

CSIS California School Information Services

Beverly Hills Unified School District

Special Education Review

April 7, 2011



Joel D. Montero
Chief Executive Officer







CSIS California School Information Services

April 7, 2011

Richard Douglas, Ed.D., Superintendent
Beverly Hills Unified School District
255 South Lasky Drive
Beverly Hills, CA 90212-3697

Dear Superintendent Douglas:

In December 2010, the Beverly Hills Unified School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for a special education review. Specifically, the agreement stated that FCMAT would perform the following:

1. Review all staffing levels for certificated and classified employees, including management level and caseloads per full time equivalent (FTE) position and make recommendations regarding efficiency.
2. Review the overall special education delivery system to determine if efficiencies can be implemented.
3. Conduct a comparison of the district's special education encroachment on the general fund to other school districts within the SELPA.
4. Determine district special education identification rate and compare to statewide average. If above average, determine if the district is over identifying and make recommendations to remediate if over identification is occurring.
5. Review of overall special education delivery system to assure whether the district is complying with IDEA federal and state special education laws.
6. Review status of intervention strategies such as RTI, and SST and make recommendations for implementation and improvement.
7. Review state assessment results for special education subgroup and make recommendations on how to improve results.
8. Evaluate the effectiveness of the assignment process for classroom aides including class size ratios and provide recommendations, if needed.
9. Examine special education classroom and environmental aide support in the general education setting and provide recommendations if needed.

FCMAT

Joel D. Montero, Chief Executive Officer

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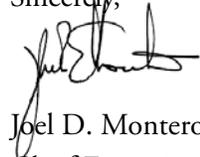
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10. Evaluate the range of program options for students with disabilities to ensure that students are receiving a free and appropriate public education (FAPE) in the least restrictive environment (LRE) in accordance with state and federal law. Provide recommendations for improvement or efficiencies if needed.

This final report contains the study team's findings and recommendations in the above areas of review. We appreciate the opportunity to serve the Beverly Hills Unified School District, and extend our 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 a prominent initial "J" and "M".

Joel D. Montero
Chief Executive Officer

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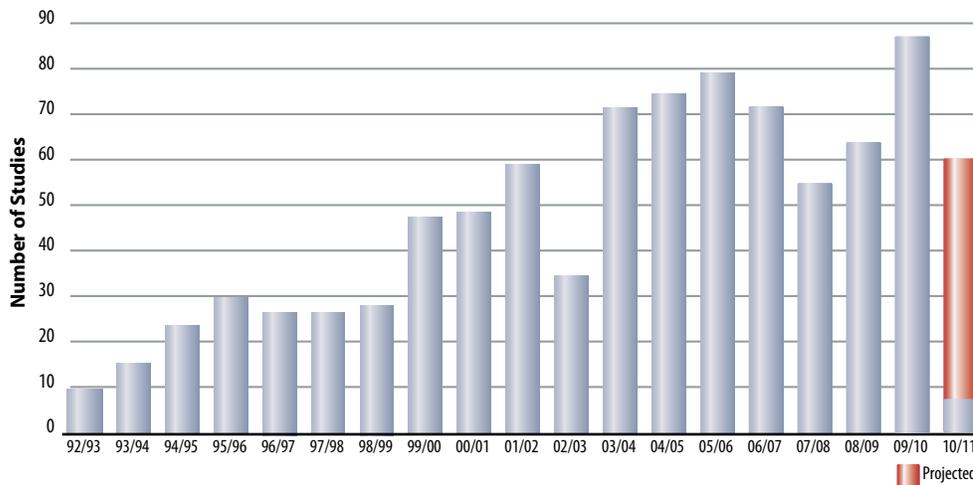
About FCMAT

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.

Study Agreements 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

The Beverly Hills Unified School District is located in Los Angeles County and has an enrollment of 4,943 students. The district is composed of four elementary (K-8) schools, one high school and one continuation high school. In the 2010-11 fiscal year, approximately 13% of the district's K-12 enrollment is identified as requiring special education, which is above the state-wide average of 10%.

In November 2010 the Beverly Hills Unified School District requested that FCMAT assist the district by reviewing the district's special education programs and services. The study agreement specifies that FCMAT will perform the following.

1. Review all staffing levels for certificated and classified employees, including management level and caseloads per full-time equivalent (FTE) position, and make recommendations regarding efficiency.
2. Review of overall special education delivery system to determine if efficiencies can be implemented.
3. Conduct a comparison of the district's special education encroachment on the general fund to other school districts within the SELPA.
4. Determine the district special education identification rate and compare it to the statewide average. If above the average, determine if the district is overidentifying and make recommendations to remediate if overidentification is occurring.
5. Review the overall special education delivery system to assure whether the district is complying with IDEA federal and state special education laws.
6. Review the status of intervention strategies such as RtI and SST and make recommendations for implementation and improvement.
7. Review state assessment results for the special education subgroup and make recommendations on how to improve results.
8. Evaluate the effectiveness of the assignment process for classroom aides, including class size ratios, and provide recommendations if needed.
9. Examine special education classroom and environmental aide support in the general education setting and provide recommendations if needed.
10. Evaluate the range of program options for students with disabilities to ensure that students are receiving a free and appropriate public education (FAPE) in the least restrictive environment (LRE) in accordance with state and federal law. Provide recommendations for improvement or efficiencies if needed.

Study Guidelines

FCMAT visited the district from February 7-10, 2011 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
- Delivery System
- Staffing and Caseloads
- Fiscal Review
- Identification Rate
- Interventions
- State Assessments
- Instructional Aides
- Range of Options
- Appendices

Study Team

The study team was composed of the following members:

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*As a member of this study team, this consultant was not representing her employer but was working solely as an independent contractor for FCMAT.

Executive Summary

FCMAT's review of the district's overall special education delivery system was based on the requirements of the Individuals with Disabilities Education Act, which states that schools will provide a free and appropriate public education to each student with a disability in the least restrictive environment. The district is committed to high quality education services to special education students. School site staffs stated that the district's special education director and central office administration, superintendent, chief business official and other top management are supportive and professional. The district has the lowest percentage of general fund contribution for special education compared to the other districts in the SELPA; however, greater efficiencies can still be achieved.

The district's overall identification rate for special education exceeds the statewide average. The district's current identification rate is 13% of the K-12 enrollment, while the statewide average is 10%.

Most students are mainstreamed into general education for the majority of the school day. Direct remedial services for reading are not provided consistently due to scheduling problems with general education programs. The model requires a high level of instructional aide support for special education students in general education classrooms, which results in excess costs. There are more efficient ways to fully integrate special education students and still provide access to necessary remediation.

The district has limited program options for students with intensive needs. As a result, the district spends approximately \$1,321,028 to educate 21 students in nonpublic schools. Greater cost efficiency can be achieved by creating program options in the district, region or SELPA.

Settlement agreement costs and legal fees have been significantly reduced during 2009-10 and 2010-11. Greater efficiency can be maintained through the development of an alternative dispute resolution model.

The district maintains a special education teacher to student staffing ratio of 1:17. This is inconsistent with statewide practice and costs the district approximately \$910,000 for certificated staff and \$150,000 for classified staff to operate at minimum staffing level. Greater cost efficiency can be achieved by increasing caseload size; however, this will require adjustments to the special education program delivery system as well as to general education.

The district is overstaffed at the program specialist position. This is because the special education office has primary responsibility to attend all IEP meetings at the school site as administrative designee. This results in an additional cost of approximately \$136,411. The district should consider transferring this responsibility to school site administration. The current delivery model requires a significant number of aides for special education students in the general education setting.

The district needs to ensure compliance with state and federal laws in a few specific areas. This includes providing special education services to students at the continuation high school, developing transition plans for 100% of age eligible students, and a timely hiring process to ensure the appropriate provision of special education services.

The district has a clearly defined set of academic goals; however, these are not consistently aligned at each school site. There is limited training in intervention methods and the implementation of differentiated instruction. FCMAT further identified inconsistencies in the district's educational philosophy and equal access for all students.

Each school site has a student success team (SST) process, but the delivery model is fragmented and inconsistent across the district. The district provides insufficient information on the Response to Intervention model, resulting in misperceptions among teachers and staff regarding its value for all students.

Delivery System

FCMAT's review of the district's overall special education delivery system was based on the requirements of the Individuals with Disabilities Education Act (IDEA). IDEA requires schools to provide a free and appropriate public education (FAPE) (Title 23, Code of Federal Regulations, 300.101 through 300.120) to each student with a disability in the least restrictive environment (LRE). FAPE is defined as an educational program that is individualized to a specific child, designed to meet the child's unique needs, and from which the child receives educational benefit. LRE ensures that, to the maximum extent appropriate, handicapped students are educated with students who are not handicapped. IDEA further states that a student should be placed in a setting outside the general education environment only when needed to ensure that the student's IEP can be implemented.

Administrative staff stated that the district's objective is to provide high quality education services to special education students while determining if efficiencies can be implemented. One indicator that a district may not be operating an efficient delivery system is the overall identification rate of special education students. The district's overidentification rate is discussed in another section of this report, but it should be noted that the district overidentifies students for special education as compared to the statewide average.

With very few exceptions, the district places students in general education classes for the majority of their day. Staff reported that some students may require more remedial support than is provided. The staff schedules these students for direct service whenever possible, but scheduling is very difficult because 1) special education students are not clustered into general education classes and 2) general education teachers do not teach the same subjects at the same time, even at one grade level. Students with similar academic goals cannot be grouped for that instruction when they come from several classes that teach subject matter at different times.

The special education department determined that a greater emphasis in reading was needed. To further that goal, the department purchased the scientifically based Corrective Reading Program and trained the teachers in that program. Although it is used at some sites for some grade levels, its use is not consistent because of the challenges indicated above. This is neither time nor cost efficient.

A significant number of aides support students in the general education program due to the current model and constraints at the school sites, as listed above. It is neither time efficient or cost efficient for aides to support students throughout the school. Clustering students in manageable numbers would enable one aide to support more than one student. Subject matter taught at different times makes it difficult to group students for instruction and increases the amount of aide support needed in the general education classroom.

The learning center model has not been implemented in the district. This model would in itself not be sufficient to meet the remediation needs of some of the special education students. However, if changes are made in the way students are assigned to classes and schedules are developed, it would be possible to provide direct remediation instruction when needed without establishing additional mild/moderate special day classes.

A learning center has three main purposes:

- To teach strategies
- To provide intensive direct instruction
- To monitor student progress

Learning centers are staffed by special educators, designated instruction providers, categorical staff, general education teachers and aides. Students with IEPs indicating that they require a level of direct instruction and support beyond that provided in the general education classroom may receive services in the learning center for a period of time. The learning center allows for flexibility in service provision for both general and special education students. One student may receive intervention for a short, intense period of time whereas another student may require a long period of intervention. Teachers use ongoing progress monitoring to assist in determining the level of instructional support that each student requires.

The district has two classes for moderate/severe students at the elementary and middle school levels, and one class for students with more emotional needs at the high school level. These classes have enabled the district to provide an appropriate program for some students who had been in a nonpublic school (NPS) and to prevent some students from having to attend an NPS. The district plans to open a third moderate/severe class at the high school for the 2011-12 school year. Students are moving up to the high school from the middle school program, and the district is attempting to transition other students who are in an NPS to these classes.

According to Education Code 56034, a state-certified nonpublic, nonsectarian school enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the California Department of Education (CDE). Twenty-one district students attend an NPS at a significant expense. The number of students has decreased over the past three years, but the cost of placements has increased. The special education director has returned students to district programs and has worked with the SELPA to contain NPS costs, yet costs have increased. The table below shows actual costs for 2008-09 and 2009-10. The 2010-11 amount is as of January 31, 2011, and has already increased. Staff reported that at least two students will transition to district programs for the 2011-12 school year, but the district does not have appropriate programs to support the needs of the other NPS students.

NPS Costs

| 2008-09 | 2009-10 | 2010-11 |
|-------------|-------------|-------------|
| \$1,129,515 | \$1,206,047 | \$1,321,028 |

The district incurs an additional cost for four students to attend programs in the Los Angeles Unified School District (LAUSD). The projected cost for these four students in 2010-11 is \$118,792. The increase in costs from last year is because an additional student requires the type of program operated by LAUSD.

Other students at the elementary and middle school have more significant emotional needs and may require an NPS placement. There are also students with autism or more severe disabilities who may require a more self-contained and structured program than is currently available in the district

The average cost of an out of district placement this year is \$51,400. The average cost of a teacher, with benefits, is \$90,941. Staffing intensive classes of 8-10 students with four part-time aides at the average salary of \$12,500 is \$50,000. However, the cost for the aides should be reduced by at least half, as students who are currently assigned additional aide support would now be in this more self-contained class. If the district brought back three students and provided

the additional designated instruction support (DIS) with current staff, the savings would be \$38,259 as shown below.

| | | |
|---|-----------|---------------|
| Average cost of three out-of-district students @ \$51,400 = \$154,200 | | |
| District class staffing | 1 teacher | \$90,941 |
| | 2 aides | <u>25,000</u> |
| Total | | \$115,941 |
| Savings to the district | | \$38,259 |

This is a low estimate of the possible savings. It may be possible to staff this class with current employees, thereby increasing significantly the savings to the district.

Staff reported that several years ago there were special day classes in the SELPA for students who had more intensive needs. The three entities that make up the SELPA worked closely together to provide programs that students from any of the three districts could attend. Those programs were discontinued. Programs may exist in the other districts, but there is no agreement in place to send district students to those programs.

It may not be cost effective for the district to operate the more intensive programs. However, operating programs for the entire SELPA would offer an economy of scale. The three entities would need to work closely to develop Memorandums of Understanding (MOUs), which should include the costs to provide quality programs and enable all three districts to reduce their reliance on NPS.

Education Code 56035 defines a nonpublic, nonsectarian agency (NPA) as “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 CDE. The district has also attempted to reduce the total amount of costs for NPA services by utilizing district employees or by contracting in a more cost effective way with an NPA. As seen in the following table, costs have been reduced both overall and in several categories.

Reduction in Nonpublic Agency Costs

| | Speech/ Asst. Tech | Behavior Intervention | Nursing | Occupational Therapy | Physical Therapy | Intensive Instruction | Total |
|-------------------------------|-----------------------|--------------------------|---------|-------------------------|---------------------|--------------------------|-------------|
| 2008-09 | 114,764 | 797,361 | 53,848 | 193,409 | 0 | 12,600 | \$1,171,982 |
| 2009-10 | 174,579 | 559,195 | 38,973 | 41,598 | 77,274 | 3,264 | \$ 894,883 |
| 2010-11 Projected Costs | 94,043 | 581,082 | 35,000 | 19,812 | 95,000 | 30,675 | \$ 855,612 |

The special education department has reduced these costs by:

- Hiring speech therapists and reducing its contracts with NPAs to provide those services
- Hiring district occupational therapists and starting an occupational therapy clinic
- Contracting for per diem speech and physical therapy rather than per child, with a program specialist providing assessments and aide training

Behavior intervention is the most costly NPA service and could be further reduced. Although the initial request for these services may have been through mediation or due process, the district has maintained these costs because no comparable program is available with district personnel. Developing an appropriate program using applied behavior analysis (ABA) to meet the needs of these students, training aides to work with the students and ensuring that competent staff supervises the aides has significantly decreased many districts' reliance on NPAs, thereby reducing overall costs and in most cases increasing the quality of the services.

The cost for hiring a half-time ABA behavior specialist at the average teacher rate would be \$45,000. This could be a classified position depending on the candidate. Training aides already employed by the district to provide ABA services, collect required data, and provide modeling for other district aides would not incur additional costs. The average cost for contracted NPA behavior services is \$72,232. A .5 FTE should be able to carry a caseload of 10-12 students. Eight students currently receive contracted behavioral services. If four of the current NPA students could be served by the district employee, the district would realize these savings:

| | |
|-------------------------------------|------------------|
| Four NPA contracts at \$72,232 each | \$288,928 |
| Cost of ½ FTE Behaviorist | - <u>72,232</u> |
| Total Savings | \$216,696 |

Training aides to work with former NPA students is vital to reduce costs for behavioral services. Intensive training is not needed for all aides, but aides who are assigned to students with behavioral challenges or classes for more intensive needs such as autism are most successful when they are trained and appropriately supervised.

Settlement agreements and the accompanying legal costs have been significantly reduced by the special education department. There are still several multiyear agreements that were finalized under previous administrations. There have been fewer of these in the past two years, with the major reduction being seen in this school year. The cost for 2010-11 as of January 31, 2011 is a fraction of what was expended in previous years.

Settlement/Legal Cost Comparison

| | |
|---------------|-----------|
| 2007-08 | \$164,533 |
| 2008-09 | \$366,628 |
| 2009-10 | \$363,263 |
| 2010 -1/31/11 | \$ 26,921 |

The special education department has reduced these costs without the benefit of specific training in techniques to reduce conflict in the IEP setting. Staff could attend various trainings to increase their skills in conflict resolution that would be beneficial and thereby cost effective and efficient. Facilitated IEPs is one method of working through the IEP process efficiently and collaboratively that many districts in the state and around the country have used. They focus on student needs and eliminate power struggles and a "them vs. us" attitude. They encourage flexible problem-solving and active listening. Contact information on facilitated IEPs is included as Appendix A.

The SELPA can provide other suggestions for training and coordinating training in this type of conflict resolution for the SELPA districts.

It was clear from interviewing staff that some were not aware of the costs of the special education delivery system, NPS and NPA agencies, and aide support. However, these services are not authorized on IEPs without prior involvement of the director or program specialists in an attempt to reduce costs. Some staff reported that they knew certain facets were expensive, but not how expensive. Therefore, when those staff make recommendations for placements or services, they do not have all the necessary information to make those decisions. This is a common occurrence in school districts.

Recommendations

The district should:

1. Continue monitoring the number of students in the speech language impairment (SLI) and other health impaired (OHI) programs.
2. Review the IEPs for all SLI and OHI students and convene IEPs when appropriate to discuss exiting the student from special education with the needed general education supports.
3. Establish guidelines for exiting students from special education to ensure consistency throughout the district.
4. Develop alternate programs, such as the San Diego Unified School District speech model, to provide support to students with single articulation errors.
5. Develop a plan at each site to cluster special education students as appropriate to reduce the need for additional aides and to enable special education teachers to more efficiently provide remediation and support.
6. Develop a plan at each site to structure the teaching day as appropriate to further reduce the need for additional aides and to enable special education teachers to group students for remediation.
7. Continue providing scientifically based instruction to the special education students that require direct instruction through programs such as Corrective Reading.
8. Develop a plan that includes additional remediation, such as learning centers, to the current special education delivery model.
9. Continue developing district programs for students now in an NPS and to prevent additional students from requiring NPS placement. If it is not cost efficient for the district to provide such programs, work with the other districts in the SELPA to provide programs SELPA-wide.
10. Hire a half-time behavioral specialist or reassign a district employee who is skilled in applied behavior analysis to reduce the reliance on NPAs for this service.

11. Train program specialists in facilitated IEPs or in other strategies to continue reducing conflicts between parents and the district.
12. Provide all special education teachers, designated instruction and services (DIS) staff and site administration with specific cost analysis of the special education program including the costs for aides, NPS and NPA services.

Staffing and Caseloads

Comparative statewide survey data is available for the analysis of assignment formulas in most staffing areas. This data was compiled by School Services of California, Inc. (SSC) and is used by districts across the state to help determine staffing. Where applicable, caseloads were analyzed using the legal caseload requirements contained in Education Code Part 30. The caseloads for psychologists were analyzed using the California Basic Educational Data System (CBEDS).

Certificated/Classified Staffing

The K-8 moderate to severe special day classes have an average size of seven. The statewide average is 8-10. While the district operates these classes below the statewide average, it is necessary because the students are medically fragile and autistic. The SDC for students with emotional disturbance has an average size of 19, which exceeds the statewide guideline of 8-10. The district reported that this class operates efficiently and effectively with the current caseload and two full-time instructional aides.

The average caseload for special education teachers is 17 students. The district no longer uses the traditional resource specialist model, which sets a maximum of caseload of 28 students per Education Code 56361.5. Many districts have changed their service delivery models in the same manner. There is no standard of practice or Education Code requirements to guide special education teacher staffing; however, most districts adhere to a maximum of 28 students per teacher in collaborative models as well as traditional models. Given the overall costs of special education and its impact on the general fund, the district should determine whether it is fiscally possible to maintain special education teacher staffing at its current level.

The district has three options to consider for special education teacher staffing:

1. Retain the average of 17 students per teacher and assume current personnel costs and impact on the general fund.
2. Maintain an average of 22 students per teacher, which is possible if the program delivery adjustments outlined in the Delivery System section of this report are made. An average of 22 students would require a reduction of 5.0 FTE special education teachers for a potential savings of \$454,705. This is based on the district's average teacher salary of \$90,941.
3. Maintain the maximum caseload level of 28 students, which also is possible if the program delivery adjustments are made consistent with the recommendations in the Delivery System section of this report. This would result in staffing reductions of an additional 5.0 FTE special education teachers for a total savings of \$909,410.

The ratio of general education (K-12) students to psychologists is 1328:1, as reported to the CDE through the California Basic Education Data System (CBEDS). This is based on the most recent data and available data from CBEDS in the 2007-08 school year. The district's current ratio is 1030:1; however, in addition to traditional assessments responsibilities the psychologists also provide both individual and group counseling for special education students. Based on these duties, the current psychologist staffing is appropriate for the district.

The average caseload for language, speech and hearing specialists in K-12 SELPAs is defined in Education Code Section 56363.3: "... shall not exceed 55 cases unless the local plan specifies a

higher average caseload and the reasons for the greater average caseload.” The current caseload for language, speech and hearing specialists is 50 students. The maximum caseload for language, speech and hearing specialists providing services exclusively to preschool age students “shall not exceed 40” as defined in Education Code Section 56441.7. The current caseload for preschool speech and language specialists is 28 students; however, in this district the specialists dedicate 50% of their time to performing duties related to the referral and assessment of students ages 3-5. Therefore, the staffing for preschool speech and language is appropriate.

The adapted physical education caseload of 52 students is within the statewide average of 55. The caseloads for occupational therapists average 41, which is within statewide guidelines.

Management Level

The district employs a full-time director of special education and student services, with 50% of the position funded from special education. This is a typical assignment of duties in many districts with smaller special education enrollment. The student services duties typically include suspensions, expulsions, attendance and welfare, School Attendance Review Board (SARB), Section 504, student study teams and transfers for all students K-12. The other 50% of the position is dedicated to special education programs and services. This is an appropriate staffing level for the district’s 645 students with disabilities.

The district has three program specialists. The SELPA provides no program specialist services. The funding for regionalized service/program specialists (\$46,778) is passed through the SELPA to the district, with the balance of salaries funded by the district (approximately \$226,045). A significant portion of program specialists’ time is spent as administrative designees at the IEP meetings for initial and triennial placement of students in special education. This function should be the primary responsibility of the school site administration rather than the special education office. A more appropriate use of program specialists’ time would be attendance at IEP meetings involving changes in placement and/or problematic IEPs. A more detailed description of program specialist duties can be found in Education Code Section 56368.

The district reported that 40% of one program specialist position is designated as the behavior specialist, which consists of direct service to students in the form of functional analysis assessment, development of the functional behavior plan, case management, and parent/staff training on the plan. This is an important part of the special education delivery system; however, it is not a standard practice to have program specialists providing direct services to students in this manner. Another 30% of the program specialist position is used to supervise the screening, interview and hiring of instructional aides for special education.

The district should reevaluate the duties and staffing of the program specialist position. Transferring responsibilities for administrative designees at routine IEP meetings to school site administrators and reassigning the instructional aide hiring duties to the director of special education and student support services could result in a staffing reduction of 1.5 FTE program specialist for a potential savings of approximately \$136,411.

Recommendations

The district should:

1. Review the staffing and program structure for the special education teacher position and determine the most appropriate staffing based on fiscal resources.
2. Maintain the ratio of 1030:1 for psychologists as long as they continue to provide counseling services for special education students.
3. Continue current staffing practices for language, speech and hearing specialists for both K-12 and preschool.
4. Maintain current staffing for adapted physical education and occupational therapy.
5. Maintain a full-time director of special education and student services, with 50% of the position funded by special education.
6. Consider the reassigning administrative designee responsibilities in the IEP process to school site administration, and the screening, interview and hiring of instructional aides to the director of student services and special education.
7. Consider reducing program specialist staffing by 1.5 FTE for a potential savings of approximately \$136,411.

Fiscal Review

A district “meets the excess cost requirement if it has spent at least a minimum average amount for the education of its children with disabilities before funds under Part B of the Act are used.” (34 CFR 300.202(b)(I)). “The Act” refers to IDEA, and Part B defines a state’s eligibility for assistance. Excess costs are those that occur over and above these two expenditures: the amount a district receives for any of its students and the amount received under Part B. The maintenance of effort (MOE) report that is required by the state delineates the district’s unrestricted general fund contribution.

The Beverly Hills Unified School District has a lower percentage of unrestricted general fund contributions than the other districts in the SELPA. Percentages are perhaps more meaningful than a dollar amount, as each district receives a different amount of special education funds and general education funds based on a variety of factors, such as the total district enrollment.

However, it is even more important to consider when reviewing these comparisons that even though the state ensures that districts include the same Standardized Account Code Structure (SACS) codes when determining their unrestricted general fund contribution through the MOE, the state is not able to ensure that districts include the same costs in their use of the chart of accounts. For example, a district may provide special education transportation but not include those costs as a special education expense while another district does include those costs. Other factors such as salary and benefits, percentage of students in NPS or receiving NPA services also greatly impact the general fund contribution.

Comparison of General Fund Contributions in the SELPA for 2009-10

| | Percentage | Dollars |
|---------------------|------------|--------------|
| Beverly Hills | 39.4 | \$3,723,042 |
| Santa Monica-Malibu | 44.9 | \$5,211,686 |
| Culver City | 44.2 | \$10,407,168 |

In the 2009-10 fiscal year districts were able to use ARRA funds to reduce their general fund contribution, and the three districts did so within the state and federal guidelines. This reduced the general fund contribution in Beverly Hills from 67% in 2008-09 to 39.4% in 2009-10. The current budget, which does not include an unanticipated cost of \$500,000 for services that were provided by county mental health, is again high at 64%.

Salaries and benefits account for 64.46% of the current special education budget; NPS, NPA, settlement and legal costs account for 35.54%, which leaves 1.35% for all other expenditures such as materials, supplies, training and conferences.

Recommendations

The district should:

1. Use a portion of the remaining ARRA money to defer costs from the general fund contribution for 2010-11.

2. Implement the cost efficiencies recommended in other sections of this report to decrease and/or prevent increased reliance on the general fund.
3. Set the benchmark for maintenance of effort at the lower general fund contribution from 2009-10.

Identification Rate

Based on the December 1, 2010 pupil count for K-12 special education students, the identification rate for students with disabilities in the district exceeds the statewide average.

Comparison of Beverly Hills and California K-12 students with disabilities (2007-10)

| | 2007-08 | 2008-09 | 2009-10 |
|---------------|---------|---------|---------|
| Beverly Hills | 13.3% | 13.3% | 13% |
| California | 10% | 10% | 10% |

Based on the December 1 pupil count for preschool age children (ages 3 and 4), the identification rate in the district is below the statewide average.

Comparison of Beverly Hills and California preschool age students with disabilities

| | 2007-08 | 2008-09 | 2009-10 |
|---------------|---------|---------|---------|
| Beverly Hills | 4.3% | 4.2% | 5.0% |
| California | 6% | 6% | 5.3% |

Specific eligibility categories were also reviewed to determine if any were significantly over or under county or state identification rates. Based on the December 1, 2009 California Special Education Management Information System (CASEMIS) data, three eligibility categories were significant.

Comparison by percentage of students found eligible for special education

| | Speech or Language Impairment | Other Health Impaired | Specific Learning Disability |
|---------------|-------------------------------|-----------------------|------------------------------|
| Beverly Hills | 26.3 | 25.2 | 26.4 |
| County | 18.6 | 8.0 | 47.4 |
| State | 9.7 | 7.9 | 42.3 |

Staff reported that these discrepancies are due to how the special education staff identify students eligible for special education. Speech or language impairment (SLI) and specific learning disability (SLD) both have specific criteria based on student scores on standardized tests. This is not true for other health impaired (OHI). The staff reported that they do not make students eligible who do not meet the state and federal requirements, and there was no data that would refute this claim. However, the overidentification rates in SLI and OHI increase the cost of operating the special education program.

There are two reasons for the increased costs: staff reported that many of the students in the SLI eligibility category also receive academic support from the special education teachers, and many of the OHI students receiving academic support are continuing as special education students when the services they require could be provided through general education supports.

Although students receiving special education under the category of SLI are eligible under state and federal guidelines, there may be other ways to serve these students besides special education. San Diego Unified School District has developed a program with defined outcomes for students with single articulation errors.

Recommendations

The district should:

1. Ensure that baseline identification rates are established for all disability areas and are tracked by school sites and/or grade levels. This will assist the district in redirecting resources for support and training.
2. Examine the district criteria for determining eligibility for speech and language and other health impaired.
3. Identify specific disability areas causing the overidentification and define specific criteria for eligibility. Track assessments to determine if the specific criteria is being followed.
4. Provide differentiated instruction training for school sites with respect to underperforming students in the general education classroom.
5. Evaluate the overall function of the student success team process and determine the interventions available for students prior to referral to special education.

Interventions

Overview

Response to intervention is a general education function and the lack of these interventions can lead to overidentification of special education students. FCMAT reviewed the status of intervention strategies such as RtI² and student success teams (SST) to make recommendations for implementation and improvement. The district has established academic goals for 2010 that include the following for interventions:

- Provide targeted intervention
 - Focus on students scoring nonproficient
 - Focus on students with disabilities to achieve a 10% growth from nonproficient to proficient
 - Focus on English language learners to achieve a 10% growth from nonproficient to proficient
- Provide differentiation to ensure that all levels of learners are provided engaging, focused instruction, with a variety of instructional strategies (instruction and assessment teacher on special assignment)
- Begin literacy goal at K-3 grades to ensure that teachers have a variety of instructional strategies to meet all levels of students' instructional needs (literacy coach, professional development, coaching, collaborative planning, in-class support)

FCMAT found that each site does not consistently align with the academic goals established by the district. There is limited training in intervention methods and implementation of differentiated instruction.

FCMAT identified inconsistencies in the district's educational philosophy and equal access for all students. The focus appears to be on high achieving students. The FCMAT team recognizes that the dynamics are unique in this district with regard to high-achieving students; however, the district and staff must serve every student. The district and special education department's mission and vision statements should be written to ensure inclusion of equity among every student and staff member.

Although some school sites are implementing interventions, others do not have adequate interventions in place for the SST to recommend. The interventions that are implemented are fragmented and inconsistent. Some sites do not have adequate interventions prior to assessing for special education. The staff stated there is a lack of reading interventions across the district. Some students need remediation in basic skills; however, this type of intervention is not available to them.

Some sites are using these intervention strategies more efficiently and effectively than others. Although each site needs autonomy to some extent to address specific needs, it is still necessary to share common goals and outcomes.

There is no set block of time during the school day when interventions occur at the sites. This is a critical component in the intervention process. Appropriating a set time each day for entire sites to devote to interventions is crucial to the process. School site principals do not set aside time to

collaborate with each other on districtwide interventions and the teachers at some sites do not have time set aside to collaborate regarding schoolwide interventions.

The high school site has classes for students who are struggling academically and are in need of interventions. Staff reported that accommodations and modifications are needed for special education students in the general education classes. The study skills classes have no set curriculum available for use with students.

Staff shared that the elementary and middle school site schedules and the high school master schedule appear to be obstacles in the delivery of schoolwide interventions. The district should consider forming a committee to align districtwide schedules for the benefit of student productivity.

Staff repeatedly reported that some general education teachers are resistant to implementing accommodations/interventions unless the student has an IEP or 504 plan that enforces accommodations/interventions. Education Code states that all general education resources must be exhausted before assessing for special education. The Individuals with Disabilities Act requires school districts to provide disabled students with appropriate accommodations for instruction, assessments, and testing, and states that these accommodations must be consistent with those used during the student's regular instruction. Accommodations/interventions should be implemented for both general education students and students with IEPs and 504 plans.

The district's elementary sites provide interventions; however, the resources used vary from site to site. Some interventions are not research-based or aligned to the standards. Each site uses various interventions that include the following:

| Site | Intervention Program |
|---------------------|--|
| Beverly Vista (K-8) | <ul style="list-style-type: none"> 1st – 6th – Title I math and reading – both pull-out and push-in support for elementary students Middle school Reading Plus – Grades 7 and 8 Middle school math support – Grade 7 Middle school algebra support – Grade 8 Middle school after school assistance – Grades 6-8 EL after school assistance – Grades 4-8 |
| El Rodeo (K-8) | <ul style="list-style-type: none"> Reading Plus period – Grades 7-8 Algebra support – Grade 8 Math support – Grade 7 Before school math support – Grade 6 After school EL support – Grades K-8 Before school math support – Grade 3 SI aide Early Reading Intervention – Grades K-1 Co-teach model 8th grade English (gen. ed. and sp. ed.) SST After school math support – Grade 7 Lunch peer tutoring – 8th grade algebra support |
| Hawthorne (K-8) | <ul style="list-style-type: none"> Title I classes - ELA and math - Grades 1-8 (before, during and after school) Expanding Title I for kindergarten push-in program Tutorial electives: math intervention - Grade 7; pre-algebra - struggling Grade 8 students; and an algebra tutorial for students who need extra help with the regular algebra class Reading Plus combo class - Grades 7-8 |

| | |
|---------------------------|---|
| Horace Mann (K-8) | Title I ELA support credentialed teacher - Grades 2-8 (during school) Title I ELA support – Grades K-1 instructional assistants SI funded support – Grades K 2 Title I math support (before school) - Grades 2-3 Title I math support (after school) - Grades 4-5 Homework help two days a week - Grades 2-3 JPA Funded Library support one day a week Math support (before school) – Grade 6 Math support (during school) – Grade 7 Algebra support as well as Introduction to Algebra course (during school) - Grade 8 Study skills for middle school (before school) to begin 2 nd semester once board approved |
| Beverly Hills High School | Identified students may enroll in one period of algebra support and/or Reading Skills Workshop. Peer tutoring before and after school. |

Some of the resources and interventions being implemented at the school sites may fit appropriately into the Response to Instruction and Intervention process. Other sites may be attempting to implement too many interventions, which can be counterproductive.

In addition, the district has an RtI committee, made up of district administrators, site administrators and representatives from the teachers union, BHEA, including the BHEA president. The committee attended a full day workshop on RtI in January 2011, and has since met to discuss what is in place at each site, what needs to be added to support struggling students, and what the next steps are to establish an RtI, multitiered instructional program to support students. The committee will meet monthly for the remainder of the school year to address RtI and to develop a mutually agreeable plan to support students with a multitiered instructional support program.

Recommendations

The district should:

1. Ensure that interventions are consistent and adequate districtwide.
2. Ensure that school sites are implementing intervention efficiently and effectively, while maintaining site-specific autonomy.
3. Ensure that there is buy-in of intervention processes from the entire staff and parents.
4. Require a set block of time to be set aside at each site during the school day for intervention programs.
5. Ensure that school site principals set aside time to collaborate on schoolwide interventions.
6. Ensure that special education students have appropriate accommodations and modifications in their general education classes.
7. Develop a plan for aligning school site and master schedules for efficiency and effectiveness.

Student Success Teams

According to district documentation, each school site has a student success team (SST) of trained professionals who review concerns about individual students. The SST serves as a general education problem-solving process and is a forum to support classroom teachers in their effort

to provide quality classroom experiences for all of their students. The SST is neither a function of special education nor an automatic process for referral and/or assessment for special education services.

Site staff repeatedly reported that the district's SST process is fragmented and inconsistent. Teachers are frustrated with the SST process and lack of available interventions prior to referring a student to the team. There were also reports of some sites excluding special education staff from the SST process, even in the latter stages when an assessment for special education may be considered by the SST.

Effective SSTs serve to accomplish the following:

- Identify and assist students
- Help teachers solve problems with students using the collective expertise of other appropriate professionals
- Help parents when they have concerns
- Help students who request additional support
- Improve communication between staff members and between school and home
- Increase staff commitment to students and to the educational program
- Help facilitate referrals to the general education programs at a school site
- Coordinate the services a student receives
- Attempt to document all reasonable interventions before referring a student for assessment for possible special education eligibility/placement
- Ensure and document the use of scientifically based interventions
- Explain the RtI² model, if used, and review progress under this model

The district has an SST Procedural Handbook; however, many staff members were not familiar with the document. Some staff lack training on the district SST process and handbook. Comprehensive, formal SST training is needed for all site staff members involved in these teams regarding the district's process, guidelines and procedural handbook. The California School Boards Association (CSBA) offers guidance regarding student success teams and what school boards should adopt.

Response to Intervention (RtI2)

The enactment of No Child Left Behind (NCLB) legislation in 2001 prompted a major shift in education throughout the nation. Since then, student achievement and accountability have been at the forefront of decisions made by administrators and teachers. In 2004, the reauthorization of the Individuals with Disabilities Education Act (IDEA 2004) provided support for models that include response to scientific, research-based interventions. The law stated that these methods may be used as an alternative to the discrepancy model when identifying students as learning disabled. IDEA 2004 also shifted research-based interventions from special education to general education, stressing that this method would apply to all students. The law left it up to each individual state to develop its own guidelines and regulations. RtI, which is now referred to as

Response to Instruction and Intervention (RtI²), provides districts with a method to drive educational decisions and measure academic growth.

RtI² is a systematic, tiered, data-driven approach to instruction that benefits every student. California has expanded on RtI² to communicate the full spectrum of instruction, from general core to supplemental or intensive, to meet students' academic needs. RtI² accentuates the focus on interventions.

In his message on this subject, State Superintendent Jack O'Connell stated the following:

Response to Intervention (RtI) is emerging nationally as an effective strategy to support every student. The California Department of Education (CDE) is coining the term Response to Instruction and Intervention (RtI²) to define a general education approach of high-quality instruction and early intervention, prevention, and behavioral strategies. RtI² 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 is a process that 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. RtI² 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 district is not systematically implementing RtI², and there is insufficient districtwide knowledge of the model. Staff repeatedly reported that when RtI was presented to the teachers' union, it appears to have been communicated as more work for the teachers and staff, rather than as an effective model. This created misperception among teachers.

The staff's knowledge about RtI² is very inconsistent. A master plan has not been developed; however, staff interviews indicated that the administration is ready to complete this component. Once the plan is developed, the superintendent should submit it to the governing board for support and adoption. Systemic change of this type should be a districtwide effort and include every staff member and the support of the administration and the board.

The district lacks a full spectrum of state-approved supplemental intervention programs that are a major component of RtI² and are part of the tiered model. The district lacks universal screening programs to properly identify students. These types of programs are used to screen students at least three times or more per year in early literacy skills, including phonological awareness, alphabetic understanding, fluency, vocabulary, and comprehension. Universal screening is essential to assess academic and behavioral performance and evaluate the effectiveness of instruction. AIMSweb (assessment and data management for RtI) and DIBELS (Dynamic Indicators of Basic Early Literacy Skills) are two widely used universal screening programs.

Although some school site administrators are implementing some components, districtwide knowledge of the RtI² model is very inconsistent. Some resources and interventions that are utilized at the sites would fit the RtI² model; however, others are not research-based and do not include data collection and progress monitoring. The district must ensure it has a system to help with RtI²'s data collection components.

The sites do not have all of the materials, resources, and training needed to run a fully functioning RtI² program that follows the model outlined by the CDE. General education should always be the first intervention and should take the lead role in implementing RtI². A collaborative effort by all staff members, general and special education, is necessary to successfully address students' academic and behavioral needs.

The staff has received limited training in RtI², although some administrators and teachers have participated in brief workshops or sessions outside the district. The district should plan to provide the staff with intensive RtI² training. There appears to be buy-in for RtI² implementation from some staff. Systemic change takes districtwide buy-in of every staff member, and the discussions and master planning will take a minimum of one year. The training phase should be clearly outlined in the master plan. The district appears to be ready to engage in initial stages of staff development for the RtI² process after the discussions and after a master plan has been developed.

The assistant superintendent of curriculum and instruction should lead the RtI² implementation with help from the director of special services. This is crucial to implementation since RtI² is a general education function, and acceptance should be sought from the entire staff.

The district should consider hiring an RtI² expert to help plan, train, and implement phases of this model. The district should consult with the county office to determine if resources are available to assist with the planning, training, and implementation. Many experts in the field have extensive knowledge and are practiced in implementation of the RtI² model. Some of these include the following:

George Batsche, Ed.D., University of South Florida

W. David Tilly III, Ph.D., Heartland Area Education Agency, Johnston, Iowa

Mike Vanderwood, Ph.D., University of California, Riverside

FCMAT does not endorse a particular expert. The district will need to conduct independent research to identify the right consultant for its needs.

Several districts in California are successfully implementing RtI². It would be beneficial for the district to schedule the RtI² committee to visit one of those districts, such as Yucaipa-Calimesa Joint USD or Lompoc USD.

The district does not participate in Positive Behavior Intervention Support (PBIS), which assists with the behavioral components of RtI². The Orange County Department of Education is nearby and can provide more information on PBIS.

Staff reported that some of the school psychologists spend much of their time assessing students who do not qualify for special education. This is not an efficient and effective use of their time. School psychologists have the expertise and training to assist with RtI² implementation.

On November 14, 2008, the California Department of Education (CDE) issued information regarding RtI² as guidance to California schools. This information has been attached as Appendix B to this report and should be reviewed by the district team responsible for developing the RtI² plan. It includes a basic description of RtI² and identifies components needed in an effective RtI² model. The CDE guidelines further provide a step by step process and set of guidelines for the planning and implementation of RtI² based on best practices.

The district uses the discrepancy model to identify students as SLD. Although the district is not prepared to use any other method at present, it should consider this as an alternative method of identifying SLD students once an effective RTI² model is implemented.

In 2009 the CDE also issued the document titled Determining Specific Learning Disability Eligibility Using Response to Intervention and Instruction (RtI²). This booklet is attached as Appendix C to this report.

The booklet provides guidance to LEAs using RtI² instead of the discrepancy model for identifying learning disabled students. It offers detailed information on using RtI² data in SLD eligibility and provides tiered recommendations for students who do not respond to interventions. It provides guidance for students who are identified as low achievers and those who show a lack of progress. It also provides guidelines on the role of exclusionary factors when determining SLD under RtI², such as emotional disturbance, cultural factors, limited English proficiency, or economic disadvantage. The guidelines specifically describe appropriate instruction and that schools should ensure that all students receive research-based curriculum and instruction prior to determining need under RtI². Finally, this document provides guidelines for identifying students who require special education. Frequent monitoring and data collection provide the IEP team with the documentation necessary to make recommendations for special education.

Recommendations

The district should:

1. Provide training on the SST process and procedural handbook.
2. Ensure the SST is consistent at all school sites.
3. Ensure that each school has appropriate interventions available.
4. Ensure that the special education staff is included in the SST process in the latter stages.
5. Develop a plan for the implementation of RtI² to ensure buy-in from every staff member and parents.
6. Develop a master plan for training the entire staff in RtI².
7. Ensure that the teachers' union is included in the implementation process of RtI².
8. Ensure that each site has a full spectrum of state-approved supplemental intervention programs.
9. Establish the universal screening program for reading, mathematics and behavior.
10. Screen students three or more times per year in early literacy skills, including phonological awareness, alphabetic understanding, fluency, vocabulary, and comprehension.
11. Determine which interventions in current use are appropriate for the implementation of RtI².
12. Ensure that interventions implemented in RtI² are research-based.
13. Ensure that the district has a system for data collection.
14. Ensure that general education takes the lead in the implementation of RtI², with the collaboration of special education.

15. Determine if an expert should be solicited to assist in the implementation of RtI².
16. Send a committee to visit model districts that are implementing RtI² successfully.

State Assessments

Many districts in California target special education subgroups in their school improvement efforts. The performance of students in this subgroup is why the district did not make adequate yearly progress (AYP). FCMAT reviewed assessment results for the special education subgroup to make recommendations on how to improve scores.

Improving AYP in the special education subgroup is a district academic goal for 2010. The district goal target for 2010 is 10% of students in special education will make growth from nonproficient to proficient. School sites also have action plans that target improvement in the special education subgroup. An additional academic goal for 2010 is to provide differentiation to ensure that all levels of learners are provided engaging, focused instruction, with a variety of instructional strategies.

After reviewing the data and interviewing district staff, FCMAT determined that the district does not use a comprehensive approach to improve this subgroup at every site in the district. The district must concentrate on the culture of each site, quality of classroom, highly qualified teachers trained in best delivery, effective leadership, review of student data, professional development opportunities, and the support (interventions/RtI²) provided at each site.

Staff stated that there is a need for more targeted intervention programs at all sites and that interventions at some sites are poorly structured. Please refer to the intervention and RtI² section of this report for more information regarding interventions. All stakeholders should be included in implementing interventions and RtI² and must identify instructional gaps.

Site staff reported that they meet at the beginning of the school year to review student data for the special education subgroup; however, some sites are not given release time for collaborative planning by grade level and department. Not all teachers are given release time to share best practices for academic growth. This is an important component of school improvement.

Recommendations

The district should:

1. Ensure that the staff has release time for collaborative planning by grade level and department to review student data for the special education subgroup at the beginning of and throughout the school year.
2. Ensure that every site is implementing research-based targeted intervention programs such as RtI².
3. Ensure that school site administrators receive coaching for the special education subgroup.

Instructional Aides

Throughout California, the number of districts using instructional aides or one-to-one aides - who are sometimes referred to as special circumstance aides or environmental aides - has increased dramatically over the past few years. This staffing increase has strained special education budgets and increased contributions from the general fund, especially in situations where the services are not warranted or are not monitored to contain costs.

The only way for a district to determine if these services are appropriate is to establish and implement guidelines, policies and procedures, including strictly enforced monitoring, to prevent these services from being granted unnecessarily. The district does not have such guidelines.

As discussed in earlier sections of this report, a significant number of aides is required to provide special education support to students in the general education setting. This is partly because of the way students are assigned to their classes and how the school day is structured. Both of these require additional support that would not be required if, as stated earlier, students were clustered in fewer classes, the school day was structured so that the special education teacher could see groups of students for remediation, and the district restructured its special education delivery system to include learning centers and self-contained classes (special day classes) for students with more severe needs.

Ninety-five instructional aides are assigned to special education, with most assigned to students and/or classrooms in general education. The decision to initially require aide support, add hours of aide support or continue aide support is made by the IEP team. This is where these decisions should be made. However, they are being made without a clear and consistent process.

Procedural guidelines can assist when parents and advocates challenge the district for such services and to determine if the need for additional aide support is a program issue. Extensive mandatory training for administrators, general and special education staff must follow the development and implementation of guidelines. These guidelines can help staff determine the following:

- The need for additional aides
- Dependence factors
- Measurable outcomes
- Descriptors of success
- Alternatives to aides
- Whether existing resources are being used optimally
- Evaluation of the continuing need for such services
- When to increase aide hours

Goals for independence and transitioning away from aide services must be included in developing an IEP in which additional aide support will be provided. In most cases, a transition plan for fading the adult support is included in the IEP in addition to the goals. This ensures that all staff, the family and the student are working toward the same goal of independence and student success.

Special education aides receive handbooks from both human resources and special education regarding their position. Special education also provides a beginning of the year in-service

training and at least one other training during the year. Nonviolent crisis intervention training is also offered to all aides. For many of the aides working directly with the special education teacher or with groups of students with specific learning disabilities, this is sufficient. For aides that work with more intensive behavioral needs, low incidence disabilities or autistic students, additional training is needed.

Staff report that in many cases the general education teachers also have not had sufficient training to understand the needs of these more involved students, their responsibilities for the students or how to effectively work with the aide assigned to the students. Therefore the expectations of the aide vary greatly from one class to another, and the success of the special education student in the general education class is often left to the aide.

Staff report that another result of the way special education students are assigned and classes scheduled is that the general education teacher, special education teachers and the aide rarely have time to communicate. Thus, the student's program suffers.

The assistant principal at each site is responsible for assigning the special education aides, monitoring their hours and evaluating them. They also reassign aides at their site to cover for absent aides when substitutes are not available, sometimes independently and sometimes in collaboration with the special educators at the site. This is a time consuming and costly responsibility for the assistant principals. The district is recruiting aide substitutes at this time, but this is a difficult task and good substitutes are often hired into permanent positions. Staff reported that the high school is attempting to restructure how its aide pool is assigned to give more support to students in the general education class. The site administration and the special education department are collaborating to develop this new plan.

In the past, aides have been hired for a specific number of hours, but those hours could be used at the aide's and the site's discretion. Therefore one 15-hour aide may work five hours three days a week while another works three hours a day. This has led to confusion, inconsistency in coverage and concern over equality of coverage. For example, one teacher may have three aides in the classroom three days a week and one on the other two days. Of the 95 special education aides, 30 of them are on a split schedule. The director of special education has ended this practice, and all new aides are assigned five days a week. However, previously hired aides are continuing with their split schedules.

Every special education teacher has 25 hours per week of instructional aide support. This is consistent with statewide practice. The hours to which instructional aides are assigned ranges from five to 40 hours per week. There is no specific staffing formula/process for special education classes beyond the one aide position for 25 hours. Any additional aide hours are determined by the IEP team for students requiring aide support. If five to 10 special education positions are eliminated, the corresponding aide supports would also be eliminated for an additional savings of \$75,000 to \$150,000.

Special day classes for moderate to severe emotionally disturbed students are staffed with two full-time instructional aides, which is consistent with statewide practice.

Recommendations

The district should:

1. Develop policies and procedures including specific forms that must be completed prior to assigning, supporting, reducing and discontinuing aide services. Samples are available through the SELPA.
2. After policies and procedures are in place, train all special education staff and site administrators on them.
3. Monitor aide time assigned to each teacher based on the policies and procedures.
4. Review the need for each student's aide time at the annual IEP by revisiting the forms required in the procedures.
5. Ensure that each student's IEP that specifies additional aide support also includes goals for independence and a fading plan to reduce and/or eliminate the need for the additional aide support.
6. Ensure that each site has plans for how the student will be supported when the aide is absent and for what the aide will be assigned to do when the student is absent or during the fading plan.
7. Ensure that all of the instructional staff that support the student has adequate information and training to provide the supports necessary.
8. Train aides that work with students who are behaviorally challenged or have low incidence disabilities in the techniques needed to work with the student.
9. Provide additional training to assist aides and general education teachers in best practices related to including the special education student in the general education classroom.
10. When needed, schedule meetings one to two times per month for 20-30 minutes for aides, general education teachers, special education teachers and any other providers to review students' progress and make adjustments as needed.
11. Schedule meetings twice a year, in fall and spring, for a program specialist or the special education director to meet with the assistant principal and special education staff at each site to review aide assignments, determine the hours aides actually work, develop substitute plans and brainstorm how to more effectively and efficiently allocate staff.
12. Support the high school in redistributing its aides to more effectively support the special education students in the general education classes.
13. Ensure that all aides are hired to work five days a week and that coverage is consistent and equitable based on students' needs. Whenever possible, change current aides' schedules to five days a week.

14. Consider developing guidelines for staffing special education programs and supports.
15. Consider eliminating instructional aide positions in alignment with reductions made at the certificated teacher level, as appropriate.

Range of Options

A few areas in the district's overall special education delivery system need review to ensure compliance with federal and state laws.

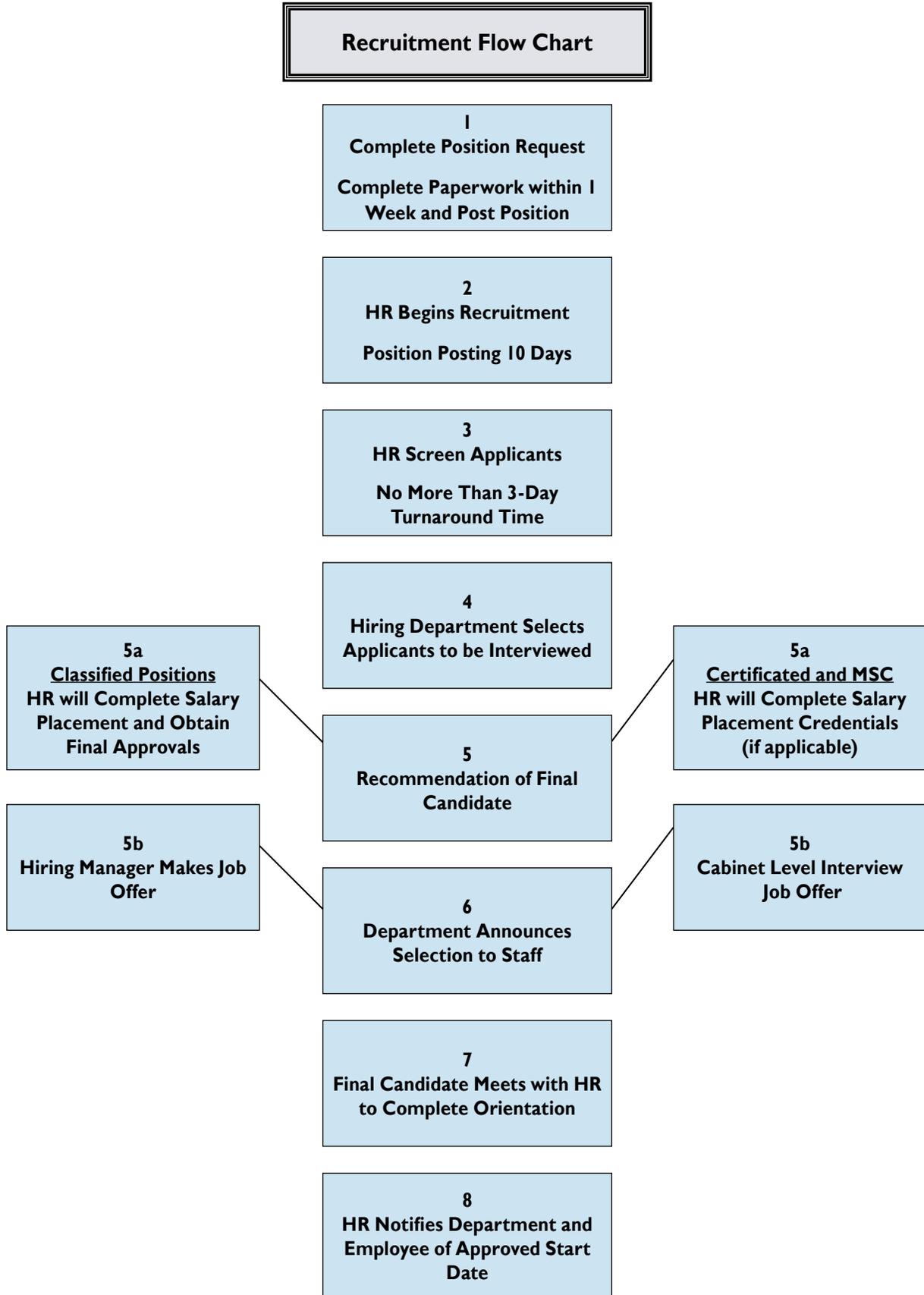
The district does not provide special education services at the continuation high school. Special education students must exit special education by signing themselves out prior to enrolling at the school. The district is out of compliance for the lack of special education services and for having students exit from special education prior to enrollment, and is considering providing special education services at the school in 2011-12. Steps should be taken to implement these services to ensure compliance with federal and state laws.

The district is out of compliance with its individualized transition plans. The December 2010 CASEMIS report indicates that 7.45% of the IEPs for ages 16-19 have no transition goals. The CDE requires, at the direction of the Office of Special Education Programs, 100% compliance on the CASEMIS reporting. The superintendent will receive a letter from CDE for noncompliance with transition goals and will be required to bring the district into compliance. The special education director and student support services should monitor this data monthly to ensure compliance over the next year.

Staff repeatedly reported that some IEPs have instructional assistant services written into the plan, but instructional assistants are not always available to provide the required services to students. When this occurs, the IEPs are in jeopardy of being out of compliance and not implemented in a timely and appropriate manner. Staff and some parents are frustrated with the district's inability to hire assistants in a timely manner. Staff stated that the hiring process can take anywhere from two to eight months. The special education department is responsible for a substantial portion of the hiring process. A program specialist screens the applicants, makes phone calls, interviews and checks references. Human Resources also interviews the final candidates and completes the process. The district needs to streamline its hiring process to comply with IEP services.

The instructional assistant substitute pool is limited, which makes it impossible to keep up with the demand for these services. Other instructional assistants could cover in some situations when there are short-term absences among staff; however, certain students require daily assistance to succeed in the classroom setting. For these situations, increasing the instructional assistant pool would benefit students, the district, and staff members.

The district may want to consider the following recruitment flow chart to streamline the process:



Recommendations

The district should:

1. Take steps to provide special education services at the continuation high school.
2. Ensure that all IEPs include appropriate individualized transition goals.
3. Ensure that IEPs are in compliance and instructional assistant services are implemented in a timely and appropriate manner.
4. Develop a plan to streamline the hiring process for instructional assistants to ensure that IEPs are implemented in a timely manner.
5. Create a larger pool of instructional assistants to keep up with the demand for these services.

Appendices

Appendix A – Resources for the Facilitated IEP Process and Training

Appendix B – CDE Guidance on RtI²

Appendix C – CDE Booklet on RtI²

Appendix D – Study Agreement

Appendix A

Resources for the Facilitated IEP Process and Training

| | |
|--|---|
| National Center for Dispute Resolution | http://www.directionservice.org |
| National Dissemination Center for Children with Disabilities | http://www.nichcy.org |
| Spectrum K12 Solutions | http://www.spectrumk12.com |
| Technical Assistance Alliance for Parent Centers | http://www.taalliance.org |
| Wisconsin Special Education Mediation System | http://www.wsems.us |

Appendix B

Response to Instruction and Intervention (RtI²) Implementation

On November 14, 2008, the California Department of Education issued the following information regarding RtI² as guidance to our schools in California:

Definition

Response to Instruction and Intervention (RtI²) is a systematic, data-driven approach to instruction that benefits every student. California has expanded the notion of RtI² to communicate the full spectrum of instruction, from general core to supplemental or intensive, to meet the academic and behavioral needs of students. RtI² 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 RtI² 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 RtI² 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 RtI² 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 RtI² 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 RtI² process may be used to ensure that a student has received research-based instruction and interventions.

RtI² 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 RtI² 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 RtI² process may be used to demonstrate that a student has received research-based instruction and interventions as part of the eligibility determination process.

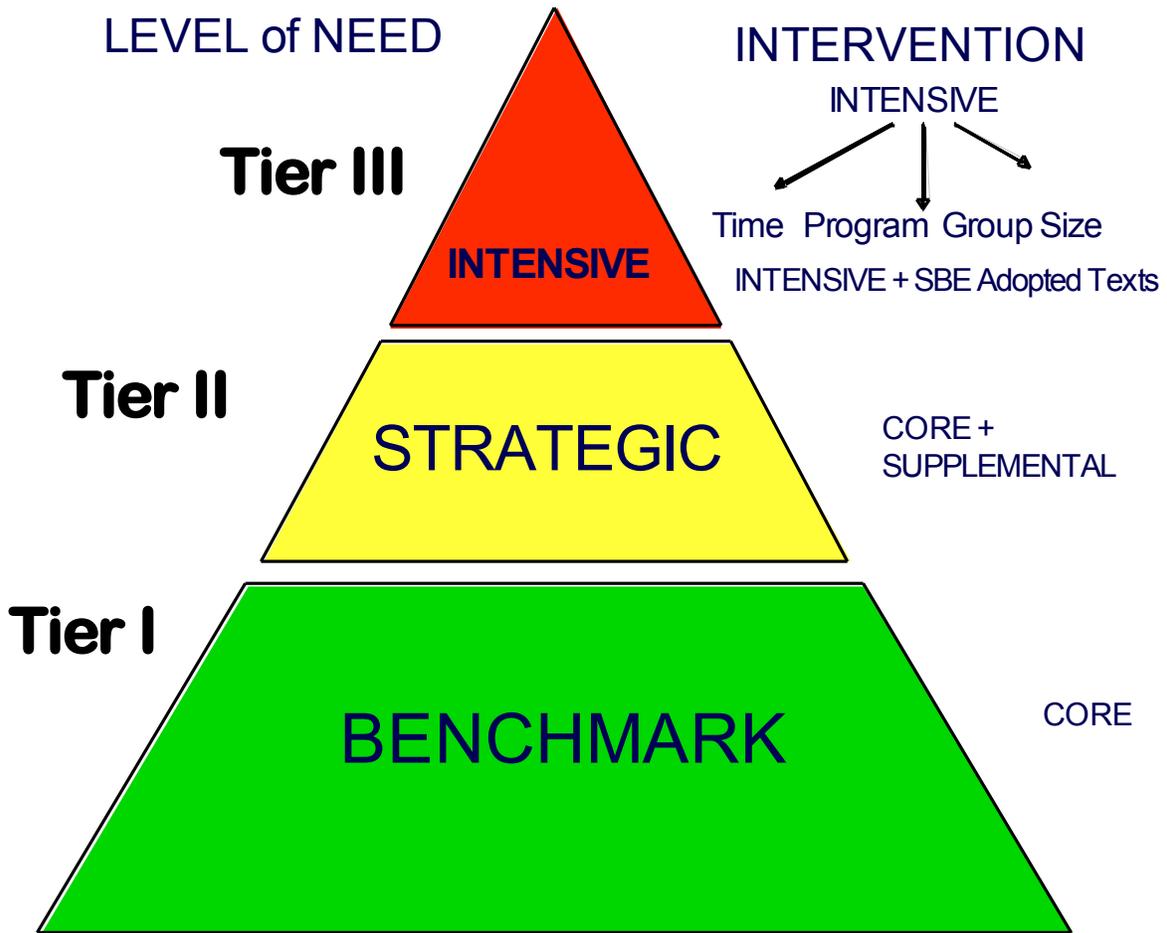


Figure 1

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 RtI², 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 RtI² which provides guidance to LEAs using RtI² and describes the collaboration process among all staff members. This document outlined 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 RtI² 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 RtI² on prevention that begins in the general education classroom. A system implementing RtI² 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.

District Leadership

Administrative support should accompany the implementation of an RtI² 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 RtI² process in their schools as well as ensure training that defines the RtI² process, best practices for implementation, and the change in school culture necessary for success. Staff will understand how RtI² 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 RtI² 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 RtI² 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 RtI².
- Provide information to parents about the RtI² process.

School site administrators provide leadership in all levels of the RtI² 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 RtI² 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 grade-level 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 grade levels). 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.

An example of a self-assessment tool is provided to assist schools and districts in determining their current status relative to implementation of a tiered RtI² approach. (See Appendix A, Self-Assessment Tool.) This tool addresses the critical RtI² components of student support and may be used to determine next steps in RtI² implementation. It is important not only to gauge the current implementation status of each item, but also to determine its relative priority.

New and Expanding Roles

School personnel will play a number of important roles in using RtI² 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. (Please see Appendix B for a more detailed description of the expanded roles.)

Administrators

It is essential to recognize the importance of leadership in effectively implementing the system changes that an RtI² process requires. Administrators will have a critical role in the planning, implementation, and successful use of the RtI² 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 RtI².

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 RtI² process.

At the district level, superintendents and school boards should be supportive of the changes necessary to implement an RtI² process. Effective RtI² 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 RtI² depends on a unified approach to instruction that is supported by everyone in the school. (As schools and districts create and implement RtI² processes, general education teachers will be involved in supporting the learning of all students.) A key focus of support emphasizes prevention through early intervention. RtI² 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 RtI² 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 RtI² 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.

Reading Specialists/Coaches

Reading intervention specialists/coaches offer expertise at many levels of RtI² implementation, from systemwide program design through specific assessment and intervention efforts with the individual student. As members of the collaborative team, reading specialists/coaches will play an integral role in the implementation of the school-wide RtI² process. Reading specialists/coaches will be part of intervention and evaluation teams through indirect as well as direct service delivery.

Speech-Language Pathologists

Speech-language pathologists (SLPs) can play a number of roles in an RtI² 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 RtI² 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. RtI² 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 RtI² 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 RtI² 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 prereferral interventions, systemwide 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 systemwide 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 RtI² 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 RtI² process. They can act as catalysts to facilitate the RtI² 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 RtI² process. Active involvement of parents contributes greatly to improving student outcomes. Parents should be engaged in all aspects of RtI². Schools need to inform parents in their native language and/or mode of communication of the RtI² process and ensure that they understand how data will be gathered and used. Parents should be encouraged to actively participate in the RtI² 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 RtI² process requires that professional development needs are examined so that administrators, teachers, support personnel, and paraeducators possess the requisite skills to implement effective RtI². Successful implementation of RtI² depends on the ability of all educators, including paraprofessionals and other specialists, to use RtI² practices reliably and with fidelity. The reliability and validity with which RtI² practices are implemented will be determined, to a great extent, by the quality of both the preservice 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 RtI² 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 RtI² approach.

It is vital to offer continuing, job-embedded professional development that addresses relevant areas essential to effective implementation of RtI² and improved student outcomes. Teachers should have opportunities to participate in focused, quality, ongoing professional development relating to RtI² 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 RtI² 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 RtI² 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 RtI² 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

Identification of Students with Specific Learning Disabilities

The district is currently using the discrepancy model to identify students as Specific Learning Disabled (SLD). The district is not ready to use any other method at this time; however, if Response to Intervention is implemented in the future, the district may want to consider this as an alternative for identifying SLD.

The 2009 California Department of Education document titled Determining Specific Learning disability Eligibility Using Response To Intervention and Instruction RtI² provides guidance to LEAs using RtI² rather than the discrepancy model for identifying students as Learning Disabled. The document offers the following information on the use of RtI² data in the SLD eligibility process:

Use of RtI² Data in the SLD Eligibility Process

The results of collaboration between education professionals through the school-wide RtI² process can be useful in the determination of special education eligibility under the category of specific learning disability (SLD). Students identified as eligible for special education continue to be a school-wide shared responsibility. The definition of an SLD, and the requirements for eligibility as defined in the Individuals with Disabilities Education Act (IDEA) 2004, can be found in Appendix C. The regulations themselves are not presented in this section. It is worthwhile to review the elements of the eligibility criteria as set out in Section 300.309 of the IDEA regulations (*34 Code of Federal Regulations 300.309*).

There are three subclauses in *34 CFR 300.309*. The (a) clause:

- (1) addresses low achievement;
- (2) addresses using either (i) a response to intervention approach or (ii) a pattern of strengths and weaknesses approach to further suggest the possible presence of a specific learning disability; and
- (3) addresses the exclusionary clause (that findings under (a)(1) and (a)(2) are not the primary result of a variety of other issues).

The (b) clause addresses the need to ensure that the student has had appropriate instruction (this in addition to exclusionary clause) and that progress during instruction has been documented and provided to the child's parents.

The (c) clause states that if the requirements of (a) and (b) are met or the child is referred for an evaluation, then the public agency must promptly request parental consent to evaluate the child to see if he or she qualifies as a student with an SLD and needs special education.

Therefore, if a student met the criteria in 34 CFR 300.309 (a) and (b), the need for a comprehensive evaluation to determine eligibility would be established.

An RtI² process may yield information in the following five key areas:

- Low achievement
- Lack of progress
- Role of exclusionary factors
- Determination that the student has received appropriate instruction
- Need for special education and related services

In addition, a district should also include insight into individual performance through formative measures, curriculum-based measures, teacher observations, and parent reports.

This section expands on those areas and provides information as to what data might be generated through an RtI² process that may be helpful in addressing each of those areas.

It is important to clarify that this section does not address the entire process for identifying a student as qualifying for special education services under the eligibility category of SLD.

Meeting the criteria outlined in 34 *CFR* 300.309 requires **a comprehensive evaluation and consideration of special education eligibility**. The U.S. Department of Education (USDOE) Office of Special Education and Rehabilitative Services (OSERS) remarked in comments accompanying the regulations in Section 300.304 that the public agency may not use any single procedure as the sole criterion for determining whether a child is a child with a disability.

In addition, USDOE Office of Special Education Programs (OSEP) states in its presentation, “Building the Legacy: IDEA 2004”, that a comprehensive evaluation for identifying an SLD must:

- Not be replaced by an RtI² process.
- Use a variety of data-gathering tools and strategies even if RtI² is used.
- May include the results of RtI² as one component of the information reviewed.
- Not rely on a single procedure as the sole criterion for determining eligibility.

Those statements from the USDOE, OSEP, reinforce the requirement of a comprehensive evaluation to determine whether a student is eligible for special education services under the category of SLD. Guidelines regarding a comprehensive evaluation refer to all students suspected of qualifying for special education services and are contained in 34 *CFR* 300.304 and Section 1414 of the Act. This section of the report addresses how information from an RtI² process can be a useful component of the comprehensive evaluation.

Parental involvement is essential throughout the RtI² and eligibility determination process. Such involvement includes not only seeking information from parents in regard to their student’s strengths and weaknesses, but also involving parents in the intervention process.

Five Key Areas in the Identification Process

Key Area #1: Low Achievement

All students are expected to meet age- or grade-level standards. Lack of achievement or low achievement is often the first indicator of possible learning difficulties. Data gathered through the RtI² process can assist in determining if these difficulties are due to the presence of an SLD. Benchmark assessment data are typically collected several times each year. Progress-monitoring data are collected more frequently. Both types can be used to inform the eligibility decision. Students with an SLD typically fail to meet specific academic targets.

Students with SLDs will not have the expected response to targeted interventions. Thus, they fail to make significant improvement when provided with appropriate intervention and will continue to demonstrate low achievement at the conclusion of intervention periods. The progress-monitoring data collected during the RtI² process will assist in identifying the overall effectiveness of the intervention for each student. General outcome and mastery measures will show low achievement for a student with an SLD when he/she is compared with his/her peers. These measures should substantiate that the skill level of the student suspected of having an SLD does not support the student's ability to acquire and/or demonstrate age/grade-level appropriate standards-based skills in one or more of the areas listed in 34 *CFR* 300.309(a)(1).

It is recommended that evidence of low achievement be obtained by examining several sources. For example, performance on the California Standards Test (CST) below the basic level could be one indicator of lack of achievement. Use of locally normed measures as well as nationally normed achievement measures may also be considered in determining low achievement.

Key Area #2: Lack of Progress

Progress Monitoring in RTI² Processes

One of the most important contributions of RtI² is providing information regarding a student's ongoing academic progress toward specific targeted skills. With an RtI² approach, all students' progress is monitored regularly and some students more frequently. The data generated by progress monitoring are useful for determining whether a given instructional intervention and strategy is successful with a given population or a particular student. The data can guide decisions not only about instructional practices, but also about eligibility for special education.

Progress-Monitoring Frequency

Benchmark assessments are administered to **all** students on a regular basis. These data allow a school to determine if its curriculum and instruction are effective for most students and to set benchmarks of expected progress. These assessments provide a means of selecting students at risk of academic failure by identifying those who are achieving below their peers or who are not meeting predetermined benchmarks.

Students who are identified through a regular screening process and provided with an intervention are monitored more frequently than students who are progressing adequately within the general education curriculum. The rate of progress monitoring will depend on the level of intervention. General recommendations are as follows:

- For students who receive additional support at **Tier I**, their progress should be monitored one to two times per month.
- For students who receive more intense services such as the supplemental support services provided at **Tier II**, weekly progress monitoring is more appropriate.
- For students who receive **Tier III** services, twice a week may be an appropriate level of progress monitoring.

Monitoring of groups of students who are receiving an intervention provides information on the effectiveness of a given intervention for a particular group of students. For individual students, it provides a measure of the effectiveness of an intervention.

Comparing Student Progress

Progress-monitoring data from an RtI² approach yield at least three sets of data: rate of growth for the average student who does not need intervention services; rate of growth for the average student receiving an intervention (whether Tier I, II, or III); and rate of growth for the student in question. Those three sets of data allow the multidisciplinary team to determine first whether the instruction (whole class or grade) or intervention (small group) is successful for the struggling student's peers. If the rate of growth for those students who do not receive an intervention, or the small group of students who receive an intervention, is less than expected, then the team must question whether the target student's poor growth rate is a function of a learning disability or is due to a mismatch between the curricula and the needs of the students. Thus, group data, whether whole school or intervention group, provide a baseline against which an individual student's progress can be compared.

Evaluating Individual Student Progress

A target student's rate of growth can also be compared to other measures in addition to that of his or her peers. For example, rate of growth can be analyzed to determine if a student will reach a predetermined goal if he or she continues to achieve at the same rate of growth. There are also national norms for expected rate of growth in a variety of fluency measures commonly used for progress monitoring, such as letter naming, phonemic segmentation and passage reading. These can be used to set a target growth rate.

Measures for Progress Monitoring

There are two primary types of measures commonly used in progress monitoring: mastery and general outcome.

Mastery measures. These assessments are often embedded in the curriculum and are designed to assess how well a student has mastered a particular portion of the curriculum. These types of measures, which target a particular skill (learning short vowels, learning single-digit addition), are frequently referred to as *mastery measures* because they are designed to determine whether a student has sufficiently mastered a given segment of the curriculum and is ready to learn a new skill. They are also useful for teachers to determine which skills a student or group of students is lacking. Thus, a teacher is able to use the information from these assessments to differentiate instruction in order to more adequately meet the needs of his or her students. Mastery measurements may also be assessments that are not embedded in the curriculum but are designed by teachers or others in order to assess certain skills.

General outcome measures. In contrast to mastery measures that focus on one or two particular skills, general outcome measures comprise all the skills a student is expected to know by the end of the year. In essence, they are designed for repeated sampling of the same task. For example, a general outcome measure in math would include problems from the entire year's curriculum. In reading, text passages of equal difficulty or word lists that included all the types of words to be learned would be used for assessment. Curriculum-based measurement (CBM) is a form of general outcome measure that is commonly used in RTI² approaches. In addition to focusing on the entire year's curriculum, CBM measures also stress fluency. They are measures of short duration that can be administered quickly and easily. Perhaps the most familiar form of CBM is the use of short reading passages to assess how many words a student can read in one minute. Because these measures are not tied to a particular curriculum or intervention, they can be used across interventions to determine if a student makes more progress with one intervention versus another. In addition, they are quick and easy to administer and can be administered as often as needed. These data can be displayed graphically, are easily compared to those of other students, and are easy for parents and teachers to understand.

Benchmark assessments. Benchmark assessments can be used to determine if a student is on target to meet grade-level standards.

Using the Data in Decision Making

With an RTI² process, progress-monitoring data can help to answer the following questions:

- Is the general education curriculum effective for most students?
- Which of the students are not responding sufficiently to the general education curriculum?
- Is targeted intervention effective for most students (or a particular student's peers)?
- Has a particular student made sufficient progress when provided with a range of interventions directed toward targeted skills?

All of these questions are relevant in considering whether a student is eligible for special education services as a student with an SLD.

Additional Requirements

Parental involvement. 34 *CFR* 300.309(b)(2) states that there must be documentation of regular progress monitoring that is shared with parents.

Dual discrepancy. Progress-monitoring data provide two important sources of information to consider when a teacher determines whether a student needs more intensive services. First, it provides information as to the rate of growth a student is achieving in response to an intervention. Second, it provides a level of achievement to measure that student's current status. A student may need more intensive services if he or she is both well below peers and not sufficiently responding to the current level of intervention.

Following are some useful resources and materials for learning more about progress monitoring:

- CBM and NCLB <http://www.ed.gov/offices/OESE/SASA/aypstr/index.html>
- Training materials/probes www.interventioncentral.org
- CBM Web site List <http://www.luc.edu/schools/education/c487/lap/velde.htm>
- University of Oregon – Dibels <http://dibels.uoregon.edu> and www.idea.uoregon.edu
- Florida Project <http://sss.usf.edu/cbm/cbm.htm>
- Excellent general site www.studentprogress.org
- *The ABCs of CBM* by Hosp, Hosp, and Howell (2007)
- NASDSE publication on RtI² www.nasdse.org
- Training site for progress monitoring <http://iris.peabody.vanderbilt.edu/onlinemodules.html>
- DIBELS at dibels@uoregon.edu

Key Area #3: Role of Exclusionary Factors

A number of exclusionary factors must also be considered when a determination of an SLD is made. Learning difficulties or lack of progress may not primarily be the result of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited-English proficiency (34 *CFR* 300.309[a][3]). Thus, the presence of one or more of those factors may account for low or underachievement rather than a learning disability. RtI² data are particularly useful in addressing some of these factors, including cultural factors, environmental/economic disadvantage, and limited English proficiency.

Appropriate instruction for students from diverse backgrounds must also be culturally responsive. Culturally responsive instruction is a key element for student success. Ideally, the intervention should provide data substantiating its effectiveness with culturally diverse, limited-English proficient, and/or environmentally/economically disadvantaged students. Alternatively, local data could be gathered to determine the effectiveness of intervention programs and strategies for an identified group of students.

The target student's progress-monitoring data can be compared to that of similar students or to predetermined targets when provided with interventions that have been shown to be effective with culturally diverse, limited-English proficient, and/or environmentally/economically

disadvantaged students. Data may reveal that students with SLDs fail to achieve at the same rate and/or level as their peers.

A comprehensive evaluation that includes data from other sources will also be necessary to assist in determining the presence of exclusionary factors.

Key Area #4: Appropriate Instruction

IDEA 2004 echoes the emphasis in No Child Left Behind (NCLB) that all students should be provided with research-based curriculum. In 34 *CFR* 300.309(b), the law requires the group making the eligibility determination to consider whether a student has received appropriate instruction by qualified personnel and documentation of student progress during instruction. A foundation of an RtI² approach is the provision of research-based curricula provided by trained personnel.

In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such determination is--(A) lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in Section 1208(3) of the Elementary and Secondary Education Act of 1965); (B) lack of instruction in math; or (C) limited English proficiency. (20 U.S.C. 1414[b][5]).

Progress-Monitoring Data

Progress-monitoring data allow a school or district to determine if a curriculum is appropriate for its population. It is expected that most students will learn when provided with the general education curriculum as verified by progress-monitoring data. Similarly, progress-monitoring data obtained during targeted intervention will reflect the effectiveness of the intervention for students with similar needs. As noted previously in “Key Area #2: Lack of Progress,” if an intervention is ineffective for most students, then the source of difficulty may be the intervention strategy or a system or implementation issue rather than learning problems inherent in the target student.

Intervention Fidelity

In addition to progress-monitoring data that will verify the effectiveness of instruction and intervention, most RtI² approaches suggest that it is important to ensure intervention fidelity. Mechanisms need to be in place to ensure that a research-based intervention is being administered as intended. Regularly scheduled intervention fidelity monitoring can include intervention-specific checklists, self-reports, classroom observations, and observations that are components of the research-based intervention.

Documentation

Equally important is documentation that the intervention was administered for an appropriate duration (an appropriate amount of instructional minutes was provided) and that the student was present for the intervention.

Key Area #5: Need for Special Education

According to 34 *CFR* 300.101(c), each state must ensure that a free and appropriate public education (FAPE) is available to any individual child with a disability who needs special education and related services even though the child has not failed or been retained in a course or grade and is advancing from grade to grade.

Progress-monitoring data collected during the RtI² process can assist in determining if the student requires special education services. A student may be in need of special education services if the Individualized Education Program (IEP) team determines one or more of the following:

1. Lack of progress evident across multiple interventions applied with increasing levels of intensity. This may be indicated if the student:
 - a. Fails to make progress or makes only minimal progress toward age- or grade-level standards
 - b. Fails to show progress despite appropriate intervention
 - c. Requires highly specialized or more intensive services to make progress
2. A student requires resources or supports that are generally not available in the general education environment in order to support or sustain progress.
3. Observations of student performance in the general education environment may indicate the need for special education services. Students in need of special education services will have difficulty demonstrating the academic skills necessary for success in the general education environment. These students will need a significant level of support to participate in age- or grade-level curriculum.

The California Department of Education's November 14, 2008 document provides the following guidance for students who do not respond to interventions:

Nonresponders

Students who do not respond to those targeted interventions are referred for a comprehensive evaluation to determine eligibility for special education and related services under the category of Specific Learning Disability (SLD). The student's response to interventions, as reflected in the data collected during the RtI² process, is reviewed as part of the eligibility determination.

Recommendations

The district should:

1. Consider whether RtI² should be used in determining eligibility for a specific learning disability if the district implements this model in the future.
2. Ensure that the staff is familiar with the five key areas in the identification process.

3. Consider using the 2009, California Department of Education issued a document titled Determining Specific Learning disability Eligibility Using Response To Intervention and Instruction RtI² if the district decides to use RtI² in the identification of student with Specific Learning Disabilities.

Appendix D

FCMAT

FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

CSIS California School Information Services

**FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM
STUDY AGREEMENT
December 9, 2010**

The FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM (FCMAT), hereinafter referred to as the Team, and the Beverly Hills Unified 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 provide for the assignment of professionals to study specific aspects of the Beverly Hills Unified 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 AB1200, 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 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. Review all staffing levels for certificated and classified employees, including management level and caseloads per full time equivalent (FTE) position and make recommendations regarding efficiency.
2. Review the overall special education delivery system to determine if efficiencies can be implemented.
3. Conduct a comparison of the District's special education encroachment on the general fund to other school districts within the SELPA.
4. Determine district special education identification rate and compare to state wide average. If above average, determine if the district is over identifying and make recommendations to remediate if over identification is occurring.

5. Review of overall special education delivery system to assure whether the district is complying with IDEA federal and state special education laws.
6. Review status of intervention strategies such as RTI, and SST and make recommendations for implementation and improvement.
7. Review state assessment results for special education subgroup and make recommendations on how to improve results.
8. Evaluate the effectiveness of the assignment process for classroom aides including class size ratios and provide recommendations, if needed.
9. Examine special education classroom & environmental aide support in the general education setting and provide recommendations if needed.
10. Evaluate the range of program options for students with disabilities to ensure that students are receiving a free and appropriate public education (FAPE) in the least restrictive environment (LRE) in accordance with state and federal law. Provide recommendations for improvement or efficiencies if needed.

B. Services and Products to be Provided

- 1) Orientation Meeting - The Team will conduct an orientation session at the School District to brief District management and supervisory personnel on the procedures of the Team and on the purpose and schedule of the study.
- 2) On-site Review - The Team will conduct an on-site review at the District office and at school sites if necessary.
- 3) Exit Report - The Team will hold an exit meeting at the conclusion of the on-site review to inform the District of significant findings and recommendations to that point.
- 4) Exit Letter - The Team will issue an exit letter approximately 10 days after the exit meeting detailing significant findings and recommendations to date and memorializing the topics discussed in the exit meeting.
- 5) Draft Reports - Sufficient copies of a preliminary draft report will be delivered to the District administration for review and comment.
- 6) Final Report - Sufficient copies of the final study report will be delivered to the District administration following completion of the review.
- 7) Follow-Up Support – Six months after the completion of the study, FCMAT will return to the District, if requested, to confirm the District’s progress in implementing the recommendations included in the report, at no cost. 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:

- | | |
|-----------------------------|---------------------------------------|
| <i>A. William Gillaspie</i> | <i>FCMAT Chief Management Analyst</i> |
| <i>B. JoAnn Murphy</i> | <i>FCMAT Consultant</i> |
| <i>C. Trina Frazier</i> | <i>FCMAT Consultant</i> |
| <i>D. Anne Stone</i> | <i>FCMAT Consultant</i> |

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.
- B. All out-of-pocket expenses, including travel, meals, lodging, etc. 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 acceptance of the final report by the District.

Based on the elements noted in section 2 A, the total cost of the study is estimated at \$21,150.

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

Payments for FCMAT 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 while on-site reviews are in progress.
- B. The District will provide the following (if requested):
- 1) A map of the local area
 - 2) Existing policies, regulations and prior reports addressing the study request
 - 3) Current or proposed organizational charts
 - 4) Current and two (2) prior years' audit reports
 - 5) Any documents requested on a supplemental listing
 - 6) Any documents requested on the supplemental listing should be provided to FCMAT in electronic format when possible.
 - 7) Documents that are only available in hard copy should be scanned by the district and sent to FCMAT in an electronic format.
 - 8) All documents should be provided in advance of field work and any delay in the receipt of the requested documentation may affect the start date of the project.
- C. The District Administration will review a preliminary draft copy of 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).

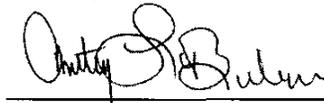
6. PROJECT SCHEDULE

The following schedule outlines the planned completion dates for key study milestones:

| | |
|---|-----------------------------------|
| <i>Orientation:</i> | <i>February 7-10, 2011</i> |
| <i>Staff Interviews:</i> | <i>February 7-10, 2011</i> |
| <i>Exit Interviews:</i> | <i>February 10, 2011</i> |
| <i>Preliminary Report Submitted:</i> | <i>to be determined</i> |
| <i>Final Report Submitted:</i> | <i>to be determined</i> |
| <i>Board Presentation:</i> | <i>to be determined</i> |
| <i>Follow-Up Support:</i> | <i>If requested</i> |

7. CONTACT PERSONName of contact person: Alex ChernissTelephone: (310) 551-5100 x 2218 FAX: (310) 922-4802E-Mail: acherniss@bhusd.org

 12/14/10
Dick Douglas, Superintendent Date
Beverly Hills Unified School District

 December 9, 2010
Anthony L. Bridges, CFE Date
Deputy Executive Officer
Fiscal Crisis and Management Assistance Team