.

Graduation rates for students with special needs appear very low. Based on data from the SELPA Special Education Exit Report 2011-12, only five students with active IEPs graduated with a diploma during the 2011-12 school year. There were no graduates during the same year using the exemption authorized under Senate Bill 267, Education Code 60851(c). During the 2011-12 school year, the district had 87 seniors with active IEPs.

The district has documentation for 41 graduates for 2011-12 that was not available to FCMAT during the course of the study and is not included in the SELPA Exit Report. Further investigation into achievement and graduation for students with special needs is warranted to fully uncover the status of educational access to grade level standards.

Recommendations

The district should:

1. Conduct an in-depth analysis of student identification starting from the initial consultation with parents, to the student study team process, to the IEP referral process.
2. Analyze the master schedule development procedure in secondary schools to address the ratio of diploma-bound vs. non-diploma-bound tracks and to ensure that students are placed in the least restrictive environment to the maximum extent possible.
3. Conduct a longitudinal in-depth analysis (minimum three years) of academic achievement and behavior incidence (suspension and expulsion) for special needs students.
4. Utilize data from in-depth analysis of student identification and the longitudinal analysis to inform the development of the Multi-Tiered System of Supports to address student need at the lowest level and closest to the general education environment.

5. Develop a comprehensive professional development sequence focusing on implementing a Multi-Tiered System of Supports that includes current research, state guidance, current exemplars, procedures and strategies.
6. Ensure that all special education staff have access to state and local achievement results for all student populations.
7. Develop and implement a districtwide collaboration procedure that uses state and district student achievement data (formative and summative) to inform lesson design and delivery in all grades K-12. Ensure that this procedure includes opportunities for special education staff to work in collaboration with general education staff.
8. Ensure that all special education staff are included in ongoing collaboration with general education peers to analyze achievement results and plan instruction accordingly.

Appendices

Appendix A - Transportation Decision Checklist for IEP Teams

Appendix B - Contract for Parent Transportation

Appendix C - Study Agreement

Appendix A

Special Education Transportation Chart/Checklist

Student's Name:

<p><u>STEP 1: Unique Needs that May Require Special Education Transportation:</u> <input type="checkbox"/> Does disability make it problematic for student to get to school in same manner as non-disabled peers? Explain.</p>	<p>If it is problematic to get to school in same manner as non-disabled peers, this is a factor in favor of special education transportation.</p>
<p><input type="checkbox"/> Are same age peers expected to walk by themselves or take public transportation? Explain.</p>	<p>If same age peers are expected to walk by themselves or take public transportation, can this student also be expected to do this? Explain.</p>
<p><input type="checkbox"/> Does student have significant limitations in strength, vitality or alertness that prevent him/her from riding the regular bus? Explain:</p>	
<p><input type="checkbox"/> Does student's medically fragile condition prevent him/her from riding the regular school bus? Explain</p>	
<p><input type="checkbox"/> Does student need special medical equipment that must be transported on a specialized school bus? Explain</p>	
<p><input type="checkbox"/> Is there physical access for student to the curbs, sidewalks, streets and public transportation? Explain.</p>	
<p><input type="checkbox"/> Is distance from student's home to school so far or remote that it requires specialized transportation arrangements? Explain.</p>	
<p><input type="checkbox"/> Does student have a wheelchair requiring special securement system on school bus? Explain.</p>	
<p><input type="checkbox"/> Visual impairment prevent him/her from riding regular school bus? Explain.</p>	
<p><input type="checkbox"/> Hearing impairment prevent him/her from riding regular school bus? Explain.</p>	
<p><input type="checkbox"/> Does student's disability or level of functioning prevent him/her from being able to travel to school independently? Explain.</p>	
<p><input type="checkbox"/> Does student's disability or level of functioning prevent him from being able to travel to and wait independently at a regular school bus stop? Explain</p>	
<p><input type="checkbox"/> Does pupil have the capacity to arrive at school on time, avoid getting lost, avoid dangerous traffic and avoid other potentially dangerous or exploitive situations on way to and from school? How does this capacity compare to same aged non-disabled peers? Explain.</p>	

<p>___ Does student have behavior plan that requires certain transportation services so severe that he/she cannot ride the regular school bus? Explain.</p>	<p>Can Behavior plan be implemented while being transported on regular school bus?</p>
<p>___ Is student serviced at home school?</p>	
<p>___ Does student's unique needs require him to attend a special education program outside of district's geographical boundaries?</p>	
<p>___ Does student's unique ESY needs require specialized transportation?</p>	
<p><u>STEP 2: IEP Team decides whether Student is able to ride the regular bus and/or walk/bike to school without the need for accommodations.</u></p>	
<p>[Walk/Bike Analysis] ___ Is student in walking/biking distance to school? (Follow District policy of regular ed bus for students who live further than 1 ¼ miles from school [K-5], 3 miles [6-8 grade] and 7 miles [high school].) ___ Is student's same aged non-disabled peer able to walk self to school? [Note: If five year old lives one mile to school, he/she cannot walk him/herself to school but no regular ed transportation is provided. So, if there is not a unique need for this special education student to get transportation as a related service, the special education student would need to be walked/driven/biked by an adult just as a non-disabled peer.] [Regular Bus Analysis] ___ Can student ride regular school bus without behavioral interventions? ___ Can student get to/from bus stop in a similar manner and as safely as same age nondisabled peers?</p>	
<p><u>STEP 3: If student lives within 1 ¼ miles from school [K-5], 3 miles [6-8th grade] or 7 miles [high school] and has unique needs that prevent him from walking self or taking public transportation to school (same as like age non-disabled peers), then IEP team should discuss whether student is capable of taking regular education transportation without accommodations?</u> ___ yes or no If yes, then student's IEP should reflect that he/she will be provided with regular education bus</p>	

<p>transportation without accommodations, if available (despite living a closer to school).</p> <p>If no, go to STEP 4.</p>	
<p><u>STEP 4: If student cannot ride the regular bus without accommodations, the IEP team needs to determine if the student can ride the regular school bus to school with accommodations.</u></p> <p>___ Possible accommodations [to be indicated on IEP] on bus include special seating arrangements, behavior interventions, special reinforcers, encourage replacement behaviors, additional adult supervision (aide on bus), restraint, or regular bus picks student up at street address or door in lieu of regularly designated bus stop.</p>	
<p><u>STEP 5:</u> If student is unable to ride the regular bus with accommodations, the IEP team shall include specialized transportation on the IEP. Specialized transportation should be described in sufficient detail to inform parties how and where transportation will be provided and details of reimbursement to parent, if applicable.</p> <p>___ Consult representation of District’s Transportation Department, if needed.</p> <p>___ Identify type of transportation to be provided [see below “terms” and “definitions” for uniform system]</p> <p>___ Determine whether student has any unique needs that necessitate an approximate time limit for length of time on bus.</p> <p>___ Identify any special arrangements or instructions on the IEP and communicate those needs to the District’s Transportation department.</p>	
<p><u>Term</u></p>	<p><u>Definition</u></p>
<p>1. Point to point</p>	<p>Home to school and school to home. “Home” is identified by parent and can be a child care location if within the district boundaries. Must be a consistent location unless other arrangements are approved by the District. Point of pickup is safest location in proximity to “home”.</p>
<p>2. Point to Point, unsupervised</p>	<p>See #1 but no supervision required at point of pickup or point of delivery. Student can wait for pickup, unattended. Student can travel from bus to classroom or school based location unattended.</p>
<p>3. Point to Point, supervised</p>	<p>See #1 but child is under parent supervision at</p>

	time of pickup. Child can walk to bus while parent is watching from home. At school delivery, school staff maintain observation of child but do not need to provide physical attendance.
4. Hand to hand	See #1 but parent responsible for supervision at pick up. Delivers child to bus door. School staff responsible for meeting child at bus. Driver releases child to school staff who then accompany child to class or other school based location.
5. Bus attendant (Rider)	Per IEP team, for student safety and/or health, a school employee accompanies student on bus to monitor and/or implement a health protocol or behavior plan.
6. Safety support (specify)	Use of lap belt, harness, safety vest, lap belt lock, or other specialized equipment to ensure student stays in seat and travels safely. Driver can secure child in the needed support equipment.
7. General transportation	Not specialized transportation. This transportation is that form provided to any child living in District boundaries in accordance with BP/AR transportation standards.
8. School to school transportation	Due to special education placement at a school other than school of residence, student is transported from school of residence to school of service. (Student must be able to safely travel from home to school of residence or other designated pick up location identified by Transportation.)

Appendix B**POWAY UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE****Originator:** Director of Transportation**Issue No:** 3**Date:** 11/1/04**Page:** 1 of 1**Reference:** EC 1920, 39806**ARTICLE: 6.0 BUSINESS SUPPORT SERVICES****6.50 TRANSPORTATION SERVICES****6.53 ELIGIBILITY FOR PUPIL
TRANSPORTATION****SECTION 6.53.3 In-Lieu Payments**

Payments to parents in lieu of District transportation may be authorized under the following conditions:

- Providing District transportation would be less economical than reimbursing the parent for transportation.
- Available roads are impassable or impractical for school bus travel.

The parent must submit a written request for approval to receive in-lieu payments. Form B-37, In Lieu of Transportation Payments, shall be completed for each request for payment and sent to the Special Education Department and then forwarded to the Transportation Department for approval. Approved requests will be forwarded to the Finance Department for computation at the then currently established rate of reimbursement for the use of private vehicles in lieu of District-provided transportation.

Data on actual distance from the place of residence to the destination will be determined by the Director of Transportation.

Payment shall be made at the current IRS cost/mile reimbursement rate for business expenses.

In-lieu payments will not be made for attendance at summer sessions.

POWAY UNIFIED SCHOOL DISTRICT
 TRANSPORTATION AGREEMENT
 (For contracting with Parents or Guardians)

THIS AGREEMENT is entered into this 25th day of August 2008, between the Poway Unified School District, hereinafter called the District, and [REDACTED] hereinafter called the Contractee for Grace [REDACTED] hereinafter referred to as the Pupil.

WITNESSETH:

HEREAS, the District has agreed to transport a student to Orange Glen School for special education and/or related services to the Pupil identified above, pursuant to Education Code sections 56030-56040 or 56300-56367; and

HEREAS, it has been determined that the Contractee will transport the Pupil to and from Orange Glen School for the 2008-2009 school year.

NOW THEREFORE the District and Contractee hereby agree as follows:

The District shall reimburse the Contractee for the transportation of the Pupil to and from the school the sum of \$.585 per mile payable monthly upon presentation of an itemized mileage report to the District Special Education Executive Director. Payment shall be made as soon as possible in the month succeeding that in which the transportation was performed.

Total number of miles per week to be reimbursed **will not exceed 132**. It is expressly understood and agreed to by both parties that the Contractee, while performing services under the Agreement, is an independent contractee and is not an officer, agent, or employee of the District.

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The Contractee shall defend, save harmless, and indemnify the District and its officers, agents, and employees from all liabilities and claims for damages for death, sickness, or injury to persons or property including without limitation all consequential damages, from any cause whatsoever arising from or connected with its service hereunder, whether or not resulting from the negligence of the Contractee, its agents or employees. Proof of automobile insurance shall be presented to the Special Education Executive Director prior to completing this contract.

Service under this Agreement shall commence on August 25, 2008 and shall terminate on June 30, 2009 inclusive, unless terminated sooner when the District Transportation Department can provide transportation. All reimbursement forms to be submitted by July 5th, 2009.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date and year first above written.

POWAY UNIFIED SCHOOL DISTRICT

By *[Signature]*

Title Executive Director of Special Education

Date 9/23/08

CONTRACTEE

By *Laura [Redacted]*

Title Parent

Date 10/3/08

Appendix C



CSIS California School Information Services

**FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM
STUDY AGREEMENT
September 17, 2013**

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the San Leandro School District, hereinafter referred to as the district, mutually agree as follows:

1. BASIS OF AGREEMENT

The team provides a variety of services to school districts and county offices of education upon request. The district has requested that the team assign professionals to study specific aspects of the San Leandro School District's operations. These professionals may include staff of the team, county offices of education, the California State Department of Education, school districts, or private contractors. All work shall be performed in accordance with the terms and conditions of this agreement.

In keeping with the provisions of Assembly Bill 1200, the county superintendent will be notified of this agreement between the district and FCMAT and will receive a copy of the final report. The final report will also be published on the FCMAT website.

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

The scope and objectives of this study are to:

1. Analyze the district's special education encroachment on the general fund for the 2011-12 and 2012-13 fiscal years and make recommendations for greater efficiency.
2. Provide an analysis of staffing ratios for all special education certificated and classified staff positions using requirements for mandated services and statewide guidelines.
3. Review special education transportation including routing, scheduling, operations, staffing and the role of the IEP, and determine how costs could be reduced.

4. Analyze current special education programs and services and determine if a full range of services are provided consistent with federal and state law.
5. Determine if the district overidentifies students for special education, and assess the identification rates of preschool students transitioning into the district.
6. Examine the use of 1-to-1 instructional aides and the procedures for identification, placement and fading and make recommendations to improve efficiency
7. Examine the costs of nonpublic school placements and the use of nonpublic agencies and make recommendations for greater efficiency, if needed.

B. Services and Products to be Provided

1. Orientation Meeting - The team will conduct an orientation session at the district to brief district management and supervisory personnel on the team's procedures and the purpose and schedule of the study.
2. On-site Review - The team will conduct an on-site review at the district office and at school sites if necessary.
3. Exit Report - The team will hold an exit meeting at the conclusion of the on-site review to inform the district of significant findings and recommendations to that point.
4. Exit Letter – Approximately 10 days after the exit meeting, the team will issue an exit letter briefly summarizing significant findings and recommendations to date and memorializing the topics discussed in the exit meeting.
5. Draft Reports - Electronic copies of a preliminary draft report will be delivered to the district's administration for review and comment.
6. Final Report - Electronic copies of the final report will be delivered to the district's administration and to the county superintendent following completion of the review. Printed copies are available from FCMAT upon request.
7. Follow-Up Support – If requested, FCMAT will return to the district at no cost six months after completion of the study to assess the district's progress in implementing the recommendations included in the report. Progress in implementing the recommendations will be documented to the district in a FCMAT management letter.

3. PROJECT PERSONNEL

The study team will be supervised by Anthony L. Bridges, CFE, CICA, Deputy Executive Officer, Fiscal Crisis and Management Assistance Team, Kern County Superintendent of Schools Office. The study team may also include:

- | | |
|--------------------------|---|
| A. Dr. William Gillaspie | FCMAT Deputy Administrative Officer, Project Lead |
| B. Tim Purvis | FCMAT Consultant |
| C. Mike Rea | FCMAT Consultant |
| D. Anne Stone | FCMAT Consultant |
| E. Joann Murphy | FCMAT Consultant |

Other equally qualified staff or consultants will be substituted in the event one of the above individuals is unable to participate in the study.

4. PROJECT COSTS

The cost for studies requested pursuant to E.C. 42127.8(d)(1) shall be as follows:

- A. \$500 per day for each staff member while on site, conducting fieldwork at other locations, preparing and presenting reports, or participating in meetings. The cost of independent FCMAT consultants will be billed at their actual daily rate.
- B. All out-of-pocket expenses, including travel, meals and lodging.
- C. The district will be invoiced at actual costs, with 50% of the estimated cost due following the completion of the on-site review and the remaining amount due upon the district's acceptance of the final report.

Based on the elements noted in section 2 A, the total estimated cost of the study will be \$25,300.

- D. Any change to the scope will affect the estimate of total cost.

Payments for FCMAT's services are payable to Kern County Superintendent of Schools - Administrative Agent.

5. RESPONSIBILITIES OF THE DISTRICT

- A. The district will provide office and conference room space during on-site reviews.
- B. The district will provide the following if requested:
 - 1. A map of the local area.
 - 2. Existing policies, regulations and prior reports that address the study scope.
 - 3. Current or proposed organizational charts.
 - 4. Current and two prior years' audit reports.
 - 5. Any documents requested on a supplemental list. Documents requested on the supplemental list should be provided to FCMAT only in electronic format; if only hard copies are available, they should be scanned by the district and sent to FCMAT in electronic format.
 - 6. Documents should be provided in advance of field work; any delay in the receipt of the requested documents may affect the start date of the project. Upon approval of the signed study agreement, access will be provided to FCMAT's online SharePoint document repository, where the district will upload all requested documents.
- C. The district's administration will review a preliminary draft copy of the report resulting from the study. Any comments regarding the accuracy of the data presented in the report or the practicability of the recommendations will be reviewed with the team prior to completion of the final report.

Pursuant to EC 45125.1(c), representatives of FCMAT will have limited contact with pupils. The district shall take appropriate steps to comply with EC 45125.1(c).

6. PROJECT SCHEDULE

The following schedule outlines the planned completion dates for different phases of the study:

Orientation:	February, 2014
Staff Interviews:	to be determined
Exit Meeting:	to be determined
Preliminary Report Submitted:	to be determined
Final Report Submitted:	to be determined
Board Presentation:	to be determined, if requested
Follow-Up Support:	if requested

