

March 11, 2015

Ronald Garcia, District Superintendent  
Brawley Elementary School District  
261 D Street,  
Brawley, CA 92227

Dear Superintendent Garcia:

In October 16, 2014, the Brawley Elementary School District entered into an agreement with the Fiscal Crisis and Management Information Team (FCMAT) for a technical assistance special education review. The study agreement requested that FCMAT perform the following:

1. Review of overall special education delivery system to assure whether the district is complying with IDEA federal and state special education laws.
2. Review status of intervention strategies such as RTI, and SST and make recommendations for implementation and improvement.
3. Review COE, NPS and NPA placements and make recommendations for improving process for placement.
4. Review communication and procedural processes consistent with IDEA between the district office special education department, site administration and staff when determining services and placements for students with disabilities.
5. Review special education staffing of classified including 1:1 support and certificated staff and caseloads for all district special education programs and make recommendations for improved efficiency and cost effectiveness.
6. Review the district's identification rate for students with disabilities to determine if the district exceeds the statewide average.

The purpose of this management letter is to provide the findings and recommendations developed by FCMAT in response to this request. FCMAT conducted staff interviews at the district office on February 25-26, 2015. The team also reviewed various documents collected before and during the visit. This management letter is the result of those efforts.

FCMAT's two-day on-site technical assistance was intended to identify key areas where the district can increase efficiency and effectiveness in its special education delivery system. This management letter is a brief overview and not a full report. FCMAT can provide a full report in the future if a more in-depth analysis is requested after the district takes the immediate steps included in this letter.

**FCMAT**

Joel D. Montero, Chief Executive Officer

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## Study Team

The study team was composed of the following members:

William P. Gillaspie, Ed.D. Deputy Administrative Officer Bakersfield, California	Jackie Kirk-Martinez, Ed.D. FCMAT Consultant Pismo Beach, CA
Leonel Martínez FCMAT Technical Writer Bakersfield, CA	Don Dennison FCMAT Consultant Arroyo Grande, CA

\*As a member of this study team, this consultant was not representing his respective employer but was working solely as an independent contractor for FCMAT. Each team member reviewed the draft report to confirm the accuracy and to achieve consensus on the final recommendations.

## Background

The Brawley Elementary School District has an enrollment of 3,919 K-8 students served at five school sites, four K-6 schools and one 7-8 grade school. The district also contracts with the Imperial County Office of Education to serve some of its students.

The district indicated that it is satisfied with the services received from the county office. However, placement is frequently delayed, and the district wants more information from the special education local plan area (SELPA) and the county office about the cost for services provided “off-the-top,” that is, before resources are distributed to member districts.

The district requested technical assistance from FCMAT because of a rise in identification rates, staffing increase requests and intervention needs, which increased the contribution from the general education fund, and to receive immediate feedback on any needed corrections.

This FCMAT technical assistance study is intended to provide the district with an independent and external review of its special education services, determine the reason for rising special education costs, and make recommendations on actions that may increase program efficiency.

## District Service Delivery

FCMAT found that the district provides for a continuum of services. The Imperial County Office of Education serves district students who require functional skills development, are severely handicapped, emotionally disturbed, autistic, or require occupational therapy or and low-incidence services. The district also provides the following:

- Special day classes for students kindergarten through eight grade at all five schools.
- Services through a resource program located at each site.
- Speech and language services to students as required on individualized educational plans (IEPs).

Staff reports that special day class students attend mainstream classes for physical education, art special events, lunch and break. Most special education services are provided in a pullout service model. The district should consider mainstreaming opportunities in the least restrictive environment.

The district staff indicated that behavioral problems have increased among disabled students as well as in the early general education population. Supports were recently developed for mental health counseling for targeted populations. The district should also consider training all site staff to teach strategies to students with problematic behaviors.

FCMAT’s review found that the district did not meet its annual performance indicator 5 – least restrictive environment. It should immediately develop a plan to correct this finding.

State and federal laws require that every student have the opportunity to be educated in general education with his or her nondisabled peers, also known as the least restrictive environment, to the greatest extent possible. Compliance with this mandate is measured by the percentage of time a student is removed from the general education classroom and placed in a special education setting.

The U.S. Department of Education, Office of Special Education Programs has provided the California Department of Education (CDE) – Special Education Division with guidance and instructions on developing calculations to measure progress toward meeting the least-restrictive-environment provision of IDEA. Targets and corresponding benchmarks have been established in the State Performance Plan for IDEA 2004 with the following three measures:

- Inside the regular class 80% or more of the day
- Inside the regular class less than 40% of the day
- In separate schools, residential facilities, or homebound/hospital placement

The following table from the CDE (2012) indicates that the district has not met the least-restrictive-environment goals of measure A and B. Special needs students ages six through 22 spend more time in specialized classrooms apart from their nondisabled peers.

**Least restrictive environment** – The average amount of time students ages six through 22 receive their special education or services in settings apart from their nondisabled peers.

Measure	Total No. of Students Receiving Special Education (ages 6-22)	No. of Students in the Environment	Percent of Students in Environment Receiving Special Education	Target This Year	Target Met
A. >80%	352	164	46.6%	>76%	No
B. <40%		130	36.9%	<9%	No
C. Seperate Schools		*	2.0%	<3.8%	Yes

*Data Source: December 2012 CASEMIS submission items district of accountability, age, and a compiled data field consisting of unduplicated federal school setting and percent in regular class.*

## Response to Intervention

The district recently made significant changes in Response to Intervention (RtI) and the student study team (SST) process, and a program known as Early Reading Intervention started this year. This program includes universal screening for primary-grade students and structured intervention with progress checks. Early Reading Intervention was well received among the instructional staff and is widely regarded as a step toward a comprehensive RtI program.

However, several staff members expressed concern about how the intervention program applies to the English learner (EL) population. District Board Policy 6120, Response To Instruction And Intervention, states that the board wants data-driven educational programs “to help reduce disparities in achievement among subgroups of students.” The early reading intervention plan does not indicate any differentiation of service between native English speakers and English learners. After reading intervention was implemented this school year, staff observed inconsistencies between service to native English speakers and English learners. The district assigned paraeducators for direct instruction to EL students, but site staff continue to express concern about this issue.

The district senior administration should clearly and directly communicate with site staff on the steps taken now and in the future to better serve EL students in the Early Reading Intervention program. Input on program design should be obtained from site staff. As an example of planning, administrative staff indicated that a plan is underway to provide EL students with certificated intervention support in the same manner as native English speakers. Staff also reported that the district plans to expand the early intervention program to include math next year and behavior intervention in the future as well eventually incorporate the plan in the upper elementary grades. These steps should be taken in a timely manner to strengthen the program and comply with board policy.

The district also recently implemented SST Online, a Web-based system for electronically entering data upon referral of students to the SST. The system also links SST information to Special Education Information System (SEIS). A number of staff members report that becoming proficient in SST Online takes a significant amount of time, but the system will be useful once proficiency is achieved. The district should immediately implement additional ways to help general education teachers gain proficiency in this system.

Staff indicated that the application of district guidelines for student study team operation is inconsistent between schools. While a student study team procedural handbook was developed some years ago, the district should consider developing an updated version. Consistent training should be considered for new administration and certificated site staff, and the student study team procedures for site staff should be periodically reviewed. The administration should consider frequently monitoring student study team operation to ensure procedures are consistently followed. Staff stated that many general education staff members continue to view a referral to a student study team as an automatic referral for assessment of special education eligibility. As part of the professional development mentioned above, district administration should include training on the purpose and function of student study team. This type of training should firmly establish the student study team’s purpose and operation as well as its relationship to the district’s Response to Intervention programs.

## **COE, NPS and NPA Placements**

The district has well-established placement procedures for the county office's moderate and severe classes and several regional programs such as the Adolescent Rehabilitative Learning Program for students with severe social and behavioral problems. Staff at all levels of district operation had no concerns with these procedures. However, staff had some concern about how long it takes to schedule placement meetings when dealing with outside staff responsible for these programs. The district does not have any students placed in nonpublic schools or receiving nonpublic agency services. The geographic distance between the district and the locations of these services makes placement into those services difficult. Staff also had no concerns with the procedures for these placements.

## **Procedures**

Throughout interviews, staff consistently commented on the lack of effective communication regarding special education operation and other instructional matters. The concerns exist within the district administration and staff at the site level. Brief, regular meetings are held for site administration and district administrators as well as those only for senior administration. A management team meeting for certificated and classified managers occurs weekly, and site administrators indicate they can request to place items on the agenda. Senior administrators hold a monthly cabinet meeting, and vice principals meet briefly each month with the director of student services. Despite these opportunities for communication, staff repeatedly expressed difficulty in getting questions answered and problems resolved, indicating that they hear little about issues until after senior administrators make a decision. Site staff expressed a need for improved two-way communication with the district administration.

The district administration should review communication processes and seek input from site administration on their concerns. One option is to switch the frequency of meetings by having the cabinet meet weekly and the management team monthly.

## **Staffing and Caseloads**

The district employs two full-time speech and language pathologists, but FCMAT was unable to verify through documents their average caseload. One document showed this number was 71 students and another set of documents indicated 65. Education Code 56563.3 requires a SELPA-wide average ratio of no more than 1-to-55 for speech and language pathologists; therefore, the district is understaffed by .58 FTE if the average caseload is 71 and .34 if it is 65. School personnel indicated that caseloads have exceeded statutory requirements for the last several years. District staff reported that the services provided are predominately direct with minimal consultation. Before determining that additional speech and language pathologists are needed, the district should perform an audit of all the students receiving these services to determine whether any could be transferred and/or served by other certificated instructional staff.

The district also employs two speech and language pathologist assistants who provide direct service, prepare materials, and contact parents and staff under the direction of a speech and language pathologist. Speech and language pathologist assistants cannot be considered in meeting statutory requirements; therefore, the district will need to consider the support these positions provide in relation to the limits specified in the Education Code.

This school year, the speech and language pathologists also pilot an RtI language model aimed at reducing the number of students identified as requiring special education speech services through early intervention.

The district employs two FTE psychologists for 195 days per year. They attend SST and IEP meetings and perform assessments, including those for functional behavioral issues. The KidsData.Org from May 2014 report recommended a ratio of 1,469 students per psychologist. Based on district reporting for the 2014-15 school year, the district's total enrollment is 3,919 for a psychologist to student ratio of 1-to-1,959.5. To meet the KidsData ratio, the district would need to obtain an additional .66 psychologists or reduce the tasks these positions perform such as attending every SST.

## Specialized Academic Instruction

The district operates 11 support service classes for students requiring a special day class setting. The elementary schools have an average class size of 13-16, which is within the statewide guidelines developed by School Services of California, Inc. (SSC) and an average class size of 26.5 for the junior high school classes, which is significantly above the statewide average. The Education Code does not include maximum caseloads for mild to moderate SDCs; however, SSC has developed caseload guidelines. The following table shows the mild to moderate class sizes and compares them to the SSC guidelines.

### *Mild / Moderate*

Program	Range	Aides
Pre-K	1:7/session	1 adult to 7 children
K-5	12-15	1
6-8	12-15	1
9-12	12-15	1

### *Moderate / Severe*

Program	Range	Aides
Pre-K	10-12	2 1 adult to 5 children EC 56441.5
Severely Handicapped	10-12	2
Emotionally Disturbed	8-10	2
Autism Spectrum Disorder	8-10	2 Preschool: 1 adult to 3 children
DHH	8-10	Interpreters

FCMAT also analyzed the allocation of instructional assistants in mild to moderate classrooms. The district provides classrooms for students within the mild to moderate programs except for one classroom, which supports a functional skills development program. SSC's guidelines recommend one instructional assistant to 12-15 students in mild to moderate classrooms and two instructional assistants for 10-12 in moderate to severe classrooms. Therefore, the district is slightly overstaffed in this area. The district should take measures to meet SSC guidelines on all classes, reducing the number of instructional assistants.

The SDCs listed with asterisks below have more staff or students than the recommendation ratio or both. District staff reported that when class sizes are higher, instructional quality is compromised and students may not progress to their potential. The resource specialist position provides specialized academic instruction to disabled students in general education.

The caseload average for district resource specialists was calculated using a divisor of 28, which is the Education Code (EC 56362(c)) maximum number of special education students these teachers can serve. Education Code 56362(6)(f) states that, “At least 80% of the resource specialists within a local plan shall be provided with an instructional aide.”

The district is within caseload allowances, with an average districtwide caseload of 26.6. District staff reported it is not unusual for the resource specialists to exceed the caseload of 28 students. The district should consider the splitting the resource specialist caseloads of sites where they are over regulations. The junior high school is above the average regulation although the district provides an internal process to support the teacher duties and overload. The district should meet the maximum caseload of 28 or reduce staff accordingly.

Although the district has only two 1-to-1 instructional assistants, some district staff report that there is no formal process to determine the need for special circumstance instructional assistance. Instead, staffing decisions are made at the district level. The district should consider adopting a policy and procedure for hiring instructional assistants and include a transition or “fading” plan for these services.

### ***Comparison of District Class Sizes and Aides by Slass***

*(T= Teacher)*

<b>Program</b>	<b>District Ratio</b>	<b>Recommended Ratio</b>
SDC K-1 M/M Oakley	1 T, 3 Aides: 4:13*	1 T, 1 Aides: 2:12-15
SDC 2-3 M/M Oakley	1T, 3 Aides: 4: 23 *	1 T, 1 Aides: 2:12-15
SDC 4-6 M/M Swing	1 T, 1 Aides: 2:16 *	1 T, 1 Aides: 2:12-15
SDC 4-6 M/M Swing	1 T, 1 Aides: 2:16*	1T, 1 Aides: 2:12-15
SDC 1-2 M/M Witter	1 T, 1 Aide, 2-10*	1T, 1 Aides: 2: 12-15
SDC 2-3 M/M Witter	1 T, 1 Aide: 2-14	1 T, 1 Aides: 2: 12-15
SDC 5-6 M/M Hidalgo	1 T, 1 Aides: 2:14	1 T, 1 Aides: 2: 12-15
SDC 4-6 M/M Hidalgo	1 T, 1 Aides: 2:18 *	1 T, 1 Aides: 2:12-15
SDC Functional M/M Worth	1T, 2 Aides: 3:13 (includes 1:1)	1T, 2 Aides: 3:10-12
SDC 7-8 M/M Worth	1 T, 2 Aides: 3:26 *	1 T, 1 Aides: 2: 12-15
SDC 7-8 M/M Worth	1T: 2 Aides: 3: 27*	1 T, 1 Aides: 2:12-15
RS K-3 Oakley	1 T, 1 Aides: 24	1 T, 1 Aide: 28
RS K-3 Witter	1 T, 1 Aides: 25	1 T, 1 Aide: 28
RS 4-6 Swing	1 T, 1 Aide: 26	1 T, 1 Aide: 28
RS Witter & Swing	1 T, 2 Aides: 26 (split assign) *	1 T, 1 Aide: 28
RS 4-6 Hidalgo	1 T, 1 Aide: 26	1 T, 1 Aide: 28
RS 7-8 Worth	1 T, 1 Aides: 33*	1 T, 1 Aide :28

*Source: District provided data, interviews and School Services recommended ratios*

### *An Alternative Calculation Based on Grade-Level and Service Delivery.*

Program	District Ratio	Recommended Ratio
SDC K-3	4 T, 8 Aides: 12:60 Class average 15	1 T, 1 Aides: 2:12-15
SDC 4-6	4T, 4 Aides: 8: 64 Class average 16	1 T, 1 Aides: 2:12-15
SDC 4-6 Functional	1T, 2 Aides: 3:13 (includes 1:1)	1 T, 2 Aides: 3:10-12
SDC 7-8	2 T, 4 Aides: 6: 53 Class average 26.5	1T, 1 Aides: 2:12-15
RSP	6 T, 7 Aides, 160 Class average 26.6	1T, 1 Aides: 2: 28

## Identification Rate

The district's overall identification rate for disabled students in elementary and middle schools is 11.6% for the 2014-15 school year. The identification rate for 2013-14 was 9.6% and 2012-13 was 9.0%, while the state average for special-needs students is 10%.

As indicated earlier in this report, the district does not have a formalized multitiered system of supports or a Response to Intervention (RtI) designed to respond to academic and behavioral problems students may face during the school year. Staff indicated they feel pressured by other staff to identify students for special education services instead of having a formalized system of support since there are minimal interventions if the student does not qualify for special education. This approach violates state and federal regulations (IDEA, 2004, and Education Code 5600- 5601) on maintaining placement in least restrictive environment and significantly delays students' access to the initial levels of intervention before he or she is considered for special education services. The district should develop an immediate plan and timeline to correct this violation.

### *Comparison of District of Service Students by Disability with County District of Residence Students for Dec. 1, 2014.*

Disability	District	County	State
MR	5.6	8.6	6.1
HH	0	0.54	1.5
Deaf	0	0.87	0.5
SLI	16.2	16.5	22.8
VI	0.2	0.28	0.6
ED	0.2	0.68	34.7
OI	0.2	0.3	1.8
OHI	15.9	13.3	10.1
SLD	53.4	47.2	40
DB	0	0.3	0.01
MD	0	1.7	0.9
AUT	7.6	9.7	12.0
TBI	0.5	0.14	0.2

Source: CASEMIS 12-1-2014



The district overidentifies students with other health impairments (OHI) and specific learning disabilities (SLD) compared to the county and state, but is at or under these levels in all other areas. District staff inconsistently reported that when students do not qualify for SLD, they may be determined eligible under OHI, specifically if they have attention or processing problems as determined by the IEP team.

The district lacks a comprehensive preintervention plan and implementation plan. In addition, district staff reported they are unaware of a structured 504 accommodation procedure, yet all sites have students with 504 plans. The district should develop a plan to resolve this issue and a timeline to implement procedures on the 504 plan and preintervention.

## Conclusion

Based on documentation and interviews, the district should review and compare the 2013-14 and 2014-15 expenditures for classified salaries, materials and supplies, and the direct cost for transfer of services. The transfer of services has increased the contribution from \$2,823,468 in 2013-14 to a projected \$3,184,562 in 2014-15.

The district increased its contribution from unrestricted funds to special education from 40.2% in 2012-13 to 39% in 2013-2014 and 47.4% thus far in 2014-15. According to most recent data on file, these percentages exceed the 32.08% the California State Board of Education Work Group (2011) identified as the statewide average.

The technical assistance provided has outlined specific areas that the district can immediately address to improve the overall efficiency and effectiveness of the special education delivery system. All areas identified can be resolved, but the district should outline priorities and establish a plan for implementation.

FCMAT thanks all staff and administrators of the Brawley Elementary School District for their cooperation during fieldwork. We appreciate the opportunity to serve the district and hope that the on-site technical assistance is beneficial to all concerned.

Sincerely,



William P. Gillaspie, Ed. D. Deputy Administrative Officer