

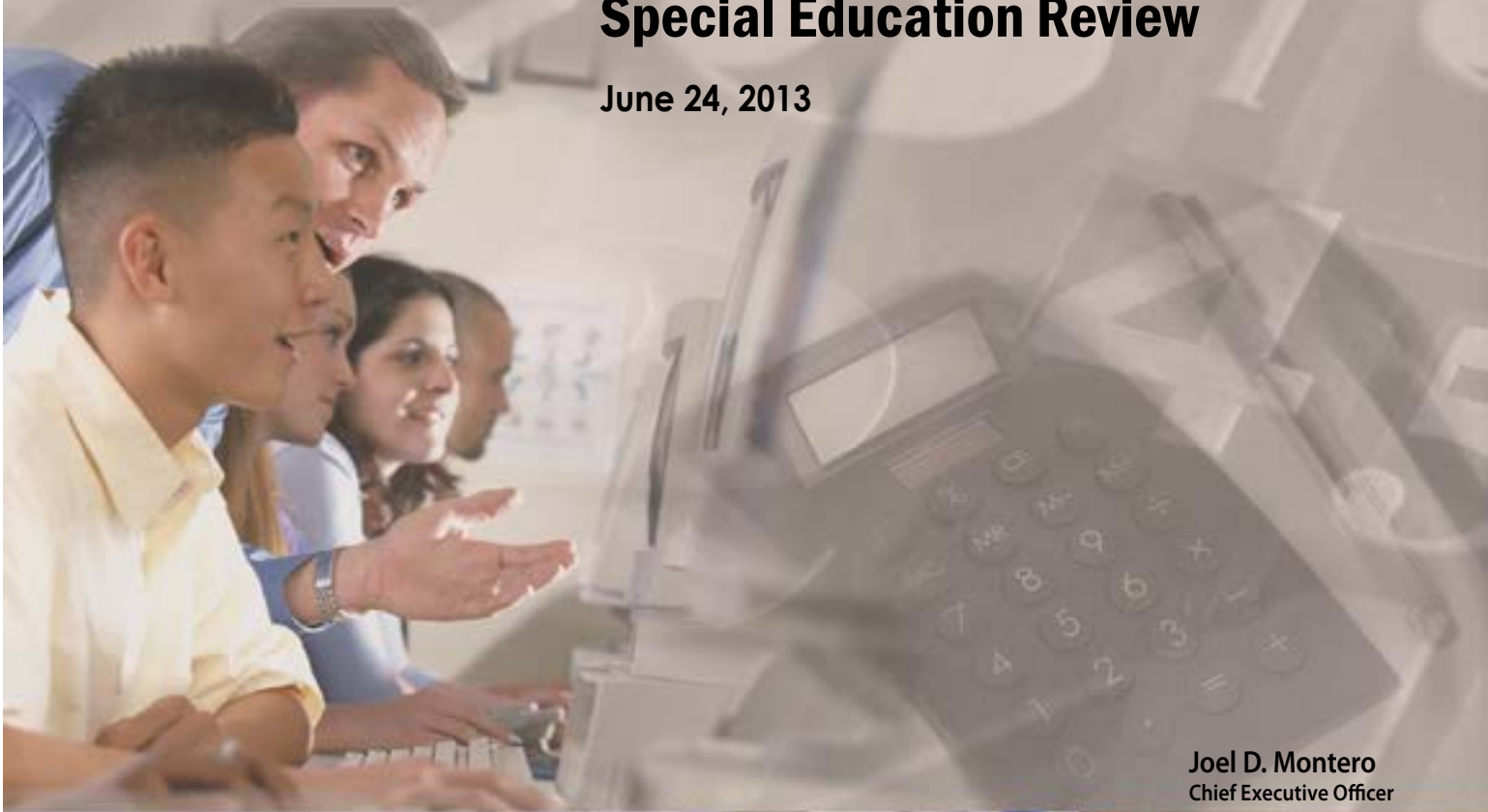


**CSIS** California School Information Services

# Acalanes Union High School District

## Special Education Review

June 24, 2013



Joel D. Montero  
Chief Executive Officer







## CSIS California School Information Services

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June 24, 2013

John Nickerson, Superintendent  
Acalanes Union High School District  
Del Valle Education Center  
1212 Pleasant Hill Road  
Lafayette, CA 94549

Dear Superintendent Nickerson,

In March 2013, the Acalanes Union High School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement to provide a review of the district's special education programs and services. Specifically, the agreement stated that FCMAT would perform the following:

1. Determine the district's special education encroachment on the general fund and make recommendations for greater efficiency.
2. Conduct an evaluation of the special education transportation services agreement between the district and the Contra Costa County Office of Education.
3. Provide an analysis of staffing ratios and class and caseload size using statutory requirements for mandated services and statewide guidelines.
4. Provide an analysis of all staffing and caseloads for designated instruction providers, including psychologists, occupational and physical therapists, behavior specialists, and others.
5. Review the use of resources allocated for nonpublic schools and agencies, mental health services and alternative programs, and make recommendations for greater efficiency.
6. Review the costs of due process and mediations for the past three years.
7. Review the efficiency of paraeducator staffing. Analyze procedures for identifying the need for instructional aides, and the process for monitoring the resources for allocating paraeducators and determining the need for continuing support from year to year.

### FCMAT

Joel D. Montero, Chief Executive Officer

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8. Review the process used to transition students from elementary schools to the district while ensuring that the least restrictive environment is provided and determining if services will be decreased or reduced.
9. Review the process used to move a student from traditional special day classes to learning centers. Make recommendations for cost effectiveness, efficiency and improved learning opportunities for students.
10. Determine how the district can reduce deficit spending in special education and remain in compliance with the requirement to meet students' needs.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Joel D. Montero". The signature is fluid and cursive, with the first name "Joel" being the most prominent.

Joel D. Montero  
Chief Executive Officer

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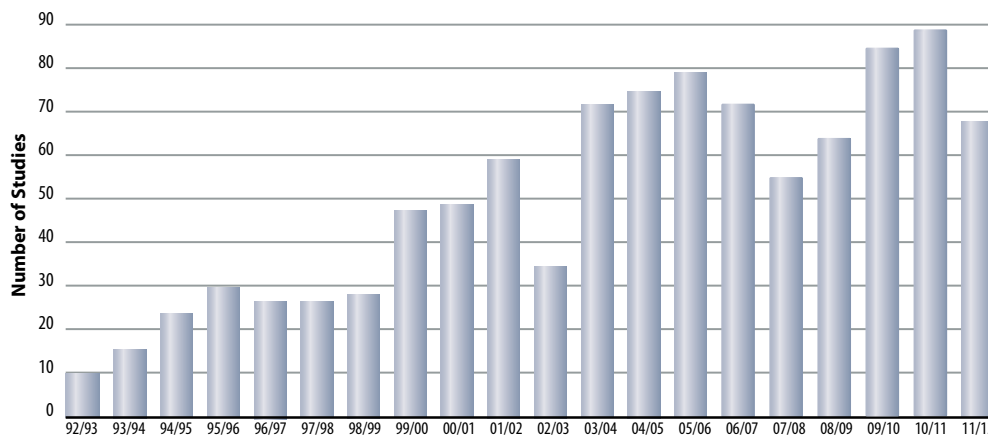
# About FCMAT

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 office 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

Acalanes Union High School District is located in Contra Costa County and is a member of the Contra Costa Special Education Local Plan Area. With a general education enrollment of 5,349, approximately 10% of its students are identified for special education. The 2012-13 encroachment of special education is estimated to be 50.1% of special education expenditures or 6.75% of the unrestricted revenues. The district has requested a FCMAT report to review the costs of special education and determine if greater efficiency could be achieved.

In December 2012, the district requested FCMAT to review its special education programs and services. The study agreement specifies that FCMAT will perform the following:

1. Determine the district's special education encroachment on the general fund and make recommendations for greater efficiency.
2. Conduct an evaluation of the special education transportation services agreement between the district and the Contra Costa County Office of Education.
3. Provide an analysis of staffing ratios and class and caseload size using statutory requirements for mandated services and statewide guidelines.
4. Provide an analysis of all staffing and caseloads for designated instruction providers, including psychologists, occupational and physical therapists, behavior specialists, and others.
5. Review the use of resources allocated for nonpublic schools and agencies, mental health services and alternative programs, and make recommendations for greater efficiency.
6. Review the costs of due process and mediations for the past three years.
7. Review the efficiency of paraeducator staffing. Analyze procedures for identifying the need for instructional aides, and the process for monitoring the resources for allocating paraeducators and determining the need for continuing support from year to year.
8. Review the process used to transition students from elementary schools to the district while ensuring that the least restrictive environment is provided and determining if services will be decreased or reduced.
9. Review the process used to move a student from traditional special day classes to learning centers. Make recommendations for cost effectiveness, efficiency and improved learning opportunities for students.
10. Determine how the district can reduce deficit spending in special education and remain in compliance with the requirement to meet students' needs.

## Study Guidelines

FCMAT visited the district on April 9-12, 2013 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
- Transportation
- Staffing Ratios and Caseloads
- Nonpublic Schools and Agencies
- Due Process
- Instructional Aides
- Transition from Feeder Schools
- Learning Centers
- Appendices

## Study Team

The study team was composed of the following members:

William Gillaspie, Ed.D.  
FCMAT Deputy Administrative Officer  
Sacramento, California

JoAnn Murphy  
FCMAT Consultant  
Santee, California

Trina Frazier\*  
Administrator  
Fresno County SELPA  
Fresno, California

Michael Rea\*  
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Mission Viejo, California

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Bakersfield, California

\*As members of this study team, these consultants were not representing their respective employers but were working solely as independent contractors for FCMAT.

## Executive Summary

The district's special education encroachment for the 2011-12 year was 40.9% of special education expenditures or 5.56% of all unrestricted revenues. The 2012-13 encroachment is estimated to be 50.1% of special education expenditures or 6.75% of unrestricted revenues. This exceeds the 32.08% identified by the California State Board of Education Work Group (2011) as the statewide average. This percentage includes transportation.

Several factors account for this increase. Four major factors are: declining general education enrollment with increases in special education enrollment, increased costs and placements in nonpublic schools, lack of sufficient communication between the Business Services and Special Education departments, and staffing at higher than required levels.

The county office receives the district's allotment of approximately 34% of the revenue it needs to provide special education transportation from state resources, which is slightly less than the statewide average. Because the county office provides special education transportation for the district, it receives the revenue entitlement for transportation and has indicated it would not transfer these funds to the district if it chose to provide its own service. At the district's request FCMAT reviewed the feasibility of the district and its feeder districts transporting special education students rather than receiving this service from the Contra Costa County Office of Education. Without the revenue it would not be cost effective for the district to provide transportation services for special education students.

Certificated staffing for instructional support programs and support service classes is within the guidelines suggested by School Services of California, Inc. (SSC); however, the staffing level for instructional aides exceeds statewide averages. The district should align instructional aide staffing to School Services' guidelines, continue to provide services at the mandated level based on federal and state law and maximize resources, with a potential savings of \$237,990.

There is a lack of a consistent and clearly articulated transition process from the elementary feeder schools to the district. Each high school has a different transition process, which has led to inconsistencies and inappropriate transitions. Teachers do not have the student information they need to schedule and plan appropriate programs and services.

The district experienced a significant and unanticipated increase in special education costs of \$1,097,851 for the 2012-13 school year because students transitioning from the feeder schools resulted in 10 additional nonpublic school placements. This information is critical in the transition process and should be available to staff several months before transition takes place. Recommendations are included in this report to ensure that effective processes exist to project the required expenditures in the special education budget.



# Findings and Recommendations

## Fiscal

The district's special education encroachment for the 2011-12 year was 40.9% of special education expenditures or 5.56% of all unrestricted revenue. The 2012-13 encroachment is estimated to be 50.1% of special education expenditures or 6.75% of the unrestricted revenues. Four major factors that account for this increase are: declining enrollment in general education and concurrent increases in special education enrollment, increased costs and placements in nonpublic schools, lack of sufficient communication between the Business Services and Special Education departments, and staffing at higher than required levels.

Districts have little control over special education revenues. For example, special education revenues decreased drastically in the 2010-11 fiscal year because the largest district in the SELPA left to become its own SELPA. All districts remaining in the SELPA suffered a loss as a result. Although revenue was reduced that year, expenditures did not decrease at the same rate. At the same time, the district enrollment in general education has decreased every year for the past three years while the special education enrollment has increased. These increases in costly programs and services for disabled students can increase the encroachment from year to year.

School Services of California, Inc., in a report dated September 27, 2012, stated, "The special education encroachment represents the difference between: (1) total expenditures for state special education (excluding federal and special education transportation programs), including all allocated and indirect costs; minus (2) total revenues for special education from state aid, property taxes and revenue limits." The report further stated, "In 2010-11, the latest state-certified data available, expenditures increased 3.73% from the previous year, compared with a less than 1% increase in revenues."

Unrestricted general fund contribution and excess costs or encroachment are different. Excess costs for special education only begin to accrue after the costs of educating disabled children exceed the district's proportionate share of the average per pupil expenditure calculated for all students. Therefore, it is required that a school district's local general fund pay its share of the costs of special education first.

Federal assistance primarily comes from Individuals with Disabilities Education Act (IDEA) Part B funding. IDEA did commit to funding 40% of the national excess costs of special education; however, it has never reached this level. One-time funds in 2009-10 brought the level up to 27% for that year only. The average approximate federal funding level is 17%.

When a district spends more than it receives for its general operations, it can freeze spending and/or staffing, reduce staffing or reduce programs. However, the district does not have many of these options in special education. Nearly all special education expenditures are for classroom personnel and contracted services for students that the district cannot provide.

As seen in the chart below, the special education encroachment has increased each year. Starting in 2009-10 the district's encroachment percentage has exceeded the statewide average.

<b>SPECIAL EDUCATION</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13 Adopted Budget</b>
Unrestricted expenses**	35,764,475	32,892,489	39,769,873	40,813,017	44,046,718
% increase/decrease from prior year		-8.7%	20.9%	2.6%	7.9%
Special education revenue***	3,641,172	3,866,729	3,299,546	3,278,316	2,964,191
% increase/decrease from prior year		6.2%	-17.1%	-1.0%	-9.6%
Special education expenses***	4,951,569	5,603,000	5,429,734	5,545,685	5,936,532
% increase/decrease from prior year		13.1%	-3.2%	2.1%	6.8%
Contribution from unrestricted to special education***	1,310,397	1,736,271	2,130,188	2,267,369	2,972,341
% increase/decrease from prior year		24.1%	19.8%	10.9%	26.4%
% of deficit in special education causing the contribution	26.5%	31.0%	39.3%	40.9%	50.1%
Statewide average****	28.4%	25.3%	27.4%	unavailable	unavailable
% special education contribution of general fund	3.67%	5.28%	5.36%	5.56%	6.75%
Unrestricted revenues**					

\*Affected by San Ramon Valley USD leaving the SELPA

\*\*Ed Data website

\*\*\*District spreadsheet excluding transportation costs

\*\*\*\*School Services of California

The district must thoroughly evaluate its individualized education programs (IEPs), nonpublic school/nonpublic agency (NPS/NPA) placements and staffing levels. Some of these determinations are made in isolation and will be discussed in other sections of this report. Collaboration of the Business Services, Human Resources and Special Education departments must occur before final decisions are made; this is essential to ensure a realistic budget. Managing special education expenditures takes time and effort on everyone's part, but the result is cost savings. Proper training of personnel involved in IEPs, proper attendance tracking, negotiations of costs with NPS/NPA providers, district involvement in county office transportation costs, review of staffing and review of district programs are all vital segments of budget development.

The district does not have a clear plan for utilizing the mental health revenues that previously were allotted to the county mental health department. Much of this revenue would be appropriately used to provide special education services.

# Recommendations

*The district should:*

1. Ensure that all possible revenues are included under special education, such as mental health revenue.
2. Continue to actively participate in the SELPA's revenue distribution methodology.
3. Ensure correct accounting for special education attendance, including nonpublic school attendance, so that maximum average daily attendance (ADA) is reported.
4. Ensure that all IEP meetings have administrative designees that are trained in the process.
5. Establish monthly meetings between the Special Education, Human Resources and Business Services departments to review changes in expenditures and departmental needs.





# Transportation

Special education transportation is provided as a related service for students to access their educational opportunities as required by IDEA and as dictated through a student's IEP. Not all special education students require special education transportation.

Students who attend the school in their assigned attendance area are not offered transportation as a related service by the district. Students who attend county programs, nonpublic schools or programs in schools other than their home school are offered transportation. The district has approximately 40 special education students transported by the Contra Costa County Office of Education on its contract with Durham Transportation. Approximately 26 other students are transported by nonpublic schools (included in the NPS contract) or by taxi cab.

The district has entered into a contract with the county office to provide pupil transportation service. This agreement is identical to those that other school districts in the county have executed with the county office for this service. The county office does not own or operate school buses, but contracts with a for-profit school transportation provider, Durham School Services. Durham is a rather large school bus contractor, with contracts for many school districts in the East Bay and the San Francisco Peninsula.

## Contracts

The contract between the county office and the district is executed annually. It is a simple, two-page contract indicating that the county office will provide the transportation service that the district requests and invoice the district. The only limitation is that the county office is bound by the contract with Durham. The district is responsible to provide the transportation information that the county office requires and to pay its invoices on time.

The Durham contract has a term of September 1, 2009 to August 31, 2012. The contract can be extended a maximum of an additional five years. There is no specific language relative to the rate that would be charged for extended years beyond the initial term. The contract was extended one year through August 31, 2013. The county office has indicated that the contract will be extended an additional year. During the 2013-14 school year, the county office reported that it will go out to bid for the service again. Durham has been the successful bidder and provider of this service since its initiation many years ago. When the service went to bid in the 2008-09 school year, one other school transportation contractor submitted a bid, but it was not responsive to the specific terms of this bid, so the bid was not considered. Durham was again selected as the service provider.

The current rate for the contract is \$55.38 per student for each day that they ride the bus for ambulatory students. Wheelchair students are charged \$79.80 per student, per day that they ride the bus. Prior to this contract term, the county office contract rate was a per-hour base rate per bus, which creates little incentive to route efficiently. Durham has responsibility for all bus routing. The county office's move to a per-student rate forces Durham to route in the most efficient fashion to make this contract profitable. This is a significant benefit to the county office, which reported a savings in the first year of this contract. Charging only when students ride the bus is an additional benefit for the county office and the districts that receive service.

FCMAT has provided management assistance service to several other school districts in Contra Costa County that participate in this contract. Over the years the county office has tightened up the contract language and its procedures to benefit the participating school districts. The contract includes travel time stipulations of a maximum of one hour, unless the student lives more than 15 miles from their school. The most significant benefit has been bidding the contract on a per-student basis. In addition, the county office has improved its transportation request forms and has developed a parent handbook.

The contract between Durham and the county office includes reasonable and common stipulations that protect county office interests and the districts that are served. The contract stipulates that Durham will provide pupil transportation service “to and from school sites within the counties of Contra Costa, Solano and Alameda ...” It includes transportation for classes or programs operated by the county office, the districts in the county, or nonpublic schools. The contract allows county office officials to inspect buses and driver records and to charge Durham for liquidated damages, defined as late or missed service. Through interviews, FCMAT found that the county office does not charge Durham for liquidated damages, and it rarely inspects buses or driver records.

## Finance

School transportation in California is inadequately funded. The state pays only approximately 35% of the statewide cost of pupil transportation. The funding is quite disproportionate. Up to 1977, school districts reported their transportation costs and were fully reimbursed in the subsequent school year. After Proposition 13 passed, California gradually reduced the reimbursement percentage. In the 1982-83 school year, California capped the funding based on 80% of the costs reported by each school district or county office of education. Over the past 30 years, the state has occasionally granted a cost of living adjustment (COLA), but that has not kept up with the increased costs of transportation. Furthermore, growing school districts do not receive any additional funding and districts with declining enrollment do not experience a reduction of transportation funding.

The district does not receive any state funding for regular or special education transportation, but does receive a proportional credit of the state funding that the county office gets for transporting severely disabled and orthopedically impaired students.

Based on the county office’s transportation report submitted to the state, it receives approximately 38% of its revenue from the state, requiring the school districts for which it provides service to pay the remaining amount. This is slightly better than the statewide average as noted above and as reported by the California Department of Education (CDE), Education Finance Division. Over the past four fiscal years, state transportation funding has been reduced by approximately 20%. There is hope that this funding will be reinstated for the 2013-14 fiscal year.

The county office has developed a spreadsheet that proportionately distributes school transportation revenue and costs to its school district users. That spreadsheet accompanies a monthly invoice for service. Appendix A is the most recent spreadsheet provided to FCMAT by the district, and is for January 2013. In this spreadsheet, the district had 40 students transported by the county office at a cost of \$40,342.38. The district received a credit of \$10,064.96 in state apportionment received by the county office, and there was an office cost of \$3,209.88.

FCMAT also received a year-end adjustment spreadsheet for the 2011-12 fiscal year. This spreadsheet indicated a cost of \$344,774.70 for transportation service, \$1,003.57 for dry runs (a pre-service practice run performed by the driver to learn where students live and learn the path of travel), \$30,655.33 for office costs and a state apportionment credit of \$87,892.98. This, plus other adjustments, led to a total billing of \$169,818.07. The district receives approximately 34% of the revenue it needs to provide special education transportation from state sources, which is slightly less than the statewide average.

The county office charges 1.34 full-time equivalent (FTE) staff to this service as “office cost.” A full-time transportation technician processes transportation requests from the districts and coordinates service with Durham. She deals with complaints and concerns and acts as the transportation conduit between Durham and the school districts. She also coordinates the invoices and prepares the spreadsheet. The county office director of general services has .34 of his FTE salary

assigned to this service. In addition to the employee costs, the county office has a modest charge for office supplies. There is no lease or rent cost for office space for this service.

The county office's TRAN form indicated that the cost per mile for the 2011-12 fiscal year (the most recent year available) was \$2.27. The cost per student was \$5,750. The most recent available statewide average (fiscal year 2010-11) cost per mile for special education transportation was \$4.59 (as reported by CDE-Education Finance). The statewide average cost per student was \$6,426.36. The county office's costs are below the statewide averages and represent a cost-effective service.

The district expressed frustration over the cost of the service with the county office and cited some examples of poor responsiveness to district issues either by the county office or by Durham. The district asked FCMAT to explore the feasibility of the district and possibly its feeder (partner) elementary school districts providing service on their own.

The key to providing a cost-competitive transportation service would be the disposition of a portion of the state transportation revenue. As described earlier, unlike other education programs, school transportation revenue is not ADA-based. It does not follow the student, as do most other education revenues. The transportation revenue is based on the historical amount that was capped 30 years ago, as described in Education Code Sections 41850-41856. The revenue is an entitlement received by the county office. The district receives no such revenue. If the district decided to take responsibility for its transportation program, the county office would not be legally required to transfer any of the revenue to the district or any of its feeder elementary school districts. In a recent letter to the district, the county office stated it would not transfer funds back to the district if it chose to provide its own service. That is further supported by the county office's recent action when Mt. Diablo Unified School District (a previous participant in this service) decided to take responsibility for its special education transportation. None of the revenue was transferred to Mt. Diablo.

Without the revenue, it would not be cost effective for the district and its feeder elementary school districts to provide this service in a shared fashion.

Although there are examples throughout California of county offices of education that have transferred revenue to districts that have taken responsibility for providing their own special education transportation service, the Contra Costa county office has taken a position that it will not. This position has recently benefitted the district, with the revenue that would have previously been assigned to Mt. Diablo now being distributed among the remaining members.

State pupil transportation revenue can be transferred through an administrative procedure described by the California Department of Education, Education Finance Division, as the J141T process. "J141" refers to the previous designation of the TRAN report. The "T" refers to a transfer. The process description and forms are on the CDE website under Pupil Transportation or may be discussed with Christina Kersey of the Categorical Allocation and Management Assistance unit, CDE at [ckersey@cde.ca.gov](mailto:ckersey@cde.ca.gov) or at 916-324-9806. Both parties must agree on the transfer timetable and amounts, sign the J141T forms, and submit them to CDE by the deadline date.

## Student Transportation Services

The district has approximately 553 students with IEPs. Approximately 40 are transported by the county office, and 26 are transported by other providers. They are:

- Pawar Transportation (cab), 17 students, approx. \$12,900/student/year
- A Better Chance (NPS), 5 students, approx. \$11,000/student/year
- Tobin World (NPS), 1 student, approx. \$11,500/student/year

- VIA Center (NPS), 1 student, approx. \$25,200/student/year
- Star Academy (NPS), 2 students, approx. \$13,500/student/year

Most of these students could be transported for a significantly lower cost on the county office contract. Only those that attend Star Academy in San Rafael (Marin County) could not be served by the contract because it only covers students in Contra Costa, Alameda and Solano counties. All of the other programs appear to be in those counties. Although some IEP driven issues may preclude the placement of these students on county office buses, every attempt should be made. This could result in a conservative savings of \$71,768 per year.

## Governance and Communication

The district expressed concern about responsiveness from the county office transportation staff and Durham. No regular meetings are held among the school districts, county office and Durham to discuss service or performance issues. The county office has scheduled occasional meetings, but staff stated there has not been great interest among the school district users to meet regarding transportation.

This may stem from the financial and staffing challenges that school districts have faced over the past several years that leave little time for school district staff to attend meetings. Communications and operations issues stemming from increased workload and staff reductions may also contribute.

Although the county office has taken the lead role and responsibility for this transportation service arrangement, perhaps the SELPA, in its role as the regional special education planning body, might be the preferred venue to coordinate special education transportation or place as a discussion item on the agenda at its regular meetings. As revealed in several interviews, many years ago the Contra Costa County SELPA did have a lead role in forming this transportation arrangement.

A regular transportation meeting hosted by the county would allow the 14 school districts that have service provided by the county office on its contract with Durham to discuss issues and concerns.

## Recommendations

*The district should:*

1. Encourage the county office to manage elements of the contract with Durham over which they have control, including monitoring service issues, charging liquidated damages and inspecting bus and driver records.
2. Continue to utilize the county office for special education transportation service.
3. Evaluate students who have transportation service provided by taxi cabs or included in their NPS program contracts to determine if they can ride on county office routes.
4. Encourage the county office to have regular transportation meetings with user school districts, and continue discussing the transfer of state school transportation revenue to districts that take responsibility for transporting all of their special education students.

# Staffing Ratios and Caseloads

## Instructional Support Program (ISP)

The district employs 18 full-time equivalent (FTE) instructional support program teachers to serve special education students. Although the district describes its program as instructional support, the staff stated this is merely a name change and it still operates as a traditional resource specialist program. Students spend most of the day in the general education classroom and receive resource specialist support through pull-out programs.

The caseload average for district resource specialists was calculated using a divisor of 28 students, which is the Education Code (EC 56362(c)) cap on the number of special education students these teachers can serve without a state waiver. The average district caseload is 28 students per teacher.

The district operates four support service classes for students requiring a special day class setting. The average class size is 12-14, which is consistent with the statewide guidelines from School Services of California, Inc.; however, the level of instructional aide support in these classes exceeds these staffing guidelines and will be discussed in another section.

## Psychologists

The district employs 3.6 FTE school psychologists to provide services to its four schools. Twenty percent of those resources are allotted for assessment and/or triennial evaluations of nonpublic school students. The district ratio of psychologists to students is 1:1486 while the statewide average is 1:1466 as reported by the CDE. The district ratio is slightly higher than the statewide average. A psychologist intern program could assist with assessments. This partnership provides interns the opportunity to complete required internship hours and provides a benefit to school districts. Normally districts provide a nominal stipend for interns.

The staff perceive that referrals to special education are out of control, with most referrals coming from students transitioning into the district from elementary feeder districts. FCMAT found that 15 of the initial evaluations for 2012-13 are from students in grades 10 and 30 are from students in grade 11, while only eight evaluations came from the elementary feeder districts.

The district identification rate for disabled students has averaged between 9% and 10% each year for the past three years. The statewide average is 10%; however, the district's number of special education students increases each year while the general education enrollment is decreasing each year.

## Response to Intervention

No consistent protocol is in place for Response to Intervention in the district. The CDE defines Response to Intervention (RtI<sup>2</sup>) as a general education approach of high-quality instruction and early intervention, prevention, and behavioral strategies. RtI<sup>2</sup> offers a way to eliminate the achievement gap through a school-wide process that provides assistance to every student, both high-achieving and struggling learners. It utilizes all resources in a school and school district in a collaborative manner to create a single, well-integrated system of instruction and interventions informed by student outcome data. RtI<sup>2</sup> is fully aligned with the research on the effectiveness of early intervention and the recommendations of the California P-16 Council. Access, culture and climate, expectations, and strategies are the council's themes.

The knowledge of RtI<sup>2</sup> among district staff is very inconsistent. The district has not yet developed a master plan; however, interviewees expressed that the administration is at a point where it is ready to begin development.

The staff has had very little training in the Response to Intervention model. Some administrators and teachers have participated in brief workshops or sessions outside the district. Some of the resources and interventions being implemented at the school sites would fit appropriately into the Response to Intervention model; however, others are not research-based and do not include data collection and progress monitoring components. The district must ensure it has a system in place that assists with the data collection components of RtI<sup>2</sup>.

The district should plan to provide intensive RtI<sup>2</sup> training for all staff. The training phase should be clearly outlined in the master plan. During a presentation held at the National Association of School Psychologists Convention in 2006, George Batsche and W. David Tilly identified three phases in the implementation of RtI<sup>2</sup>; consensus building (commitment from the staff), infrastructure, and implementation. Response to Intervention implementation should be led by the curriculum and instruction director with assistance from the director of special programs, assessment and student services. This would be a crucial aspect of implementation, as RtI<sup>2</sup> is a general education function and buy-in should be sought from the entire staff.

In 2008 the California Department of Education provided guidance regarding Response to Intervention in schools (please see Appendix B).

## Recommendations

*The district should:*

1. Develop a master plan for implementing RtI<sup>2</sup>.
2. Ensure that the master plan is endorsed by the superintendent and presented to the Board of Trustees for approval and adoption.
3. Ensure that Response to Intervention implementation is led by Education Support Services and/or Curriculum and Instruction.
4. Ensure that the staff is aware that RtI<sup>2</sup> is a general education function, and seek buy-in from the entire staff.
5. Develop a training module and ensure that intensive training begins in September 2013.
6. Consider developing a psychologist intern program.

# Nonpublic Schools and Agencies

FCMAT was asked to review nonpublic school, nonpublic agency, mental health and alternative program resources and expenditures and make recommendations for greater efficiency.

One key factor to consider when reviewing the special education budget for efficiency is how the initial budget is developed and monitored. Close communication between the Business Department and Special Education is essential to ensure that the initial budget contains accurate projections for income and expenditures. The Business Department has to rely on Special Education for this information because business staff cannot be aware of potential program changes that would affect the budget.

Department staff reported there is some informal interdepartmental communication, but Special Education is not always timely in providing budget changes to the Business Department. Special Education has developed a spreadsheet to track nonpublic school, nonpublic agency and independent contractor information. This has been helpful for both departments. However, not all necessary data is included in the spreadsheet, and the Business Department does not have ready access to the data. Missing data includes: the date a special education contract is board approved, when individual service agreements (ISAs) are initiated or amended, and any contract or ISA termination. Having this information would allow the Business Department to accurately track expenditures, and would reduce the possibility of unexpected increases in the special education budget.

## Nonpublic Schools (NPS)

“Nonpublic, nonsectarian school means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the department. It does not include an organization or agency that operates as a public agency or offers public service, including, but not limited to, a state or local 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.” (EC 56034)

In 2011-12, the budget for NPS was \$517,815. At first interim for 2012-13, the budget was \$1,615,000. The first interim budget may be higher than when the final expenditures are calculated, as evidence could not be found that budget reductions attributable to students exiting from NPSs were reflected at the first interim reporting period.

The number of students placed in NPS increased from 19 in 2011-12 to 29 in 2012-13. Two of these students were no longer in an NPS as of April 1, 2013.

Staff reported that the primary reason for the increased number of NPS students was the result of incoming 9th grade students who had been placed in an NPS before enrolling in the high school district. Once a student is in an NPS, it can be difficult to transfer the student to a district program.

FCMAT reviewed NPS students' grade levels. Their current grades are:

9th	9
10th	7
11th	6
12th	7

This data supports the staff's impression that a significant number of NPS students are inherited from the feeder schools.

Funding changes in residential placement took place during this same budget period, with four of the 27 current NPS students in residential placement. Room and board and mental health counseling are now the district's responsibility rather than that of county Mental Health. State and federal funds are distributed to each SELPA to help cover a portion of these costs. The mental health funds that the district receives and the additional cost to the district is discussed later in this report.

The educational portion for the four students in residential placement is \$102,438.10. This has traditionally been the district's responsibility. Additional costs are \$167,303 for room and board and \$228,981 for mental health counseling. These expenditures are based on the ISAs for the residential placements and reflect one student who was not in placement for a full year. Mandatory travel costs are not included in this calculation.

The grades of the students in residential NPS are:

9th	2
10th	1
11th	1
12th	1

This data further supports the staff's impression that students inherited from the feeder schools significantly affect the budget. The district has begun meeting with the feeder schools to discuss, among other topics, the nonpublic school issue. It is in both the students' interest and the district's interest not to place students prior to 9th grade, and if they are placed, to return them to district or local programs as soon as appropriate. It is therefore necessary to monitor the students' progress and develop transition plans to return them to a local program as part of their IEP.

## Mental Health

As stated earlier, the cost of residential NPS placements has significantly increased because county Mental Health is no longer responsible for the student's room and board or the mental health counseling following implementation of Assembly Bill (AB) 114. The SELPA has developed an allocation plan with the member districts for distributing these mental health funds. The district has also developed a plan for expending these funds, but as of this review, carryover funds were not included in the plan.

This year's mental health allocation from the SELPA to the district was \$370,000. The district had a \$200,000 carryover from last year. The district's plan included using \$344,044 for mental health services in residential programs and counseling, leaving a balance of \$225,956. The district could use an additional portion of the carryover for the nonpublic school residential room and board or district staff providing mental health programs, thereby reducing the overall special education encroachment.

Another reason given by staff for students being placed in NPS was that the district does not have appropriate program(s) to meet the unique needs of these students. It was also reported that most of the students in NPS have behavioral issues. The district would need to develop a defensible program to return students from nonpublic schools. A program for 8-10 students would require one highly trained teacher, two aides, and one to two days per week of counseling and behavioral support. District staff would provide any related service on these students' IEPs. The site housing



these classes would need training and support to ensure the students were welcomed on the campus and their unique behavioral needs were appropriately addressed.

Current NPS rates range from \$22,320 to \$89,500 per student based on the daily rate and additional related services of transportation, speech, and/or occupational therapy. The average rate for an NPS placement is \$45,000. Using the average rate, a class of 10 students could cost the district approximately \$450,000.

The average district teacher salary with benefits, according to district information, is approximately \$100,000 and a 6-hour aide salary with benefits is approximately \$47,000. Psychologist and behavioral support staff for two days per week is calculated at the average teacher salary. Therefore, the cost of operating a district class for 10 students would be approximately \$234,000 plus whatever materials were needed to establish the program and transportation to the program. There could be a potential savings to the district of \$216,000, excluding costs for materials and transportation, for each year that these students were not in an NPS.

Staff stated that students also have been placed in an NPS because the district made procedural errors in the IEP document, did not provide the services as stated in the IEP or did not assess a student for special education despite awareness of potential special education issues. To resolve these due process issues, an NPS was offered. Although this may not account for most of the placements, appropriate training and monitoring would help reduce or eliminate any placements for this reason.

### **Nonpublic Agency (NPA)**

“Nonpublic, nonsectarian agency means a private, nonsectarian establishment or individual that provides related services necessary for an individual with exceptional needs to benefit educationally from the pupils’ educational program pursuant to an individualized education program and that is certified by the department. It does not include an organization or agency that operates as a public agency or offers public service, including, but not limited to, a state or local agency, an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, a public university or college, or a public hospital. The nonpublic, nonsectarian agency shall also meet standards as prescribed by the superintendent and board.” (EC 56035)

In 2011-12, the district had nine special education NPA contracts for \$408,030. In 2012-13, there are 10 NPA contracts for \$334,810 for a projected decrease of \$73,220.

The district uses these NPAs to provide students with services for speech, reading, counseling, healthcare and assistive technology. An insufficient number of students receive any of these services to warrant hiring district staff. It was not determined if the feeder districts also contract for these services or have hired staff to provide them.

### **Independent Contractors**

The special education budget for special education independent contractors increased from 2011-12 to 2012-13. In 2011-12 there were 18 contracts for \$256,813. There are now 14 contracts for \$365,000, with two contracts recently initiated for an additional \$16,000. Eleven of the contracts provide services to individual students as a result of compromise agreements. These contracts are for counseling, occupational therapy, behavior support, evaluations and physical therapy. Three of the contracts provide district-wide transportation, translations and supports to deaf students.

### County Office of Education (COE)

The county office has not adjusted its rate of \$27,280 per student for the past three years. The rate is based on the previous April 1 count and does not include transportation or additional aide support. At this time, only one district student requires an aide. In 2011-12, the district had 16 students in the program. In 2012-13, the district has 17 students in the program. Therefore the district can project a cost increase of about \$30,000.

The students referred to the county programs have significant behavioral and/or emotional needs requiring more specialized programs than what is available in the district. If the district determines that district programs will be developed for NPS students, individual students in the county office programs may also be considered for these programs.

## Recommendations

*The district should:*

1. Schedule regular meetings between Special Education and the Business Department for initial budget development and to review all potential changes in contracts or agreements for NPS, NPA, and independent contractors, county office billing, staffing, and due process/complaint filings and resolutions.
2. Amend the spreadsheet for NPS, NPA and independent contractors to include additional data, and give the Business Department ready access to the data.
3. Continue working with the feeder districts to develop comprehensive strategies to reduce the number of NPS placements originated in the feeder schools.
4. Carefully review the mental health funds received through the SELPA allocation model to determine if additional funds could be used to pay for the cost of students in residential NPS or for hiring district staff.
5. Monitor the IEPs of all students in NPS and ensure that each IEP includes transition plans to return the student to a district program.
6. Determine if the district should develop programs for some of the students currently in either an NPS or the county office program.
  - a. Review each student's IEP to ensure there are sufficient numbers of students with similar needs.
  - b. Determine where a class or classes could be located.
  - c. Include the school where the class(es) will be located in the planning and hiring process.
  - d. Determine the staffing needs for the class(es) and begin the hiring process.

- e. Determine what additional support services will be required and begin hiring or assigning staff.
  - f. Determine what additional materials/supplies will be required and begin purchasing them.
  - g. Set up informal meetings with the parents of potential students to involve them in developing the class and placing their student in the class.
  - h. Inform the NPS and, if appropriate, county office of potential changes and to ensure their support of the change.
  - i. Continue meeting with parents as the class(es) are developed to ensure their cooperation and support.
  - j. Hold IEP meetings regarding placement in the district program.
7. Train teachers and administrators and provide monitoring and support to eliminate procedural errors and ensure implementation of the IEP and child find, which refers to the district's responsibility to search out and serve students with disabilities.
  8. Review each NPA and independent contractor agreement, and meet with the district's feeder schools to determine if hiring staff in conjunction with any of the feeder districts could reduce costs and increase interdistrict collaboration.
  9. Review each student placement in the county office program to determine if any students could return to the district and for appropriate budgeting.



## Due Process

A due process hearing procedure can be initiated when under EC 56501 (a) (1) “There is a proposal to initiate or change the identification, assessment, or educational placement of the child or the provision of a free appropriate public education to the child. (2) There is a refusal to initiate or change the identification, assessment, or educational placement of the child or the provision of a free appropriate public education to the child. (3) The parent or guardian refuses to consent to an assessment of the child. (4) There is a disagreement between a parent or guardian and a local educational agency regarding the availability of a program appropriate for the child, including the question of financial responsibility, as specified in Section 300.148 of Title 34 of the Code of Federal Regulations.”

The district provided FCMAT with information regarding the number of cases filed for due process and the results of these filings.

In 2010-11, there were seven compromise and release agreements. These are the settlement agreements between districts and parents that come out of due process. The legal costs for that year were not available because the accounting coding was included in nonpublic school and nonpublic agency costs. The comprehensive special education student services included in these agreements cost \$196,459.

In 2011-12, there were three compromise and release agreements with district legal costs of \$207,296. The comprehensive special education student services included in these agreements cost \$58,000.

As of April 12, 2013, four agreements are completed for 2012-13, with the legal cost increasing by \$155,000 to \$362,296. The increase is because one case proceeded to a hearing before reaching a resolution. One other case has been withdrawn, but it also will increase this year’s legal fees. Other comprehensive special education student services included in these agreements cost \$130,000.

The district does not track every potential or actual filing, school/program involved, issue addressed, resolution or resulting cost. Although the special education director is very familiar with these facts, without documentation, the Business Department and the superintendent may lack sufficient information to make appropriate budget decisions.

Interviews and document review reveal four main reasons for potential filings or actual due process filings:

- 1) The relationship with families does not begin until the end of the 8th grade year, when attitudes and circumstances may already be negative regarding the high school district.
- 2) The relationship with the family deteriorates to the point where the family feels they have no recourse other than filing.
- 3) Students have a compromise and release agreement with their previous district, and want to continue with the program or services contained in that agreement. The district proposes an IEP that it believes will yield educational benefit for the student, but the family does not agree.
- 4) The district believes the student’s program (which may be general education) is designed for educational benefit, but the family does not agree.

FCMAT also discussed with both district and site staff why the district settles due process filings rather than going through a hearing. The general consensus of staff was that the district determines that settlement is appropriate when:

- 1) The district discovers procedural or time line errors in the IEP, or that the services in the IEP were not delivered as stated.
- 2) The district has not identified a student for assessment despite indicators that assessment was appropriate.
- 3) The student's program has not resulted in educational benefit.

In 2011-12, the district requested assistance from the SELPA to conduct a facilitated IEP. These meetings are chaired by a trained facilitator with the objective of completing and signing an IEP. In 2012-13 there have been three facilitated IEPs. None of the facilitated IEPs held this year were successfully completed.

## Recommendations

*The district should:*

1. Develop a spreadsheet to include all pertinent areas of potential and actual due process filings, as well as any complaints that may be filed, so costs can be tracked and issues determined and remedied.
2. Provide this spreadsheet to the Business Department at least monthly so the special education budget can be adjusted as needed.
3. Begin developing positive relationships with incoming 9th graders earlier than the end of the student's 8th grade year. This could include sessions to meet the director or superintendent, and having high school special education staff attend middle school IEPs.
4. Train appropriate staff to review IEPs for compliance and to monitor that the services of the IEP are delivered as stated.
5. Train district staff in facilitation techniques through the SELPA or private companies so that facilitated IEPs can be held as soon as disagreements arise.

# Instructional Aides

## Instructional Support Program (ISP) Instructional Assistants

The table below summarizes the instructional assistant support assigned to the instructional support program (ISP). It includes the total number of instructional assistants and the average caseload per ISP teacher. The ISP program has no 1:1 instructional assistants. Most of the instructional assistants work 6 hours per day except for one who works 4.5 hours per day.

### *Summary of ISP Instructional Assistant Support*

Program	Teacher FTEs	Caseload	District Caseload Average	Ed. Code Maximum Caseloads (EC 56362)	Total Instructional Assistants
Instructional Support Program (ISP)	18	478	1:27	1:28	18

Education Code 56362(6)(f) states that, “At least 80 percent of the resource specialists within a local plan shall be provided with an instructional assistant.” Currently, the district has 18 instructional assistants assigned to the 18 ISP classes. The ISP classes are similar in structure to the traditional resource specialist program (RSP) in other districts.

According to School Services of California (SSC) there is considerable variation among districts in the number of instructional assistants assigned to RSPs across the state varies considerably. Some districts routinely use 6-hour instructional assistants and others use only part-time instructional assistants. Some districts also vary instructional assistant time according to RSP caseload.

According to district data, the average caseload for ISP (the equivalent of RSP) teachers is 27. This is within the School Services guidelines and consistent with the maximum caseload requirements per Education Code (EC 56362).

The district employs an average of one full-time benefited 6-hour instructional assistant per teacher. If the district followed the Education Code guideline of 80% of ISP teachers with an instructional assistant, it would reduce the number of instructional assistants by 3.6, for a savings of approximately \$142,318.

Full-time positions with benefits tend to decrease turnover, lower hiring and training costs, and result in better pupil progress. However, the need for full-time instructional assistants needs to be evaluated carefully and reviewed regularly, site by site, to avoid overstaffing and inefficiencies.

### **Service Specific Class Instructional Assistants**

The service specific classes serve moderate to severe students. The SELPA has a policy for determining when additional instructional assistant support is warranted, but staff reported it is not used to determine if additional support is needed for service specific classes. The district determines if additional support is needed based on how many students in a classroom are behaviorally challenged or use a wheelchair for mobility. Staff reported that the student is observed and the IEP is reviewed to examine student needs. If it is determined that student needs warrant additional instructional assistants, staffing is increased. Staffing levels and needs are reviewed annually.

The table below summarizes the instructional assistant (IA) support assigned to service specific classes. No 1:1 instructional assistants are assigned to these classes. Most instructional assistants in the program work 6.5 hours per day.

### *Service Specific Class Instructional Assistant Staffing*

Program	# of Classes	Number of Students	IAs	District Caseload Averages	Recommended Class Loads*	1:1 IAs
Service Specific Class	4	44	12	11 Students 3 Aides	8-10 Students 2 Aides	0

\*Source: School Services of California, Inc.

The average number of instructional assistants assigned to classrooms is higher than School Services recommends. However, class loads are slightly higher than the average recommended by School Services. No 1:1 instructional assistants work in the moderate to severe programs. Although class loads are slightly higher than recommended, they do not justify the addition of one more instructional assistant than the guidelines recommend.

This level of support costs the district an additional \$237,990 per year.

## Recommendations

*The district should:*

1. Review instructional aide staffing for ISP and examine student need to determine if any reductions are warranted for this program.
2. Consider implementing Education Code 56362(f) which states that, "At least 80 percent of the resource specialists within a local plan shall be provided with an instructional assistant."
3. Consider reducing the number of instructional assistants assigned to service specific classrooms and examine student need carefully before implementing reductions.
4. Utilize the SELPA policy for instructional aide staffing for service specific classes.



## Transition from Feeder Schools

The district offers special education programs and services for disabled students in 9<sup>th</sup> to 12<sup>th</sup> grade, and transition services for students ages 18-22 at four comprehensive high schools and one transition program site. The district also provides a range of programs, including learning handicapped programs for students who are on track to graduate with a diploma. Learning program services vary from self-contained class periods for students to full inclusion in the general education program with push-in services. Programs and services for students with mild or mild to moderate disabilities vary among the high schools. Programs for severely handicapped students provide services to those with moderate to severe disabilities who are working to acquire daily living skills. The district coordinates with each feeder school to transition 8<sup>th</sup> grade students to the appropriate high school site for 9<sup>th</sup> grade.

The district lacks a consistent and clearly articulated transition process and procedures. Each high school has a different transition process, which has led to inconsistencies and lack of appropriate transition IEPs.

Teachers do not have information to guide them in planning and preparing for incoming 8<sup>th</sup> graders or to help them coordinate with 8<sup>th</sup> grade school staff. The transition process is not streamlined and varies greatly from site to site. There is a lack of communication between the high schools and feeder schools and an absence of a clear articulation of the services and programs available at each high school. Without a clear understanding and knowledge of the available services, feeder schools are not prepared to write transition IEPs that proactively address students' needs as they enter the 9<sup>th</sup> grade.

The district's special education director attends monthly meetings at the feeder schools in an effort to coordinate, and feeder schools hold transition IEPs for their 8<sup>th</sup> grade students. Often there is a district representative at the transition meetings; however, high school teachers are not always included. Therefore, transition meetings lack an IEP team member who can speak to the specific programs and services available and provide input on how to best meet individual student needs as the high school IEP is developed. Teacher representation from the receiving high school is a crucial element in establishing a smooth and cohesive transition, particularly when high schools have varying programs and service delivery models. Depending on the type of services at each high school, the services and percentage of time in special education can vary greatly in terms of placing high school services on 8<sup>th</sup> grade student's IEPs. Staff reported a lack of planning and coordination at transition meetings that has resulted in students beginning 9<sup>th</sup> grade with services on their IEP that do not reflect the services they receive at the high school site.

While it may be beneficial for the special education director to attend monthly collaboration meetings at the feeder schools, the transition process would be greatly enhanced if teachers specific to the high school that each student will attend were to attend 8<sup>th</sup> grade transition meetings. This would allow IEP teams to put an end date on services that would end in 8<sup>th</sup> grade and add services that will begin in 9<sup>th</sup> grade, and would enable students to make a smooth transition on the first day at high school.

Lack of appropriate planning and preparation has led to staff needing to make numerous amendments to IEPs once students begin high school. Students are not always in the correct classes and must undergo schedule changes after the start of the school year. Additionally, students are not always served in the least restrictive environment. Some students receive more services than they need to receive educational benefit and some receive too few services to support their needs as

indicated in their IEPs. When students are required to change classes, schedules, and teachers, they lose valuable learning time. This is particularly detrimental to students who have a disability. All students should have the opportunity to make a smooth transition and have the appropriate classes, supports, and services in the least restrictive environment on the first day of school.

An established process and procedures along with early preparation and planning would enable high school teachers and staff to prepare incoming students for the following year. It would allow teachers to review 8<sup>th</sup> grade IEPs in advance and provide input to 8<sup>th</sup> grade teachers prior to transition IEPs. It would also allow high school and middle school staff to meet informally prior to an IEP meeting on student cases in which challenges with IEP team members or parents are anticipated. It would enable high school teachers to calendar 8<sup>th</sup> grade transition IEPs and attend these meetings. Appropriate planning and preparation at 8<sup>th</sup> grade IEP meetings would enable the middle school and high school staff to adjust IEPs in advance of the changes that will occur in 9<sup>th</sup> grade. This will lessen the need to amend IEPs in 9<sup>th</sup> grade. The special education director holds monthly meetings with each Special Education Department chairperson. This presents an excellent opportunity for staff to initiate the coordination process and plan for the 8<sup>th</sup> grade student transition.

The challenge of appropriately placing and serving students at the start of 9<sup>th</sup> grade is exacerbated by practices and procedures at some of the feeder schools. Some students do not receive enough services and others are provided more services than they need. Staff reported that services are often added in the 8<sup>th</sup> grade that were not previously on the IEP prior to the transition to high school. Staff also reported that services are often added at the feeder schools at parent request, with pressure on the IEP team to provide more services than the team recommends. Student services should not be based on parent request. Providing more services than a student needs does not allow schools to fulfill their legal requirement to provide services in the least restrictive environment. It also places an undue burden on high school staff to work with parents to decrease services to an appropriate level and complete all the necessary accompanying paperwork.

The district is further challenged in providing the services needed by students who require more than two periods of ISP per day because only a few of the high schools are set up to do so. High school teams are unable to meet this need even when it is appropriate. While it is not possible to align all high school programs and services to all feeder school programs and services, more collaboration between the high schools and feeder schools and more alignment in programming and services would be beneficial.

## Recommendations

*The district should:*

1. Establish a consistent transition process and procedure to implement district-wide with all feeder schools.
2. Increase communication between high school teachers and feeder school teachers, with regular communication during the transition process.
3. Provide feeder school staff with a description of the programs and services provided at each of the high schools.

4. Include 9<sup>th</sup> grade teachers or department chairs in the 8<sup>th</sup> grade transition meetings.
5. Obtain a list of the incoming 8<sup>th</sup> grade students (and possibly a copy of their IEPs) at the beginning of the school year to disseminate to the high schools that the students will attend for 9<sup>th</sup> grade.
6. Hold meetings between 8<sup>th</sup> grade teams and 9<sup>th</sup> grade teachers for student cases in which challenges with IEP team members or parents are anticipated.
7. Increase collaboration with feeder schools to more closely align middle school and high school program and service delivery.
8. Collaborate with 8<sup>th</sup> grade IEP teams to include the anticipated high school services on 8<sup>th</sup> grade transition IEPs.
9. Work with feeder schools to establish an agreement to utilize Education Code special education eligibility criteria for determining placement in special education.
10. Work closely with 8<sup>th</sup> grade teachers to prevent unnecessary services from being added to IEPs just prior to the student entering high school.
11. Increase the number of ISP class periods available per day to meet the needs of students who require more than two periods of ISP.
12. Develop assessment plans to re-evaluate students who may not be eligible for or need special education services.



## Learning Centers

The district refers to the special education classes as instructional support program (ISP) and service specific class. However, program delivery is a traditional model, not a learning center model. The ISP teachers see students for no more than 50% of the student's day, with additional support provided in the general education classes by instructional assistants. The service specific classes support students with moderate to severe disabilities for most of the student day.

The special education director prepared and provided to FCMAT a document stating that a "Learning center offers a variety of instructional delivery models in order to meet individual student needs." The document describes various means by which students may receive instruction, including, "... inclusion of Severely Handicapped students in the student's neighborhood school. Students are included in both Learning Center and general education classes, and have the extra support of the District's Inclusion Program personnel... Special Education services can be as little as one Designated Instructional Service, or a Learning Center class once a day, or a majority of classes offered through the Learning Center."

This model is not being implemented, and staff reported that some mild/moderate students in the ISP classes do not receive the necessary level of special education support. Staff state that in these cases, the additional support provided by instructional assistants in the general education classes is insufficient and may not be the most efficient way to provide instruction.

Students who require more than three periods of instruction are on a special education teacher's caseload, so adding special education periods to their day would not affect caseload or have a financial effect on the district. The scheduling of special education teachers and the students would be affected. A learning center model, as described in the special education director's document, would meet the needs of all these students.

## Recommendations

*The district should:*

1. Determine how many mild/moderate special education students require more than three periods per day of special education instruction, and in what areas.
2. Develop schedules for additional periods of special education instruction at each school site.
3. Determine if staff requires additional materials, training and/or support.
4. Change student IEPs as needed to reflect the increased level of support.



# Appendices

**Appendix A - Transportation Cost Spreadsheet**

**Appendix B - CDE Guidance for Response to Intervention**

**Appendix C - Study Agreement**





Appendix A

CONTRA COSTA COUNTY OFFICE OF EDUCATION  
TRANSPORTATION  
FY 2012-13

January

DISTRICTS	ACALANES	LAKEVIEW	MARTINEZ	MADRAGA	ORINDA	VALLEJO CREEK	MT DIABLO	TOTAL
TOTAL NUMBER OF STUDENTS	40	10	30	0	15	27		128
ROUTE DAYS	717	148	471	89	248	474		2,157
TRANSPORTATION COST	\$ 40,342.34	\$ 8,835.80	\$ 28,938.68	\$ 5,482.62	\$ 14,247.06	\$ 20,611.78		\$ 122,458.32
Oil Fueling	-	-	-	-	-	-	-	-
LIQUID DAMAGES/CHARGES	-	-	-	-	-	-	-	-
OFFICE COST	3,208.88	892.47	2,407.41	401.48	1,203.70	2,166.67		10,271.60
STATE APPORTIONMENT CREDIT	(10,000.88)	(2,518.24)	(7,848.72)	(1,608.74)	(3,774.30)	(6,793.80)		(32,407.87)
<b>TOTAL CURRENT MONTH COST</b>	<b>\$ 33,887.20</b>	<b>\$ 6,822.03</b>	<b>\$ 21,707.87</b>	<b>\$ 4,454.36</b>	<b>\$ 11,676.40</b>	<b>\$ 22,384.60</b>		<b>\$ 100,522.06</b>

DISTRICTS	ANTIOCH	BRIGHTWOOD	BYRON	KNIGHTSEN	LIBERTY	OAKLEY	JOHNSBURY	TOTAL
TOTAL NUMBER OF STUDENTS	0	3	0	0	17	4	14	34
ROUTE DAYS	0	52	0	0	239	70	243	609
TRANSPORTATION COST	\$ -	\$ 3,284.00	\$ -	\$ -	\$ 14,453.88	\$ 4,706.88	\$ 15,073.30	\$ 37,728.79
ADJUSTMENT DEBIT/CREDIT	6,980.00				(6,980.00)			
LIQUID DAMAGES/CHARGES								
OFFICE COST		240.71			1,043.21	320.99	1,123.46	2,728.40
<b>TOTAL CURRENT MONTH COST</b>	<b>\$ -</b>	<b>\$ 10,526.34</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 8,705.99</b>	<b>\$ 6,027.87</b>	<b>\$ 10,198.79</b>	<b>\$ 40,457.18</b>

DURHAM B.H.L	\$ 160,187.11
January	\$ 12,207.07
Dry Run	928
Liquidated Damages	\$ 261.02
State Apport. Est. monthly	\$ 13,000.00
Current year annual counts	162
Per pupil credit	\$ 80.25
Office Cost monthly - \$150,000/12	\$ 13,000.00
Total Pupil Count	162
Office Cost per pupil	\$ 80.25

TOTAL MONTHLY BILL FOR ALL DISTRICTS \$ 140,979.24  
(Exclude Mt. Diablo) \$ 140,979.24

HOME TO SCHOOL COST \$ 160,187.11  
OFFICE COST \$ 13,000.00  
STATE APPORTIONMENT CREDIT \$ (32,207.87)  
NET B.H.L. TOTAL \$ 140,979.24

## Appendix B

Note: Please also see information on the CDE website at: <http://www.cde.ca.gov/sp/se/sr/documents/sldeligibiltyrti2.doc> and at: <http://www.cde.ca.gov/ci/cr/ri/index.asp>.

On November 14, 2008, the CDE issued the following information regarding RtI<sup>2</sup> as guidance to our schools in California:

### Definition

Response to Instruction and Intervention (RtI<sup>2</sup>) is a systematic, data-driven approach to instruction that benefits every student. California has expanded the notion of RtI<sup>2</sup> to communicate the full spectrum of instruction, from general core to supplemental or intensive, to meet the academic and behavioral needs of students. RtI<sup>2</sup> integrates resources from general education, categorical programs, and special education through a comprehensive system of core instruction and interventions to benefit every student.

### Core Components

A cohesive RtI<sup>2</sup> process integrates resources from general education, categorical programs, and special education into a comprehensive system of core instruction and interventions to benefit every student. The following core components are critical to the full implementation of a strong RtI<sup>2</sup> process:

- 1. High-quality classroom instruction.** Students receive high-quality and culturally relevant, standards-based instruction in their classroom setting by highly qualified teachers.
- 2. Research-based instruction.** The instruction that is provided within the classroom is culturally responsive and has been demonstrated to be effective through scientific research.
- 3. Universal screening.** School staff assesses all students to determine students' needs. On the basis of collected data, school staff members determine which students require close progress monitoring, differentiated instruction, additional targeted assessment, a specific research-based intervention, or acceleration.
- 4. Continuous classroom progress monitoring.** The classroom performance of all students is monitored continually within the classroom. In this way, teachers can identify those learners who need more depth and complexity in daily work and those who are not meeting benchmarks or other expected standards and adjust instruction accordingly.
- 5. Research-based interventions.** When monitoring data indicate a student's lack of progress, an appropriate research-based intervention is implemented. The interventions are designed to increase the intensity of the students' instructional experience.
- 6. Progress monitoring during instruction and interventions.** School staff members use progress monitoring data to determine the effectiveness of the acceleration or intervention and make any modifications, as needed. Carefully defined data is collected on a frequent basis to provide a cumulative record of the students' progress, acceleration, and/or response to instruction and intervention.

7. **Fidelity of program implementation.** Student success in the RtI<sup>2</sup> model requires fidelity of implementation in the delivery of content and instructional strategies specific to the learning and/or behavioral needs of the student.
8. **Staff development and collaboration.** All school staff members are trained in assessments, data analysis, programs, and research-based instructional practices and strategies. Site grade-level or interdisciplinary teams use a collaborative approach to analyze student data and work together in the development, implementation, and monitoring of the intervention process.
9. **Parent involvement.** The active participation of parents at all stages of the process is essential to improving the educational outcomes of their students. Parents are kept informed of the progress of their students in their native language or other mode of communication, and their input is valued in making appropriate decisions.
10. **Specific learning disability determination.** The RtI<sup>2</sup> approach may be one component of the process for determining a specific learning disability as addressed in the IDEA of 2004 statute and regulations. As part of determining eligibility, the data from the RtI<sup>2</sup> process may be used to ensure that a student has received research-based instruction and interventions.

RtI<sup>2</sup> is to be used in schools in the following three ways:

1. **Prevention.** All students are screened to determine their level of performance in relation to grade-level benchmarks, standards, and potential indicators of academic and behavioral difficulties. Rather than wait for students to fail, schools provide research-based instruction within general education.
2. **Intervention.** Based on frequent progress monitoring, interventions are provided for general education students not progressing at a rate or level of achievement commensurate with their peers. These students are then selected to receive more intense interventions.
3. **Component of specific learning disability (SLD) determination.** The RtI<sup>2</sup> approach can be one component of SLD determination as addressed in the Individuals with Disabilities Education Act (IDEA) 2004 statute and regulations. The data from the RtI<sup>2</sup> process may be used to demonstrate that a student has received research-based instruction and interventions as part of the eligibility determination process.

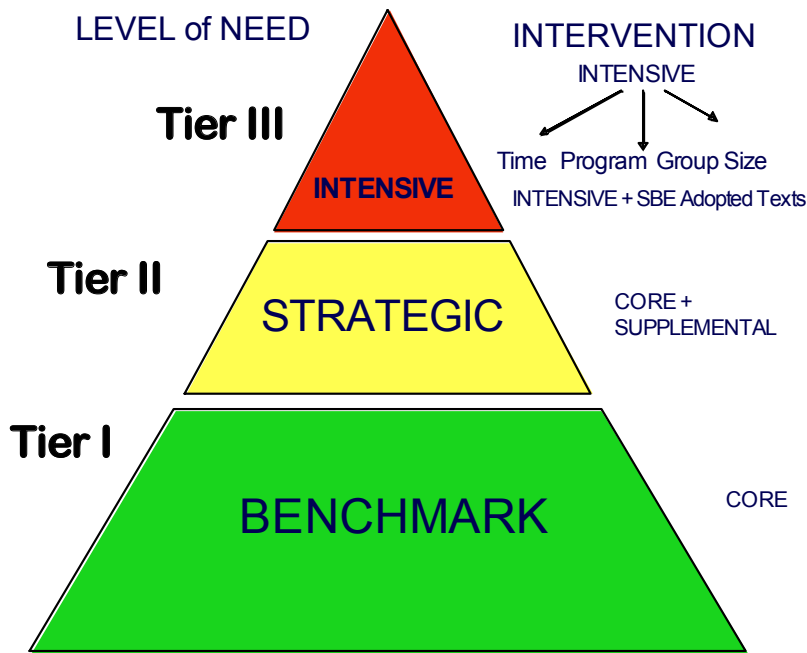


Figure 1

*Tier I. **Benchmark:** Screening and Targeted Instruction*

In Tier I, the focus is on a core instructional program that uses a scientifically validated curriculum with all students in the general education classroom. During the course of instruction, the school uses universal screening measures to identify each student's level of proficiency in key academic areas. The screening data is organized to enable the review of both group and individual performance on critical measures. Instruction is differentiated in response to this data for small groups and individual students. Students who continue to lag behind their peers despite the provision of targeted instruction may receive additional Tier I instruction or may be considered for more intensive interventions at Tier II.

*Tier II. **Strategic:** Targeted Short-term Interventions*

In Tier II, supplemental instruction is provided to those students who exhibit a poor response to the targeted instruction provided through Tier I. Tier II intervention is provided in addition to, and not in lieu of, core instruction and can be delivered through an individualized problem-solving approach and/or a standard treatment protocol. (*Note:* Schools in Program Improvement are required to follow California State Board of Education [SBE] approved intervention regulations.) (See Figure 1.)

A problem-solving approach allows school teams to design individualized interventions to address the specific needs of each student. A standard treatment protocol uses a set of research-based practices to provide interventions in a systematic manner with all participating students who have similar needs. Such interventions are generally highly structured and have a high probability of producing positive results for large numbers of students.

Tier II supplemental interventions may be discontinued for students who improve in critical academic/behavioral measures as a result of the intervention. Some students may exhibit

progress but continue to need Tier II supplemental supports. Those students who fail to display meaningful progress in spite of supplemental supports are considered for more intensive interventions in Tier III.

### *Tier III. **Intensive:** Interventions with Increased Intensity*

In Tier III, students receive a greater degree of intensive interventions. Modifications in frequency, duration, or teacher-student ratio or all three are strategies to increase intensity. SBE-approved intervention programs based on research may serve as the core curriculum for students in this intensive level of intervention at fourth grade and above. As in Tier II, interventions are provided flexibly depending on the school site resources and careful blending of all interventions.

Throughout the implementation process of RtI<sup>2</sup>, it will be important for the district to ensure that each staff member understands the definition of systematic change and is able to identify each member's role in the RtI implementation process. In September of 2009, the California Department of Education issued a document titled *Determining Specific Learning Disability Eligibility Using Response To Intervention and Instruction RtI<sup>2</sup>*, which provides guidance to LEAs using RtI<sup>2</sup> and describes the collaboration process among all staff members. This document outlines the components of organizational change and defines each staff member's role and responsibilities at the district level and school site level as follows:

#### **Components of Organizational Change**

An RtI<sup>2</sup> approach, with its focus on student outcomes and quality instruction, increases accountability for all learners. Systemic change at the district, site, and classroom levels that impacts instruction, intervention, and identification is necessary due to the focus of RtI<sup>2</sup> on prevention that begins in the general education classroom. A system implementing RtI<sup>2</sup> promotes collaboration and shared responsibility for the learning of all students across all personnel and programs located in a given school (general education, teachers of English language learners, Title 1, special educators/related services providers, administrators, and parents).

Changing a school involves changes at the district level and the school site level. There are unique aspects of an RtI model at the secondary level that will require careful planning and articulation.

#### ***District Leadership***

Administrative support should accompany the implementation of an RtI<sup>2</sup> approach. This support and commitment should be articulated to the staff along with financial resources necessary to provide:

- Training
- Data collection tools
- Materials

- Time for collaboration

Administrators should build awareness and understanding of the RtI<sup>2</sup> process in their schools as well as ensure training that defines the RtI<sup>2</sup> process, best practices for implementation, and the change in school culture necessary for success. Staff will understand how RtI<sup>2</sup> relates to the mandates of No Child Left Behind (NCLB) and the Individuals with Disabilities Education Act 2004 (IDEA).

Administrators should ensure frequent progress monitoring of student learning and behavior, which is central to a well-designed RtI<sup>2</sup> process. Thus, it is essential to have a cost-effective and efficient data collection procedure that everyone can understand, access, and effectively use.

Administrators responsible for curriculum at the district level are ideally suited to work with staff members on the selection of research-based materials that need to be in place across all instructional programs. The California Department of Education (CDE) has a list of, scientific, research-based curricula adopted by the California State Board of Education (SBE) in the area of reading. Districts are mandated to use one or some of these published materials in their general education classrooms. Most, if not all, of these published reading programs have supplemental materials that may be used with students who are in need of additional support.

The district superintendent and school site administrators should provide guidance, adequate time, and support necessary to allow for ongoing collaborative teaming. This may involve a review of the caseload responsibilities for counselors, reading specialists, speech-language pathologists, psychologists, special educators, and paraeducators to accommodate their changing roles from individual instruction and evaluation to additional professional roles in collaboration, consultation, and modeling. Teams of educators and support staff (within and across grade levels) are responsible for reviewing student progress data and making recommendations for instructional practice.

### ***School Site Leadership***

The following core concepts of the RtI<sup>2</sup> approach should be in place at the school site level in order for implementation to be successful:

- Implement scientific, research-based instruction and intervention.
- Conduct ongoing monitoring of progress that increases in frequency as students demonstrate greater educational need.
- Utilize data derived from multiple sources, including curriculum-based assessment, to inform instruction and intervention.
- Conduct staff development concerning the implementation of RtI<sup>2</sup>.
- Provide information to parents about the RtI<sup>2</sup> process.

School site administrators provide leadership in all levels of the RtI<sup>2</sup> process. They:

- Participate in and provide leadership to school site level teams within and across grade levels.
- Provide for the analysis of school-wide and grade-level trends.
- Support the RtI<sup>2</sup> approach in the school community and with parents.
- Provide support for assessment and instruction at all levels of intervention.
- Ensure the fidelity of instructional delivery through monitoring.

School site leadership teams:

- Examine school-wide trends in behavior and academics that impact student growth.
- Develop a combined targeted intervention and problem-solving/decision-making process to address individual student needs.
- Support ongoing professional development.
- Provide a collaborative systemic approach for the analysis and use of student data.
- Provide a collaborative systemic approach to using scientific, research-based interventions found to be effective with students in the school.

Classroom teachers and support personnel will be part of department teams that analyze:

- Progress-monitoring data to adjust instruction
- Instructional targets in the instructional planning process
- Data from shared assessments
- The fidelity of instructional implementation
- Individual student instructional needs, such as the need for more intensive instruction

All members of the school staff come together in an instructional delivery approach that uses data-based decision making through a problem-solving process involving school professionals and parents. This process involves supports for struggling students in the general education classroom first and careful analysis and communication of the data by the school site teams (within and across departments). Those teams will use data to make decisions about the application of interventions, including their intensity and duration across multiple tiers of intervention. All decisions are driven by data, including decisions such as effective instructional techniques, behavioral supports, appropriate early intervention services, use of research-based strategies, movement between tiers, and when to refer a student for additional assessment.

### **New and Expanding Roles**

School personnel will play a number of important roles in using RtI<sup>2</sup> to provide needed instruction to struggling students as well as assist in identifying students with learning disabilities. These new and expanding roles will require some fundamental changes in the way all educators engage in assessment and intervention activities. Titles may remain the same, but some roles will change in this unified system. Emerging roles may include data managers, team leaders, data specialists, diagnosticians, and intervention specialists.

### ***Administrators***

It is essential to recognize the importance of leadership in effectively implementing the system changes that an RtI<sup>2</sup> process requires. Administrators will have a critical role in the planning, implementation, and successful use of the RtI<sup>2</sup> process. School site administrators will need to determine the necessary roles and competencies, existing skill levels, and professional development requirements at their sites in order to provide relevant and ongoing training activities and effectively implement RtI<sup>2</sup>.

Additionally, administrators will have to conduct a systematic assessment of the fidelity and integrity with which instruction and interventions are being provided. Working with educators, administrators will develop and utilize protocols for the assessment of fidelity and integrity of instruction and programs for individual students. Administrators will take responsibility for supporting ongoing professional development. The school site administrator assumes an active leadership role on the school site teams that review individual student progress and determine effective interventions. The administrator will ensure that adequate time is allocated for the planning, implementation, and review of the RtI<sup>2</sup> process.

At the district level, superintendents and school boards should be supportive of the changes necessary to implement an RtI<sup>2</sup> process. Effective RtI<sup>2</sup> implementation will require financial and human resources that will support the professional development and staffing necessary for successful implementation.

Curriculum administrators at the district level can assist with the selection of scientific research-based instructional and intervention materials; develop district-level training for principals, educators, and support providers; and ensure the fidelity and integrity of instruction in the classroom.

### ***General Education Teachers***

Successful implementation of RtI<sup>2</sup> depends on a unified approach to instruction that is supported by everyone in the school. (As schools and districts create and implement RtI<sup>2</sup> processes, general education teachers will be involved in supporting the learning of all students.) A key focus of support emphasizes prevention through early intervention. RtI<sup>2</sup> increases opportunities for teacher collaboration with other members of the educational team and brings timely and relevant supports into classrooms.

General education teachers will work in site-level teams (within and across grade levels) to identify specific student needs using data to make informed decisions that guide instruction for each student. Those teams will use data in an ongoing process for strategic student intervention



groupings. Academic and/or behavioral data, collected by grade-level teams, is analyzed throughout the RtI<sup>2</sup> process to measure a pattern of response to high-quality interventions.

### ***Special Education Teachers***

Special education teachers have unique skills that can be used to enhance the learning of all students. With an RtI<sup>2</sup> approach, special educators will have increased opportunities to work with colleagues and students in many different settings. Special education teachers will work as members of site-level teams (within and across grade levels) to identify specific student needs by using data to make informed decisions that guide instruction for each student. Special education teachers will use their specialized knowledge to individualize instruction, build skills, and recommend programs that will meet the needs of individual students.

The student's progression through interventions may suggest the need for more individualized instruction, behavioral intervention, and/or learning supports than are available in the general education curriculum/setting. Special education teachers will be part of a comprehensive evaluation team that gathers student data in order to determine eligibility for special education. Special education teachers working with students identified as having a learning disability and needing special education services will engage in ongoing assessment of those students in order to adjust instruction accordingly.

### ***Speech-Language Pathologists***

Speech-language pathologists (SLPs) can play a number of roles in an RtI<sup>2</sup> process and provide needed supports to students in both general education and special education settings. The roles will require some fundamental changes in the way that SLPs engage in assessment and intervention activities. SLPs should expand their practice to incorporate prevention and identification of at-risk students who could benefit from speech and language-based interventions as part of the RtI<sup>2</sup> process at the school.

SLPs have expertise specifically in normal, delayed, and disordered development of speech and language skills, which are key to academic and behavioral difficulties. RtI<sup>2</sup> is specifically intended to assist students with academic challenges in literacy as well as behavioral difficulties. The SLP's knowledge of literacy and language-based issues can provide needed and necessary assistance to struggling learners who require intervention but may not be disabled. In an RtI<sup>2</sup> model, SLPs will provide both direct and indirect services to the school team and to students with those types of challenges.

By working both inside and outside the special education system, SLPs can contribute to the overall school program. Some SLPs are using the RtI<sup>2</sup> process to provide speech-only interventions to students with single-sound articulation difficulties and to provide specific interventions to students in need of such services. More specifically, the SLP's expertise will be most beneficial to schools and students in the areas of oral language development, academic literacy, and social skills training.

SLPs are qualified to contribute in a variety of ways in pre-referral interventions, system-wide program design, assessment, intervention, collaboration with colleagues, and directed support of students. They offer expertise in the language basis of literacy and learning, experience with

collaborative approaches to instruction/intervention, and an understanding of the use of student outcomes data when instructional decisions are made.

### ***School Psychologists***

School psychologists can offer expertise at many levels, from system-wide program design through specific assessment and intervention efforts with individual students.

School psychologists help develop, implement, and evaluate new models of service delivery.

School psychologists will support the implementation of evidence-based intervention strategies, progress-monitoring methods, problem-solving models, evaluation of instructional and program outcomes, and ecological assessment procedures, directly and indirectly. Their training in assessment is useful to the implementation of technically sound screening and progress-monitoring procedures and the appropriate use of such data. School psychologists also have knowledge regarding program evaluation and understanding of research methods, which will be useful in the development, implementation, and evaluation of evidence-based interventions. Their knowledge of child development, behavior, and principles of learning, coupled with their consultation skills, enables them to be effective members of intervention teams.

In addition to working with other school personnel to consider programmatic options, they plan and conduct comprehensive evaluations to determine eligibility for special education services and the educational needs of the students they serve.

### ***School Counselors***

School counselors bring several important skills to the RtI<sup>2</sup> process. They have a unique central position in the school in that they are involved with the whole school experience/environment. They are aware of the totality of programs and interventions in their school and have ongoing relationships with all the teachers, students, and parents on their caseloads.

The school counselor has skills in communication/consultation that are critical to an effective RtI<sup>2</sup> process. They can act as catalysts to facilitate the RtI<sup>2</sup> process. School counselors' skills in collaboration, problem solving, and consultation will be needed to maintain focus on student needs and the development of effective interventions.

The school counselor's knowledge of child development and the field's emphasis on working with the whole child will be invaluable in developing research-based interventions in the area of social-emotional learning.

### ***Paraeducators***

Paraeducators play an important role in the delivery of interventions to students. As one of the providers of research-based interventions, paraeducators assist general and special educators in providing supplemental and specialized instruction to students. With direction and support from the school-wide team effort, paraeducators work with students in small groups and, in some cases, one-on-one to provide research-based interventions and individualized instruction. They collaborate with other school personnel, such as general education teachers, in data collection

and analysis. They perform classroom observations in order to provide relevant information regarding student performance and behavior. Paraeducators participate on school site teams that analyze academic and behavioral data and make decisions. Progress monitoring will measure patterns of response to interventions resulting in positive student outcomes.

### ***Parents and Caregivers***

Parent engagement is a key component of a strong RtI<sup>2</sup> process. Active involvement of parents contributes greatly to improving student outcomes. Parents should be engaged in all aspects of RtI<sup>2</sup>. Schools need to inform parents in their native language and/or mode of communication of the RtI<sup>2</sup> process and ensure that they understand how data will be gathered and used. Parents should be encouraged to actively participate in the RtI<sup>2</sup> process and regularly informed of how their child is responding to interventions. Parents should also have an opportunity to make suggestions and receive access to written intervention plans with details about how the school is helping their student.

### **Professional Development**

Effective implementation of an RtI<sup>2</sup> process requires that professional development needs are examined so that administrators, teachers, support personnel, and paraeducators possess the requisite skills to implement effective RtI<sup>2</sup>. Successful implementation of RtI<sup>2</sup> depends on the ability of all educators, including paraprofessionals and other specialists, to use RtI<sup>2</sup> practices reliably and with fidelity. The reliability and validity with which RtI<sup>2</sup> practices are implemented will be determined, to a great extent, by the quality of both the pre-service and in-service professional development models used to translate research into effective practice. In-service professional development needs to occur both within and across administrative structures at the state, district, and site levels.

In a tiered intervention model, teachers should implement a wide variety of instructional strategies and conduct ongoing assessment of student progress as a part of their instructional practice. When an effective RtI<sup>2</sup> program is implemented, professional development decisions should be linked to ongoing assessment and student need. Subsequent professional development should be geared toward meeting these identified needs. Teachers will be challenged to examine current practices, hone existing skills, and acquire new knowledge and skills to ensure high-quality targeted instruction. An emphasis on early intervention for preventing school failure is part of an RtI<sup>2</sup> approach.

It is vital to offer continuing, job-embedded professional development that addresses relevant areas essential to effective implementation of RtI<sup>2</sup> and improved student outcomes. Teachers should have opportunities to participate in focused, quality, ongoing professional development relating to RtI<sup>2</sup> processes, procedures, and practices. Based upon identified need, key training issues should include:

- The effective use of screening tools to identify those students who may be at risk of learning difficulties
- Data analysis skills related to screening and placement

- Targeted instructional strategies related to data analysis
- Research-based instructional practices
- Differentiated instruction for a diverse classroom
- Ongoing curriculum-based data collection and analysis
- Evidence-based intervention strategies for both academic and behavior issues
- Progress-monitoring processes and procedures
- Problem-solving methods to facilitate instructional decisions based on data
- Professional collaboration skills
- Appropriate use of accommodations for students with disabilities
- School-wide and individual behavior management and intervention strategies
- Intensive intervention program training
- Standards-based Individualized Education Program (IEP) implementation
- Effective inclusion of students with disabilities in a tiered intervention model

All teachers and specialists involved in providing instruction to students should have the opportunity to participate in ongoing, job-embedded professional development that will support effective research-based instruction with the RtI<sup>2</sup> approach. The California Legislature has created funding for teachers and instructional aides or paraprofessionals teaching math and reading or directly assisting with instruction in math or reading to receive intensive training on the use of the SBE-approved core curriculum (*EC 99230 et seq.*). Special education teachers and paraprofessionals who provide instructional support to students in the core curriculum should also be included in this training along with their general education colleagues. All educators should be trained in the district-adopted intervention program in order to effectively meet the needs of students in the tiered intervention model.

## Conclusion

Effective RtI<sup>2</sup> implementation is based on the belief that everyone is responsible for student learning. The instructional activities, assessment, data gathering and analysis, documentation, and collaboration required for RtI<sup>2</sup> implementation will create new challenges for all education professionals. All educators will need to compile relevant assessment data through continuous progress monitoring and respond appropriately to the findings. School site teams will design, interpret, and assess data as well as suggest instructional approaches. By providing more intensive interventions, educators will utilize a variety of scientific, research-based methods and materials. Administrators will determine needed roles and competencies, existing skill levels,

and professional development requirements in order to provide relevant and ongoing training activities in these critical areas.

## Appendix C



**FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM  
STUDY AGREEMENT  
March 1, 2013**

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the Acalanes High 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 Acalanes High School District 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. Determine the district's special education encroachment on the general fund and make recommendations for greater efficiency.
2. Conduct an evaluation of the special education transportation services agreement between the district and the Contra Costa County Office of Education.
3. Provide an analysis of staffing ratios and class and caseload size using statutory requirements for mandated services and statewide guidelines.
4. Provide an analysis of all staffing and caseloads for designated instruction providers, including psychologists, occupational and physical therapists, behavior specialists, and others.

5. Review the use of resources allocated for nonpublic schools and agencies, mental health services and alternative programs, and make recommendations for greater efficiency.
6. Review the costs of due process and mediations for the past three years.
7. Review the efficiency of paraeducator staffing. Analyze procedures for identifying the need for instructional aides, and the process for monitoring the resources for allocating paraeducators and determining the need for continuing support from year to year.
8. Review the process used to transition students from elementary schools to the district while ensuring that the least restrictive environment is provided and determining if services will be decreased or reduced.
9. Review the process used to move a student from traditional special day classes to learning centers. Make recommendations for cost effectiveness, efficiency and improved learning opportunities for students.
10. Determine how the district can reduce deficit spending in special education and remain in compliance with the requirement to meet students' needs.

#### **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 Meeting** - 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 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 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. Status of 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, 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. JoAnn Murphy          | FCMAT Consultant                                  |
| C. Anne Stone            | FCMAT Consultant                                  |
| D. Trina Frazier         | FCMAT Consultant                                  |
| E. Tim Purvis            | FCMAT Consultant                                  |
| F. Mike Rea              | FCMAT Consultant                                  |

Other equally qualified consultants will be substituted in the event one of the above noted 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:

- A. \$500.00 per day for each team member while on site, conducting fieldwork at other locations, preparing and presenting reports, or participating in meetings. The cost of independent consultants will be billed at the actual daily rate based on the provisions of Education Code section 84041.
- B. All out-of-pocket expenses, including travel, meals and lodging. 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 \$25,000.**

- C. 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 (2) 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. All 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, to which the district shall 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:	April 9, 2013
Staff Interviews:	April 9-12, 2013
Exit Meeting:	April 12, 2013
Preliminary Report Submitted:	to be determined
Final Report Submitted:	to be determined
Board Presentation:	to be determined, if requested
Follow-Up Support:	to be determined, if requested

7. CONTACT PERSONName of contact person: Chris Learned, Assistant SuperintendentTelephone: (925) 280-3809 FAX: (925) 957-2336E-Mail: clearned@acalanes.k12.ca.us

  
 \_\_\_\_\_  
 John Nicholson, Superintendent  
 Acalanes High School District

3/5/13  
Date

  
 \_\_\_\_\_  
 Anthony L. Bridges, CFE  
 Deputy Executive Officer  
 Fiscal Crisis and Management Assistance Team

March 1, 2013

Date