



CSIS California School Information Services

Castro Valley Unified School District

Special Education Review

May 11, 2015



Joel D. Montero
Chief Executive Officer





May 11, 2015

Jim Negri, Superintendent
Castro Valley Unified School District
4400 Alma Avenue
Castro Valley, CA 94546

Dear Superintendent Negri:

In December 2014, the Castro Valley Unified School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for a review of the district's special education programs and services. Specifically, the agreement states that FCMAT will perform the following:

1. Provide feedback regarding the extent to which a Response to Intervention model (RTI) is being implemented.
2. Determine whether the district provides special education and related services at or above the legally mandated level through an analysis of staffing ratios, class and caseload size using the statutory requirements for mandated services and statewide guidelines.
3. Review the efficiency of the staffing allocations of paraeducators throughout the school district. Analyze the procedures for identifying the need for paraeducators, and the processes used for monitoring the resources for allocating paraeducators and determining the ongoing need for continued support from year to year. (Include classroom and 1:1 paraeducators.)
4. Provide an analysis of all staffing and caseloads for related service providers: speech therapists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education staff, credentialed nurses and others.
5. Compare and analyze the roles, responsibilities and organizational structure of the district office staff such as the director of special education, program specialists, behavior specialists, support staff and the school site administration and make recommendations for greater efficiencies and effectiveness, if needed.
6. Review the use of resource allocations for nonpublic schools and agencies and mental health services, alternative programs and make recommendations for greater efficiency.

FCMAT

Joel D. Montero, Chief Executive Officer

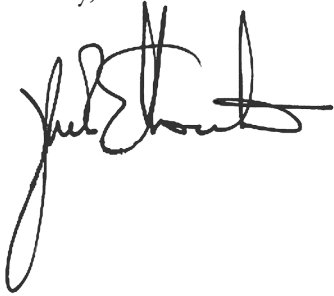
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7. Review the costs of due process, mediations, and settlements for the past three years.
8. Determine the district's general education fund contribution to special education and make recommendations for greater efficiency.
9. Determine how the district can reduce deficit spending in special education and remain in compliance with appropriate laws and regulations.
10. Review the local plan and the allocation plan of the positions for SELPA director and program specialists and compare the time and funds used and allocated. Make recommendations for greater efficiency, if needed.
11. Review the Workability and Transition Partnership Program grants usage and distribution of funds. Make recommendations for greater efficiency, if needed.

This report contains the study team's findings and recommendations.

We appreciate the opportunity to serve you and we extend thanks to all the staff of the Castro Valley Unified School District for their cooperation and assistance during fieldwork.

Sincerely,

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

Joel D. Montero
Chief Executive Officer

Table of Contents

About FCMAT	iii
Introduction	1
Executive Summary	3
Findings and Recommendations.....	7
Response to Intervention.....	7
Staffing and Caseloads.....	11
Instructional Assistants	15
Related Services.....	19
Organizational Structure and Communication.....	23
Nonpublic Schools and Agencies.....	27
Due Process/Mediation and Litigation	29
Fiscal Issues	31
Deficit Spending.....	35
SELPA Allocation Plan and Local Plan	37
Workability and Transition Partnership Program	41
Appendices	45

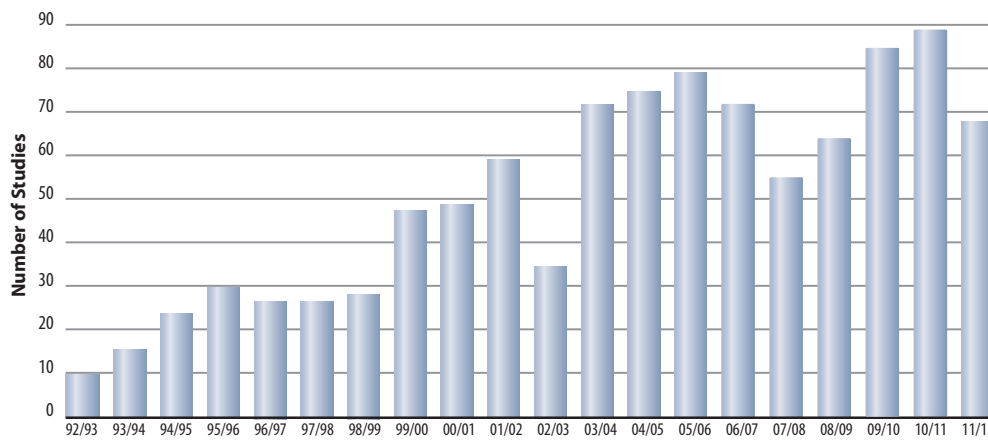
About FCMAT

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

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

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

Studies by Fiscal Year



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

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

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

Since 1992, FCMAT has been engaged to perform more than 1,000 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

Located in Alameda County, the Castro Valley Unified School District serves approximately 9,361 K-12 grade students at 14 schools, including 867 students in preschool through age 22 who have an individualized education program (IEP).

The district serves as the administrative unit for the Mid-Alameda County Special Education Local Plan Area (SELPA), which is composed of the Castro Valley, Hayward, San Leandro, and San Lorenzo unified school districts.

In December 2014, the district requested that FCMAT review its special education programs and services.

Study and Report Guidelines

FCMAT visited the district on March 10-13, 2015 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
- Response to Intervention
- Staffing and Caseloads
- Instructional Assistants
- Related Services
- Organizational Structure and Communication
- Nonpublic Schools and Agencies
- Due Process/Mediation and Litigation
- Fiscal
 - Contributions
 - Deficit Spending
- SELPA Allocation Plan and Local Plan
- Workability and Transition Partnership Program
- Appendices

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

Study Team

The study team was composed of the following members:

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

Executive Summary

Records provided to FCMAT and direct interviews with staff indicate that the Castro Valley Unified School District made an early effort to begin implementation of Response to Intervention (RtI). A series of interventions at the elementary school level indicate that efforts began with planning in the 2008-2009 school year and led to implementation at the beginning of the 2009-2010 school year. In the 2014-2015 school year, the Curriculum Department has initiated a new project of program design for RtI and student success team organization. Staff indicates that progress is being made; however, RtI procedures, the curriculum, and offerings are inconsistent at school sites across the district.

The district has experienced frequent leadership changes in the district office departments, especially the Special Education Department. Inconsistent processes and procedures are used to determine staffing needs and class sizes, and staff indicated that caseloads are inconsistent for all programs. The district lacks a consistent tracking method in the Human Resource, Business and Special Education departments. It should develop a spreadsheet to track staffing and hold monthly meetings to discuss district staffing needs. The district could reduce 3.2 full-time equivalent (FTE) resource specialist positions for an annual cost savings of \$273,068.80; however, it should review the preschool caseload and determine if an increase in staffing is required.

The district employs 120 instructional assistants who work from 2.5 hours per day to 6.5 hours per day. These personnel serve students from preschool through 22 years of age who are in special day classes, resource programs, those who require 1-to-1 assistance and are fully included in general education, and students who need medical supports. However, there is no procedure for determining needs per class or specifically for students. A comparison of the district's instructional assistants staffing with Education Code requirements and industry standards found the following:

- The district is overstaffed by four 6-hour resource specialist instructional assistants. A reduction in this area would save approximately \$120,729 per year.
- Mild to moderate special day classes are overstaffed by 5.65 FTE instructional assistants, and a reduction could result in an annual cost savings of \$170,557.96.
- The district should consider adding 4.9 FTE instructional assistants in moderate to severe classes by reconfiguring allocations.
- Autism programs are overstaffed by six instructional assistants, and the middle school by one. If the district model reflected the industry standard, it could reduce costs by approximately \$241,458.00.

The district does not use a process to consistently determine 1-to-1 instructional assistants. It should train staff to implement the SELPA process for special circumstance instructional assistants.

The district employs 7.1 FTE psychologists providing services to special education and general education students, which constitutes overstaffing of .73 FTE according to industry standards. The district employs 6.3 FTE speech pathologists under direct contract and hires 5.2 FTE speech pathologists under a contract with Communication Works a nonpublic agency (NPA). These two sources provide a total of 11.5 FTE speech pathologists. Based on the 5.2 FTE employed from the NPA in the current school year, the projected annual cost is approximately \$606,528.

California Education Code Sections 56441.7 and 56363.3 require a speech pathologist caseload maximum of 55 students per FTE for kindergarten through 12th grade and a maximum of 40 students per FTE for preschool. If the district's 6.3 FTE district pathologists each carried caseloads of 55 K-12 students, it would still need an additional 1.8 to 2 FTE for preschool at a maximum caseload rate of 40 students per FTE. This caseload reorganization would technically result in a reduction of 3.2 FTE in speech pathologists. At the NPA annual rate, this would result in a potential saving of \$373,248 per year.

Castro Valley Unified has two administrative managers in the Special Education Department. A comparison with the administrative staffing levels of similar districts indicates Castro Valley Unified also has fewer special education managers than most of the others. The department has experienced a variety of communication and procedural inconsistencies with special education and nonspecial education staff, according to interviews with district staff.

A district may contract with a nonpublic school or agency when it determines it does not have the appropriate educational placement or related service for a specific student or cannot hire staff to provide related services. District documents indicate 11 students attend a nonpublic school, Seneca Center, at the cost of approximately \$280,000-\$350,000 per year excluding transportation. These types of students can frequently be served through their school districts, and Castro Valley Unified should determine whether it can do so.

The district lacks a formalized system for tracking high-profile cases starting from the lowest level of mediation to due process filings. To reduce exposure for the expenses incurred by costly mediation and/or due process, the district should develop a comprehensive database of information, correspondences, and the support provided for each potential case. Staff indicated that they have not received current training and professional development in the areas of special education from identification through the IEP process. Staff also indicated they lack professional development on a free appropriate public education (FAPE), what constitutes defensible programs and services, and how to facilitate IEP meetings.

Maintenance-of-effort (MOE) documents reviewed by FCMAT indicate the district's unrestricted general fund contribution to special education was \$4,035,631 or 30% in 2012-13 and \$4,891,066 or 35% in 2013-14. The district's 2014-15 second interim expenditure budget for special education is \$15,165,352, and its unrestricted general fund contribution is projected to be \$6,857,068, which is 45% of the special education budget. The statewide average is 43% according to the recent March 2014 State Task Force on Special Education.

The district does not maximize the local educational agency Medi-Cal billing option, an area in which it has some control. These resources are supplemental and cannot be used to supplant funding.

Staff indicated that none of the departmental staff take responsibility for monitoring the special education budget. A special education budget normally fluctuates during the year, and the Business Services Department should be aware of these fluctuations; however, the Business Services and Special Education departments do not communicate regularly about budget changes. District office Human Resource, Business and Special Education department administration should meet regularly.

The district serves as the administrative unit for the Mid-Alameda County SELPA, which is composed of the Castro Valley, Hayward, San Leandro, and San Lorenzo unified school districts. Although the SELPA handbook was updated in 2012 and approved by the board, it is reported not to have key additional documents attached such as the allocation; therefore, a review and

update of this document should be initiated. Additionally, the local plan does not specify the FTE of a SELPA director's position necessary to assume the SELPA duties and responsibilities. The annual budget plan required by the California Department of Education (CDE), and the AB 602 fiscal allocation plan developed by SELPAs were not available, so the SELPA director position's funding could not be analyzed.

The Mid-Alameda County SELPA Workability Project serves the districts that are members of the SELPA. The number of students served and placed in community job sites during the previous year determines the amount of each year's grant. Twenty-five percent of the students served are required to be placed in employment. The district should monitor the budget closely to ensure all funds are expended so that additional conditions are not imposed or subsequent yearly income is not jeopardized. Interviews indicated there is confusion about the Project Workability staff's roles and responsibilities and the level of staff supervision, resulting in a general lack of program accountability. The district should establish methods of communication in this area.

The Transition Partnership Program is funded jointly by the Department of Rehabilitation and the SELPA and designed to provide vocational rehabilitation services to eligible students. Documents were not provided to substantiate that districts share in the cost of the program or Castro Valley Unified absorbs the full expense. Billing to the department is reportedly not completed in a timely manner, and on at least one occasion, some operating expenses were not billed to the department at all. The district should develop accountability procedures to ensure staff responsibilities are met, and the budget is fully expended in a timely manner, supervise and evaluate employees more consistently using a form that is duty specific, determine the method of reimbursement, and establish the dates when reimbursement should be completed for the district match.

Findings and Recommendations

Response to Intervention

In 2004, the reauthorization of the Individuals with Disabilities Education Act (IDEA 2004) provided support for models that include response to scientific, researched-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 researched-based interventions from special education to general education, stressing that this method would no longer be limited to special education students, but would apply to all students. The law allowed each individual state to develop its own guidelines and regulations. RtI, which is now referred to as Response to Instruction and Intervention (RtI2), gives districts a method to drive educational decisions and measure academic growth.

The CDE information further states the following:

California has expanded the notion of Response to Intervention to RtI2. RtI2 is meant 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.

The CDE further states that RtI is used 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. The CDE is in the process of further defining how RtI2 could be used in the eligibility process.

<http://www.cde.ca.gov/sp/se/sr/documents/sldeligibiltyrti2.doc>, Determining Specific Learning Disability Eligibility Using Response to Instruction and Intervention

Records provided to FCMAT and interviews with staff indicate the district made an early effort to begin implementing RtI. Documents outlining a school-based series of interventions at the elementary school level indicate that planning for this effort began in the 2008-2009 school year, and implementation was at the beginning of the 2009-2010 school year. Efforts focused on reading intervention and included basic universal screening with Dynamic Indicators of Basic Early Literacy Skills (DIBELS) and other district assessments addressing beginning reading skills such as phonemic awareness and fluency. Reading intervention “labs” were established. In 2011, the district made efforts to reorganize Tier 2 reading interventions at some elementary schools, focusing on phonemic awareness, fluency, vocabulary and comprehension. Staff interviews indicated these efforts were not sustained across all elementary schools, but were generally more successful at Title 1 schools that had more resources available for intervention services. Elements of those RtI programs in reading continue in elementary schools that receive Title 1 funding.

In the 2014-2015 school year, the Curriculum Department has initiated a new project of program design for RtI and student success team (SST) organization. A multidiscipline committee of district elementary employees met this fall to begin the process. In January, a new document outlining program design titled “RtI and SST Combined Flow Chart” was developed and presented to elementary school staff with some orientation and training. While this revision was new at the time of FCMAT fieldwork, district elementary school staff are optimistic. The development of this revised system of intervention was established by action of the governing board through adoption of Board Policy 6120 Instruction, which was approved January 16, 2014. The policy states as follows:

The Superintendent or designee shall convene a team of certificated personnel, other district staff, and parents/guardians, as appropriate, to assist in designing the district’s Response to Instruction and Intervention (RtI2) system, based on an examination of indicators of district and school-wide student achievement.

Board Policy 6120 also states the following:

The district shall provide staff development to teachers regarding the use of assessments, data analysis, and research-based instructional practices and strategies. In addition, the district’s RtI2 system shall emphasize a collaborative approach of professional learning communities among teachers within and across grade levels.

A companion administrative regulation, AR 6164.5 Instruction, was approved January 16, 2014 and includes the following:

The Board of Education encourages the collaboration of parents/guardians, teachers, resource personnel, administrators and students in evaluating the strengths and needs of students having academic, attendance or behavioral difficulties and in identifying strategies and programs that may assist the students. The Superintendent or designee shall establish student success teams as needed to address individual student needs.

This administrative regulation also states that, “Each student success team shall develop intervention strategies to assist the student.”

RtI2 has wide inconsistency between schools. Interviews with staff indicate that the strongest nonspecial education interventions are at elementary schools that receive Title 1 funding. Consistent and structured intervention at the other elementary sites is limited, and little evidence indicates that RtI2 is used at middle and high schools. The recent revision of student success teams and RtI at the elementary includes little instructional content and procedures. Speech and language pathologists use a version of RtI for nonspecial education students with mild articulation dysfunction and delays in social language pragmatics; however, staff training in the new

reorganization of RtI2 and student success teams is limited. In many instances, general education staff continue to consider a referral to a student success team as an automatic referral to special education. Staff indicates there is a clear need for more thorough and practical training in RtI2 that includes the distinction between Tiers 1 and 2 intervention in the elementary and secondary programs. Several staff members indicate that design and training in RtI2 should involve the leadership of the Curriculum and Special Education departments. General and special education staffs indicated they want to be directly involved in program development and revision.

Recommendations

The district should:

1. Develop a RtI2 master plan for prekindergarten through grade 12 that reflects the elements identified by the governing board in BP 6120 Instruction “Response To Instruction And Intervention.”
2. Develop a master plan for student success teams prekindergarten through grade 12 that includes the elements identified by the governing board in AR 6164.5 Instruction “Student Success Teams.”
3. Train all grade levels to implement and deliver RtI2 and student success teams. Ensure training is frequent and rigorous.
4. Ensure site and district supervisory staff are sufficiently trained to provide frequent monitoring for consistent implementation of RtI2 and student success team models.
5. Ensure staff is aware that RtI2 is a general education function, and all staff members are committed to the RtI2 model.
6. Continue to assign the assistant superintendent of education services with the lead responsibility for designing and implementing Response to Instruction and Intervention. Ensure that the director of student services and the director of special services are directly involved.
7. As reflected in board policy language, ensure that the scope and access of the required resources for implementation of RtI2 and SST are applied equitably prekindergarten through grade 12 and do not depend primarily on individual school funding such as Title 1.
8. Ensure all staff members have access to scientifically research-based instruction and interventions.
9. Ensure students receive high-quality standards-based instruction.
10. Continue to incorporate Positive Behavior Intervention Support (PBIS) as an important component of RtI2 across all grade levels.
11. Review the special educator’s role in providing instruction to identified and nonidentified students within the RtI2 design, and determine how special education will be provided at each school.

Staffing and Caseloads

The district Special Education Department has had frequent changes in leadership. Processes and procedures have been used inconsistently in determining the need for staffing and class size determinations, and staff indicated caseloads are also inconsistent across the district for all programs. The Business, Human Resource and Special Education departments each provided a separate document showing special education staffing and caseloads and included a position control spreadsheet, phone extension spreadsheet with full-time equivalency and the Special Education Department's spreadsheet. All three documents had inconsistent staffing caseloads and full-time equivalents (FTEs). Staff interviewed were unable to explain the rationale used to determine the type of teaching positions, full-time equivalencies and caseloads; and the district office has no consistent document in any department defining class descriptions, caseloads and personnel requirements. The district utilizes the Special Education Information System (SEIS) to develop IEPs, and track services, caseload providers, and the location of services; however, staff indicated that the system has inaccurate information on service providers and caseloads. District office staff were unable to cross reference staffing needs with SEIS, which is directly tied to student IEPs.

The district provides a continuum of services and programs from preschool through high school. Programs include those related to preschool, resource needs, mild to moderate and moderate to severe disabilities, autism and emotional disturbances.

Resource Specialist Programs

A FCMAT analysis based on staff interviews and the most comprehensive document found that the district has 17.3 FTE resource specialist program (RSP) teachers. The RSP caseload across the elementary schools is 135 students served by 6.9 FTE resource specialists. These RSP teachers maintain average caseloads of 19.5 students, which is below the statutory maximum caseload of 28 (EC 56362(c)). If RSP caseloads were increased to the Education Code maximum, the district could reduce teacher FTEs from 6.9 to 4.8 for a projected average savings of \$179,201.40 per year including statutory and health/welfare benefits.

The district has 4.4 FTE RSP teachers at the middle school level serving a total caseload of 116. The average caseload ratio is one RSP teacher to 26.4 students, which is below the Education Code 56362(c) maximum ratio. If RSP caseloads were increased to the Education Code maximum, the district could reduce the teacher FTEs from 4.4 to 4.1 FTE for a projected average savings of \$25,600.20 annually including statutory and health/welfare benefits.

High school resource programs serve 130 students. If high school RSP teacher caseloads were increased to the Education Code maximum, the district could reduce the teacher FTEs from 5.4 to 4.6 for a projected annual savings of \$68,227.20 including statutory and health/welfare benefits.

The district serves 16 students at its resource program located at the alternative education campus. This site is appropriately staffed according to the Education Code.

The logistics, student needs, and the unique programming structure in each of these three areas may not make it feasible to reduce staff while maintaining appropriate interventions and class sizes.

On average, the overall cost savings for the district could be \$273,068.80. This cost savings does not include allowable reductions in paraeducators associated with the reduction of the 3.2 RSP FTE. 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.” Further analysis would be necessary to determine the efficiencies of paraeducator staffing.

The chart below demonstrates the caseload equivalencies divided into grade levels.

Level	Total Teacher FTE	Total Students	Total Ratio	Education Code Maximum Ratio (FTE to Student Caseload)	Potential Reduction	Aides by total 6 hr FTE
Elementary	6.9	135	1:19.5	1:28	2.1	5.7
Middle	4.4	116	1:26.4	1:28	.3	4.4
High	5.4	130	1:24	1:28	.8	4.5
Alt. Ed.	.6	16	1:26.6	1:28	0	.66
Totals	17.3	397	1:22.9	1:28	3.2	15.26

Source: District data, Education Code 56362(c)

Mild to Moderate Special Day Class Programs (SDC)

Nine teachers serve in district special day class programs for mildly to moderately disabled students in preschool through high school. One preschool class is located at the special education preschool center, three elementary classes are on two elementary sites, three middle school classes are on two elementary sites and the comprehensive high school has two high school classes. This model provides instruction in self-contained environments with various levels of mainstreaming in general education classrooms except for the preschool class, which is not located on a campus with typical peers. The Education Code does not include maximum caseloads for mild to moderate SDCs; however, School Services of California (SSC) Inc. has developed recommended guidelines in this area. These guidelines include one teacher to 10-12 preschool students and one teacher to 12-15 elementary through high school students. The district class-size ratio for preschool is one teacher for 23 students, significantly above the range in the SSC guidelines. The district operates 1 FTE below the industry standards for preschool. The average class size for mild to moderate programs in the district's elementary schools is one teacher per 10.6 students, slightly below average range of the SSC guidelines. The average class size for mild to moderate programs in the district's middle schools is one teacher per 12.6 students, which is within the SSC guidelines, and the average size in classes for mildly to moderately disabled high school students is one teacher per 14 students, also within SSC guidelines.

The chart below demonstrates the caseload equivalencies divided into grade levels.

Program	Teacher FTEs	Caseload	SSC Guideline for Students per Class	District Caseload Average	Aides	I:I Aides
Preschool	1	23	10-12	23	2.75	
Elementary	3	32	12-15	10.6	8	
Middle	3	38	12-15	12.6	3.9	1
High	2	28	12-15	14	2	

Source: District data, School Services of California, 2011

Moderate to Severe Special Day Class Programs (SDC)

The district operates 11 special day classes for moderately to severely disabled students in preschool through age 22. The Education Code does not indicate maximum caseloads for moderate to severe SDCs; however, SSC guidelines recommend one teacher to 10-12 students. The district operates all moderate to severe SDCs according to industry standards except for the moderate to severe preschool class, which is slightly over the standards and the elementary average is below.

The chart below demonstrates the caseload equivalencies divided into grade levels.

Program	No. of Classes	Caseload	SSC Guideline for Students per Class	Average No. of Students in Class	Aides	I:I Aides
Preschool	1	14	10-12	14	1.8	
Elementary	2	15	10-12	7.5	6.5	2
Middle	2	18	10-12	9	4	7
High	3	30	10-12	10	5	8(6.5)
18-22	3	35	10-12	11.6	1.8	8

Source: District data, School Services of California, 2011

Autism Programs (LASS and SOAR)

The district operates uniquely designed autism programs, Language and Social Skills (LASS) and Social, Organizational and Academic Resources (SOAR). The first program has two classes designed for preschool age students on the autism spectrum, and the second is for elementary and middle school. Both programs are designed to support autistic students who are successfully integrated into grade level academics, but need additional supports in social and organizational skills. The program includes a full-time special education teacher who provides direct academic and social skills support. Resource support is provided as push-in or pullout services, and students participate in the general education academic programs with a 2-to-1 instructional aide ratio. Aides also accompany students throughout the day to facilitate academic, organizational and appropriate social interactions. The Social, Organizational and Academic Resources program teacher use the push-in model to support general education teachers and co-teach, as needed.

Although the district designed these programs, SSC guidelines for autism programs in general recommend 1 FTE teacher for 8-10 students. According to these industry standards, the district operates below average for preschool, above average for elementary and below average for middle school. The districtwide average for the autism program is 8.36 students per teacher, which is within the average range for caseloads. By design, the autism program is significantly above average in assistants, which will be discussed later in this report. The chart below demonstrates the caseload equivalencies divided into grade levels.

Program	Teacher FTEs	Caseload	SSC Guideline for Students per Class	District Caseload Average	Aides	I:I Aides
Preschool	2	12	8-10	6	5	
Elementary	2.5	28	8-10	11.2	12	
Middle	1 (taught by a speech pathologist)	6	8-10	6	3	
Total	5.5	46	8-10	8.36	20	

Source: District data, School Services of California, 2011

Special Day Classes for Students with Emotional Disabilities

The district operates two classes for emotionally disabled students. One named Positive Academic Classroom Education (PACE) is at an elementary school, and the other is a day treatment secondary program located at Redwood High School. The classes are taught by a teacher with a moderate to severe credential and provide behavioral supports. The Education Code does not indicate maximum caseloads for moderate to severe SDCs for emotionally disturbed; however, SSC recommends one teacher per 8-10 students with two aides. The elementary class is slightly over the average with nine students in the classroom. The day treatment program is above average, and staff did not indicate whether aides were assigned to the class. Staff reported that the NPA provides two instructional support personnel to the day treatment program.

Program	Teacher FTEs	Caseload	SSC Guideline for Students per Class	District Caseload Average	Aides	I:I Aides
Elementary	1	9	8-10	9	1.9	
Day Treatment	1	11	8-10	11	0	

Source: District data, SSC, 2011

Recommendations

The district should:

1. Develop a spreadsheet that includes position control, caseloads, staffing FTE and provide this document monthly to the Human Resource, Business and Special Education departments.
2. Utilize the process developed by considering suggested industry standards to determine staffing levels as a base.
3. Develop district special education program descriptions and caseload guidelines to serve students in preschool through age 22.
4. Assign district office staff to regularly cross-reference staffing caseloads with SEIS in addition to the secretary who verifies data within the management system.
5. Consider reducing the number of resource specialists by 3.2 FTE.
6. Consider increasing the number of preschool mild to moderate teachers by 1 FTE.
7. Consider increasing the number of preschool moderate to severe teachers by .2 FTE.

Instructional Assistants

District documents indicate it has more than 120 instructional assistants who work from 2.5 hours per day to 6.5 hours per day. These instructional assistants serve students from preschool through age 22 who are in special day classes, attend resource programs, require 1-to-1 assistance and are fully included in general education, and those who require medical supports. The costs for these positions are shown below:

Instructional Assistant Costs

Setting or Function	Number of Hours	Average Annual Cost
Special Day Class	Six	\$28,109
Resource Specialist Program	Six	\$28,746
1-to-1	Six	\$30,786
Behaviors	Six	\$33,088
Total Average Cost Per Assistant		\$30,182.25

Staff reported approximately 20 new instructional assistants were hired this year, but no procedure is consistently used to determine classroom support or the need for more individualized support.

FCMAT completed an analysis focusing on the allocation of instructional assistants throughout the district based on Education Code and industry standards.

Resource Specialist Programs (RSP)

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's staffing of resource specialists is shown in the table below:

RSP Setting	Number of Teachers	Number of Instructional Assistants Assigned
Elementary	6.9	5.7
Middle School	4.4	4.4
High School	5.4	4.5
Alternative Education	1	.66

As a result, the district provides an average of 2.04 6-hour instructional assistants in the RSP classrooms. However, because the district is already overstaffed by 3.2 FTE RSP teachers, total overstaffing is actually four 6-hour assistants. A reduction in this area would save approximately \$120,729 per year.

Mild to Moderate Special Day Class

SSC guidelines recommend one instructional assistant to 12-15 students in preschool (a total of one adult to seven children), and one instructional assistant to 12 and 15 students for elementary through high school (1-to-12-15). At the district, 2.75 instructional assistants are assigned to one preschool, eight are assigned to three elementary classes, 3.9 are assigned to three middle school classes and two are assigned to two high school classes. This is an overall staffing excess of 6.65 6-hour assistants. However, because the preschool is understaffed by one FTE teacher, classes are actually overstaffed by 5.65 positions for an annual cost of \$170,557.96.

Moderate to Severe Special Day Class

Compared to the SSC guidelines for moderate to severe special day classes, which recommend two instructional assistants for every 10-12 students in preschool through age 22, the district is significantly understaffed. The preschool has .2 FTE instructional assistants less than the standard, but the district would need an additional 2.2 FTE positions if the program included the additional preschool class recommended. The elementary program is overstaffed by 2.5 assistants while the high school is understaffed by 1 FTE positions, and the 18-22 population is understaffed by 4.2 FTE instructional assistants, according to industry standards. Considering the total number of instructional assistants in this area, the district should consider adding 4.9 FTE in staffing by reconfiguration of other instructional assistants throughout the district.

LASS/SOAR

This unique program is designed to use a 2-to-1 student-to-adult ratio; however, the industry standards is 8-10 students for every three adults. Applying these standards would mean the preschool is overstaffed by one instructional assistant, the elementary programs by six instructional assistants, and the middle school by one instructional assistant. Implementing the industry standard could reduce annual costs by approximately \$241,458.00.

ED Class

The district's two classes for emotionally disturbed students use 1.9 FTE instructional assistants.

1-to-1 Instructional Assistants

The district employs 26 1-to-1 instructional assistants in the special day classes, five 1-to-1 instructional assistants for students who are fully included in general education and seven assigned to support medical needs. The 26 1-to-1 instructional assistants cost approximately \$784,738.50 this fiscal year based on information provided by district staff. The recommended reductions of instructional assistants mentioned in previous sections of this report did not include those providing 1-to-1 services.

Throughout California the number of districts using instructional assistants, 1-to-1 aides, and special circumstance instructional assistants has greatly increased over the past few years. This has affected special education budgets and contributions from the unrestricted general fund; however, the services often are not warranted or monitored. Assigning 1-to-1 instructional assistants to students for too long without appropriately reducing and discontinuing this service, which is known as "fading," creates a sense of dependence that can hinder a student's ability to access core curriculum. The district should consider developing policies, procedures, and guidelines to strictly monitor the use of 1-to-1 services and prevent them from being unnecessarily provided.

Many districts use the term special circumstance instructional assistance (SCIA) instead of 1-to-1 assistants to indicate that an assignment is temporary. Fading 1-to-1 services is crucial to ensuring student progress toward independence.

Some staff reported the district has a document that could be used to determine needed support, but it is not widely known or used. An articulated system for assigning and fading 1-to-1 instructional assistants has not been established and implemented.

A lack of clear policies and procedures increases the potential for adversarial IEPs. For example, when a request or recommendation is made, the district has no structure to help determine whether assigning a 1-to-1 instructional assistant is appropriate.

When an IEP team determines that a 1-to-1 instructional assistant is appropriate, the IEP team does not include a fading or exit plan for these services. Because of the lack of clear, formalized policies and procedures, teachers are unclear about when they can decline a request. Furthermore, once this type of assistant is assigned, the Special Education Department does not have a formal process for re-evaluating the service to determine if it helps the student meet IEP goals.

When policies and procedures are implemented, the district should conduct a review of all instructional assistant placements to utilize these resources more carefully and effectively (A sample SCIA process is attached as Appendix C to this report).

Using guidelines for 1-to-1 assistants would help staff make the following decisions:

1. Determine the need for additional 1-to-1 assistance.
2. Determine any alternatives.
3. Evaluate continuing need.

Policies and procedure should include the following components:

1. Determination of whether it is appropriate to assign a 1-to-1 instructional assistant to a classroom/student.
2. Determination of the need for 1-to-1 instructional assistant assignments using a process that starts with the least restrictive intervention.
3. Consideration of alternatives to 1-to-1 instructional assistants.
4. Analyzing available resources. Redistributing resources may meet the need without additional staff.
5. Incorporation of a fading plan.
6. Evaluation of the continuing need for 1-to-1 instructional assistance.
7. Determination of when it is appropriate to add hours to an existing instructional assistants' schedule instead of hiring additional staff.

Staff indicate that they have not consistently received professional development. The district has not developed a plan for teachers and instructional assistants to attend conferences and seminars on regular special education topics to increase strategies in methodology, curriculum, behaviors, and communication.

Staff reported that instructional assistants are not notified of their placement until the day before school begins in the fall. This does not allow for the teacher and the instructional assistant to communicate in advance.

The district has no procedure to increase or decrease staffing, and the Human Resource Department is not kept aware of district needs in this area. The Business Department is also unsure of the positions allocated.

Recommendations

The district should:

1. Develop policies, procedures, and guidelines for assigning 1-to-1 instructional assistants to students.
2. Provide professional development to all staff regarding the SCIA process, implement the process and ensure a fade plan on the IEP when a 1-to-1 aide is determined to be required for a student.
3. Complete a comprehensive audit of the IEP for the students who use a 1-to-1 instructional assistant to determine need. Reduce the use of these services as appropriate.
4. Consider reallocation of instructional staff throughout the district with a reduction as indicated above.
5. Communicate draft projections and potential instructional assistant placements by the end of the school year for the new school year.
6. Develop professional development for instructional assistants and teachers.
7. Develop and implement a coordinated position control system and data tracking system to track instructional assistant positions, locations and hours of employment.
8. Develop and implement a process within the district office to provide a rational and approval process for increase and decrease of staff.
9. Schedule monthly or quarterly meetings with Human Resources, Business and Special Education to ensure that staffing information aligns among all three departments.

Related Services (formerly known as Designated Instructional Services)

Psychologists

The district employs 7.1 FTE psychologists providing services to special education and general education students. The California Association of School Psychologists recommends a school psychologist caseload of 1,469 students per FTE. The May 2014 KidsData.org report also recommended a ratio of 1,469 students per psychologist, and the Special Education Opportunity Report of May 2011 recommended a ratio of 1,892 students per psychologist. District data indicates it has 9,361 students in the 2014-15 school year for a psychologist to student ratio of 1-to-1,318. Based on the California Association of School Psychologists caseload recommendation, the district is overstaffed by .73 FTE of school psychologists.

The school psychologists have experienced several changes over the last several years. A memo dated November 17, 2010 changed the roles and responsibilities of psychologists. A number of responsibilities were added to this position, and limits were placed on how 3-year re-evaluations were conducted. The memo, which is attached as Appendix B to this report, indicated that the psychologist would administer a comprehensive psycho-educational assessment as part of 3-year re-evaluations for students eligible under speech and language if they received resource specialist services or were enrolled in a special day class. Psychologists were also assigned to assist in developing positive behavior support plans, provide counseling per the IEP and help with referrals to county mental health services for students with IEPs. Psychologists were also assigned a permanent office space at a school site rather than the district office. The district discontinued a monthly staff meeting with Special Education Department leadership including school psychologists, and the position's work year was lengthened from 185 days to 194 days without an increase in annual salary. Staff members indicate a number of these changes affected psychologist morale, and indicated turnover in this position has increased.

Program	No. of FTE	Caseload	CASP Data for Students per Class	District Caseload Average
Psychologist	7.1	9,361	1-to-1,469	1-to-1,318

Source: CASP and district data

Speech Pathologists

The district employs 6.3 FTE speech pathologists under direct contract and hires 5.2 FTE speech pathologists under a contract with a nonpublic agency (NPA), Communication Works. These two sources provide a total of 11.5 FTE for speech pathologists. Data provided by the district shows that the annual cost of the NPA contract for speech pathologist was \$375,000 last year. Based on the 5.2 FTE employed from the NPA this school year, the projected annual cost is approximately \$606,528.

California Education Code Sections 56441.7 and 56363.3 cite a speech pathologist caseload maximum of 55 students per FTE for kindergarten through 12 grade and 40 students per FTE for preschool. If the 6.3 FTE district employed pathologists each carried caseloads of 55 students for K-12 students, the district would still need an additional 1.8-2.0 FTE to serve the preschool population at a maximum caseload rate of 40 students per FTE. This reorganization of caseload

would technically result in a reduction of 3.2 FTE of speech pathologist. At the NPA annual rate, this would result in a potential saving of \$373,248 per year.

Based on district data, the size of speech caseloads vary widely across special education programs and speech pathologist assignments. Some pathologists also provide additional compensatory speech services within their caseloads because of the previous year's lack of service resulting from speech pathologist vacancies. Some speech pathologists are providing RtI services to students who are not identified for special education services, and most carry a small number of students on consult in their caseloads. Students with speech services in moderate to severe special day classes still receive a variety of small group, individual, and push-in speech therapy. A program specialist manages the speech caseload assignments.

Occupational Therapist

The district employs 1 FTE occupational therapist, an increase from .80 FTE in the 2013-2014 school year. District data indicates 56 students receive occupational therapy services. The industry standard caseload in this area is 45-55 students per 1 FTE; therefore, the district is appropriately staffed in occupational therapist services.

Occupational Therapists Caseload Comparison

Provider	FTE	Caseload	Occupational Therapist FTE-Student Ratio	Aide	Ratio (FTE-to Student Caseload)
Occupational Therapist	1	56	1-to-56		1-to-45-55

Source: School Services of California and district data

Adaptive Physical Education

The district employs 1 FTE adaptive physical education (APE) teacher for 86 students, and the industry standard per teacher is 45-55 students. As a result, the district is understaffed by approximately .54 FTE in this area.

Adapted Physical Education Caseload Comparison

Provider	No. of FTE	Caseload	SSC Guideline for Students per Class	Average No. of Students	Aides	I:I Aides
APE	1.0	86	1-to-45-55	1-to-86	.375	

Source: School Services of California and district data

Behavior Specialist

The district employs 1 FTE behavior specialist and 1 FTE behavior analyst, but the latter position is vacant. The district administration plans to reorganize these positions for the coming school year. District data on the caseloads for these two positions is not complete, making it impossible to make accurate calculations on caseloads and staffing.

Vision Instructor

Analyzing the caseload of the vision instructor is impossible based on district-provided data. Under the SELPA local plan, some low-incidence services such as vision instructor are “hosted” by one district as a regional service and provided to all SELPA members. Vision instructor is provided as a regional service through Castro Valley Unified, which employs 4.4 FTE vision instructors. District data shows that 30 district students receive vision instructor services; however, an administrative staff interview indicated that only three students do so. The industry standard for one FTE vision instructor’s caseload is 10-30 students. Information was not available to accurately calculate the caseloads for the entire group of 4.4 FTE vision instructor service providers.

Hard of Hearing Instructor

Deaf and hard-of-hearing services also fall under the SELPA local plan provisions for low-incidence regional service. District data was insufficiently accurate to calculate caseloads and staffing. The district reports .20 FTE for deaf and hard-of-hearing services, and nine students receiving hard-of-hearing service. The industry standard for one FTE deaf and hard-of-hearing instructor’s caseload is 10-30 students.

Recommendations

The district should:

1. Review the school psychologist caseload and role to determine if a reduction is warranted.
2. Consider recruiting paid school psychology interns to help perform some basic responsibilities such as 3-year annual reviews.
3. Reevaluate the previous addition of nine workdays to the school psychologist work year without a salary increase. Determine the consistency and appropriateness of this adjustment with salary and work year adjustments made to other specialized certificated and management positions in the district. Make any adjustments to the school psychologist work year and/or salary as deemed appropriate and approved by the governing board.
4. Conduct a thorough review of the assignments and caseloads of all speech and language pathologists including district employees and providers on contract through the nonpublic agency. Include at least one administrator from Education Services and one from Human Resources as part of the review team.
5. Reduce the district’s reliance on NPA-provided speech pathologists. Recruit and hire a district-employed speech pathologist.
6. Review the speech pathology service model with moderate/severe special day classes with an emphasis on “push-in” service to maximize language instruction as is common in most moderate/severe day classes.

7. Enlist administrative support as needed in the IEP team meeting to reduce the number of speech and language students used as a “consult” when the speech pathologists find and can demonstrate through re-assessment that this service is no longer required.
8. When establishing a new student service program, such as “SOAR,” make efforts to use reassigned staff from within the district to operate the program, including speech pathologists, rather than employing new staff for the program or to backfill for reassigned district staff.
9. Review the adaptive physical education caseload and service model for adequate caseload coverage and consider the use of “push-in” service in regular physical education programs as appropriate.
10. Continue the district’s plan to reorganize the behavior specialist positions into an equitable and efficient service delivery model that benefits students across the preschool-grade 12 system and implement procedures for tracking student caseloads.
11. Accurately establish caseloads and calculate caseload averages according to industry standards for behavior specialist, vision specialists and hard-of-hearing specialists.
12. Establish clear procedures in the SELPA local plan for tracking regional service provider caseloads.

Organizational Structure and Communication

FCMAT reviewed the roles, responsibilities and organizational structure of the Special Education Department, focusing on ways to ensure consistent accountability and oversight. A comparison of the department's administrative staffing levels to similar districts indicates Castro Valley Unified has fewer special education managers. The average number of special education managers with job descriptions that require administrative credentials (directors, coordinators, program specialists, other supervisors) in comparable districts is 2.8 FTE while Castro Valley has two administrative managers. In the chart below, none of the comparison districts serve as the administrative unit for their local SELPAs. Morongo Unified is a single-district SELPA. Castro Valley Unified has 2.1 FTE program specialists, and two assume some responsibilities that can be considered administrative even though their positions do not require an administrative credential and the positions are not considered management.

The district did not provide detailed information or discussion on the responsibilities of the .1 FTE program specialist, and there was confusion about the staffing level of that position in two separate district documents.

District	Special Education Admin	Special Ed Enrollment	General Ed Enrollment
Castro Valley	2.10	867	9,361
Arcadia	2.0	877	9,701
Morgan Hill	4.0	1317	9,130
Morongo	3.0	1,695	9,047
Redondo Beach	3.0	1,265	9,265
Western Placer	3.0	982	9,084
Average = 2.8			

Interviews with district staff indicate the Special Education Department has experienced several communication and procedural inconsistencies involving staff in and outside the department. The department recently experienced personnel turnover in a number of key leadership positions. Special education litigation and public complaints have resulted in procedural and service delivery changes that appear disjointed and are primarily reactions to individual circumstances. Both department special education administrators must split their time between duties related to the operation of district special education services and those connected with SELPA operation. Oversight of special education at individual schools has been inconsistently divided between administrators from the Special Education Department administrators and school sites. The resulting uncertainty has prompted a pervasive lack of ownership for the operation of special education. The sites are confused about the line of authority for special education operation and about who they should approach with questions. For example, hiring for special education staff is either solely controlled by the Special Education Department, is neglected by the Human Resources Department, or excludes school site administrative participation, depending on who describes the problem.

The department's disorganization and lack of leadership have resulted in low morale. Staff members believe they have no avenue to provide input, and administrators make decisions. In the past, the Special Education Department held a monthly meeting to keep the department leadership informed and involved, but these were discontinued. Staff believe that the lack of effective leadership has resulted in a perception that special education is responsible for issues that affect the entire district such as the lack of salary increases, which is reportedly because of the unrestricted general fund's contribution to special education costs. In general, special education is treated differently than other departments, according to staff.

The district administrative staff has discussed the program specialist's role as an area of potential reorganization. The program specialist position was recently reduced from 5 to 2 FTE as part of an effort to return school responsibility for IEP team meeting administrative attendance to site administrators. The program specialists have had administrative responsibilities such as organizing the oversight of speech pathologists and nonpublic agency services without being required to hold an administrative credential.

Recommendations

The district should:

1. Review and revise the special education procedural handbook to ensure all components are included for district reference.
2. Develop a collaborative hiring process that involves the Human Resources and Special Education departments and site administration.
3. Consider creating a second special education coordinator position by revising the program specialist role or formalize the program specialist's administrative responsibilities and require an administrative credential. In considering this option, the district should review Education Code Section 56368 on program specialist. This section reads as follows:

56368. (a) A program specialist is a specialist who holds a valid special education credential, clinical services credential, health services credential, or a school psychologist authorization and has advanced training and related experience in the education of individuals with exceptional needs and a specialized in-depth knowledge in preschool disabilities, career vocational development, or one or more areas of major disabling conditions.

(b) A program specialist may do all the following:

- (1) Observe, consult with, and assist resource specialists, designated instruction and services instructors, and special class teachers.
- (2) Plan programs, coordinate curricular resources, and evaluate effectiveness of programs for individuals with exceptional needs.
- (3) Participate in each school's staff development, program development, and innovation of special methods and approaches.
- (4) Provide coordination, consultation and program development primarily in one specialized area or areas of his or her expertise.
- (5) Be responsible for assuring that pupils have full educational opportunity regardless of the district of residence.

(c) For purposes of Section 41403, a program specialist shall be considered a pupil services employee, as defined in subdivision (c) of Section 41401.

4. Ensure Special Education Department administrators have oversight responsibility for administrative tasks such as monitoring and supervising personnel and nonpublic agencies and schools.

5. Define the special education oversight roles and responsibilities of principals and district special education administration. Develop a plan to effectively communicate those roles and responsibilities to the school site staff and parents. Provide professional development for school site administrators to prepare them for the increased involvement in special education operation.
6. Establish operating guidelines that require all calls and e-mail questions and requests to be returned within 24 hours. If an answer is not immediately available, make contact to let the person know when he or she will receive a response.
7. Reestablish Special Education Department monthly leadership team meetings that include school psychologists, program specialists, the coordinator and director.
8. Train the general education staff on the mandated roles and responsibilities of general education for intervention before a student is referred to special education and on the eligibility criteria for these services.
9. Make efforts to hire and retain effective administrators in the Special Education Department to establish stability in departmental leadership.

Nonpublic Schools and Agencies

Nonpublic Schools (NPS)

Education Code Section 56034 states the following:

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

When a district determines it does not have the appropriate educational placement or related service for a specific student or cannot hire staff to provide related services to students, it may contract with an NPS or NPA. The district's provided documents on NPAs/NPSs were initially difficult to locate and included many inaccuracies. Once documents were discovered, staff reported many inaccuracies. The documents provided were spreadsheets from 2012, 2013, and 2014 which indicated students name, NPS/NPA, cost, daily rates and invoices paid to date, but information from budget reports provided was not consistent with the spreadsheets. Inconsistent tracking processes also indicated overpayments to companies. Nonmanagement staff are increasing the number of contracts that are not associated with an IEP and lack prior approval from administration. Staff reported that all NPS/NPA contracts were not board-approved at the time of implementation and were submitted to the board only after the first invoice was to be paid. The district lacks a referral process for determining NPS/NPA placements, and staff indicated they are unaware of any least restrictive environment requirements that include NPSs/NPAs as the most restrictive placement and service.

Nonadministrative staff coordinate NPS/NPA placements, contracts, budgets and oversight. These are not public-school placements and are the most restrictive, with significant costs that affect the budget; therefore, administrative oversight is critical.

District documents indicate 11 students attend a nonpublic school, Seneca Center, at a cost of approximately \$280,000-\$350,000, excluding transportation expenses. Many of these students can usually be served through their school district. District-provided classes for the emotionally disturbed include an average caseload of 10 students with behavioral and mental health supports.

The district has a contract with the nonpublic agency, Communication Works for speech and language services. The cost for these services is in lieu of hiring approximately 5.2 FTE district speech and language employees. The NPA cost to Communication Works is approximately \$606,528 and only partially included in the chart below.

Below is a chart indicating the cost per year.

	2012-13	# Students	2013-14	# Students	2014-15	# Students
NPA	59,992.00	13	453,504.10	25	454,180.00	20
NPS without residential	603,327.72	31	710,005.38	25	573,458.13	15
NPS with residential	192,128.04	5	102,877.65	1	144,000.00	1
Total	855,447.76	49	1,266,387.13	51	1,171,638.13 (to date)	36

Source: District data

Mental Health

The district requested an analysis of mental health services and the related costs, but FCMAT was unable to obtain any internal documentation of mental health supports or verified resources. The district also could not locate the SELPA allocation plan, and this document will be analyzed when it is found.

Recommendations

The district should:

1. Develop a referral process to use when considering whether a student requires placement in an NPS or NPA, and hold a meeting of key administration including the cabinet beforehand.
2. Develop a tracking process and ensure accurate tracking, processing and articulation of costs in the Special Education and Business departments.
3. Seek board ratification as soon as contracts are signed.
4. Administer complete oversight of NPS/NPA by administrative/management personnel.
5. Assign a qualified educator to attend all NPS/NPA student IEPs.
6. Refrain from increasing the budgets for contracts until IEPs reflect the required need and are indicated through an amendment on the NPS/NPA contract, approved by the administration and board.
7. Analyze the number of students attending Seneca Center and consider the costs to determine whether a program can be developed to return district students to their neighborhood school district.
8. Analyze the cost of hiring district-employed speech pathologists instead of providing contracted services.
9. Locate and analyze mental health revenues and expenditures and determine cost efficiencies.

Due Process/Mediation and Litigation

The most effective step in reducing the cost of due process cases is to have legally defensible IEP team meetings and IEPs. The second most important step is to establish proactive communication with parents. A well-implemented, effective communication plan can save the district hundreds of thousands of dollars in one school year. However, some cases are still likely to require one or more levels of mediation/resolution.

The district does not have a formalized system for tracking high-profile cases starting from the lowest level of mediation to due process filings. To reduce exposure for expenses incurred by costly mediation and/or due process, the district should develop a comprehensive database of information, correspondences, and the support provided for each potential case.

Staff indicated that they have not received current training and professional development in the areas of special education from identification through the IEP process. They also indicated they lack professional development on a free appropriate public education, the characteristics of defensible programs and services, and facilitating IEP meetings.

The chart below shows only the three budgets entered into the Business Department system and therefore is not considered an accurate reflection of costs.

	2012-13	2013-14	2014-15
Settlements	161,250.00	55,539.49	92,057.00
Legal Fees	42,910.00	55,140.00	39,048.00

When agreement is reached in mediations or a parent and the district approve a settlement agreement, there is no consistent communication with staff to ensure implementation. Staff reported they do not know the issues involved in the litigation and therefore cannot review trends to help make changes that could prevent these issues in the first place. District office staff, including the cabinet, are unaware of the litigations that occur in the district.

Recommendations

The district should:

1. Develop a comprehensive professional development plan and modules for all staff in the area of special education, from identification through IEP placement and services. This professional development should include the meaning of a free appropriate education, facilitated IEP meetings and alternative dispute resolutions.
2. Develop a written communication system that allows for consistent procedures so staff know when and how to implement agreed-upon litigated documents.
3. Develop a formal system for tracking high-profile cases starting from alternative dispute resolution intervention to due process filings.
4. Maintain a comprehensive database of each potential case for key information, correspondences, and support to the student.

5. Establish timelines for proactive communication with families in an effort to resolve disputes at the lowest level while focusing on the least restrictive environment.
6. Formalize communication templates (letters, resolution agreements, and mediation procedures) to minimize legal expense, but ensure the integrity of the system.
7. Formally train the certificated staff and administration in due process procedures including the following:
 - Writing legally defensible IEPs
 - Conducting legally defensible IEP team meetings
 - Implementing a free appropriate public education in the least restrictive environment.
8. Define the role of each IEP team member in avoiding litigation and providing a response when it is initiated.
9. Develop a spreadsheet including issues, alternative disputed strategies used, the services agreed to, and any other implementation necessary. This spreadsheet should also include a cost column and a budget line.
10. Inform the district office administration about potential litigation and any results.

Fiscal Issues

Contributions

Districts have little control over special education revenues. California distributes funds to SELPAs based on their member districts' total average daily attendance (ADA) and not on the number of identified special education students.

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

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

1. The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel, who are replaced by qualified, lower-salaried staff.
2. A decrease in the enrollment of children with disabilities.
3. The termination of the obligation of the agency to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the State Educational Agency, because the child:
 - a. Has left the jurisdiction of the agency;
 - b. Has reached the age at which the obligation of the agency to provide FAPE (free and appropriate public education) to the child has terminated; or
 - c. No longer needs the program of special education.
4. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

MOE documents indicate the district's unrestricted general fund contribution was \$4,035,631 or 30% in 2012-13 and \$4,891,066 or 35% in 2013-14. The district's 2014-15 second interim expenditure budget for special education is \$15,165,352, and the unrestricted general fund contribution is projected to be \$6,857,068, which is 45% of the special education budget. The statewide average is 43%.

FCMAT reviewed the district's unrestricted general fund contribution with district staff to determine the cause of the increasing contribution.

Several factors affect a district's unrestricted general fund contribution, including the revenue received to operate the programs and the expenditures for salaries, benefits, staffing and caseloads, nonpublic school and nonpublic agency costs and transportation. Litigation can also increase a district's unrestricted general fund contribution.

The Local Control Funding Formula (LCFF) was enacted with the passage of the 2013-14 Budget Act, replacing the previous K-12 finance system. The new formula for school districts and charter schools is composed of uniform base grants by grade spans (K-3, 4-6, 7-8, 9-12) and includes additional funding for targeted students. Under the previous K-12 finance system, revenue generated by attendance in the special day classes was transferred from the unrestricted general fund to the special education program. Special day class ADA is no longer reported separately, and the CDE determined that this revenue limit special education ADA transfer will no longer occur. The implementation of the LCFF has automatically increased the amount of many districts' unrestricted general fund contribution to special education because of this accounting change.

Effective in 2013-14, special education transportation revenue became an add-on to the LCFF and therefore is no longer restricted special education revenue. This change in accounting has increased the amount the unrestricted general fund contribution to special education for many districts.

The district belongs to and is the administrative unit of the Mid-Alameda County Special Education Local Plan Area (SELPA), which developed an Assembly Bill (AB) 602 fiscal allocation plan. However, staff turnover has resulted in a lack of openness regarding fiscal data reports and financial information. The district staff was unable to provide the AB 602 fiscal allocation plan to review the accuracy of the allocation and revenue projection to the member districts. The district's projected 2014-15 AB 602 special education funding is projected to decrease by \$1,199,496 over the amount posted in 2013-14, even though the SELPA ADA is flat.

The district staff was unable to provide the mental health funding allocation plan to review the accuracy of the allocation and projection to the member districts.

The district does not maximize Medi-Cal Local Education Agency (LEA) billing, an area over which it has some control. These monies can be used to supplement but not supplant other resources. Staff reported that the Medi-Cal monies generated are allocated back to the service providers that submit claims.

The table below compares the revenue the district receives from state and federal resources. The special education revenue data provided to FCMAT was data posted to the district's special education program in the financial system. Since 2012-13, the district's revenue received to operate special education programs has decreased by \$1,360,329.

Special Education Revenues from 2012-13 to Projected 2014-15

Description	2012-13	2013-14	Projected 2014-15	Difference from 2012-13 to projected 2014-15
IDEA Entitlement	\$1,310,227	\$1,226,461	\$1,252,184	-\$58,043
IDEA Preschool	\$126,375	\$120,146	\$111,770	-\$14,605
IDEA Early Intervention	\$21,940	\$21,940	\$22,393	+\$453
Mental Health	\$729,752	\$620,279	\$620,502	-\$109,250
Revenue Limit ADA	\$1,154,556	\$0	\$0	-\$1,154,556
Property Taxes	\$265,106	\$261,471	\$260,017	-\$5,089
AB 602 State Apportionment	\$5,163,935	\$6,491,932	\$5,292,436	+\$128,501
AB 602 Prior Year	-\$9,048	\$6,330	\$0	+\$9,048
Preschool State Apportionment	\$0	\$1,196	\$0	\$0
Infant Discretionary Apportionment	\$597	\$1,387	\$0	-\$597

Low Incidence	\$2,039	\$0	\$0	-\$2,039
Personnel Staff Development	\$2,078	\$0	\$0	-\$2,078
Special Education Transportation	\$151,344	\$0	\$0	-\$151,344
Local	\$1,885	\$1,440	\$1,155	-\$730
Total, Revenues	\$8,920,786	\$8,752,582	\$7,560,457	-\$1,360,329

The table below compares the district's special education program expenditures. The special education expenditure data is based on the MOE documents provided to FCMAT. Since 2012-13 the district's expenditures to operate special education programs has increased by \$1,793,314.

Special Education Expenditures from 2012-13 to Projected 2014-15

Description	2012-13	2013-14	Projected 2014-15	Difference from 2012-13 to projected 2014-15
Certificated Salaries	\$5,050,836	\$5,187,335	\$5,717,755	+\$666,919
Classified Salaries	\$2,799,740	\$2,967,393	\$3,745,986	+\$946,246
Benefits	\$2,317,818	\$2,147,984	\$1,918,119	-\$399,699
Materials and Supplies	\$153,138	\$133,649	\$179,741	+\$26,603
Contracts and Operating	\$3,083,526	\$2,862,911	\$3,559,445	+\$475,919
Capital Outlay	\$0	\$0	\$39,307	+\$39,307
State Special Schools	\$2,323	\$0	\$5,000	+\$2,677
Sub-Total, Direct Costs	\$13,407,381	\$13,299,273	\$15,165,352	+\$1,757,971
Indirect Charges	\$158,188	\$745,716	\$193,531	+\$35,343
Total, Expenditures	\$13,565,569	\$14,044,989	\$15,358,883	+\$1,793,314

Recommendations

The district should:

1. Monitor its unrestricted general fund contribution through the annual MOE and determine if it can reduce expenditures using any of the allowed exemptions.
2. Monitor attendance rates, including those in special day classes. Special education funding is based on total district ADA.
3. Establish monthly meetings with the special education director and the assistant superintendent of business services that include the following topics:
 - a. Budget development
 - b. Budget monitoring
 - c. Maintenance of effort requirements
 - d. Additional staff requests or change in assignments
 - e. Nonpublic school and/or agency contracts and invoices and new placements
 - f. Due process or complaint issues
 - g. Staff caseload
 - h. Identified student counts

4. Provide new staff with professional development/training.
5. Locate the approved SELPA AB 602 fiscal allocation plan, and review the budgeted revenue projection for accuracy.
6. Locate the approved SELPA mental health funding plan, and review the budgeted revenue projection for accuracy.
7. Review the Medi-Cal LEA program with all staff members who can submit claims to maximize billings, and monitor this area monthly to ensure maximum revenue recovery. Review with staff the most effective use of these supplemental dollars.

Deficit Spending

School districts throughout the state face obstacles in funding the costs for serving special education students. These include increases in the difference between federal and state funding and the mandated costs for these student services.

Staff are concerned about accountability since no departmental staff take responsibility for monitoring the special education budget. The Business Services Department should be aware of the fluctuations that normally occur in special education budgets throughout the year. However, staff indicated that the Business Services and the Special Education departments do not communicate regularly on budget changes.

Staff also indicated that the Business Services Department does not review and approve contracts.

All the costs for direct-service special education staff serving nonidentified students with RTI are charged to the special education budget. Adjusting the coding for any staff that provide services to identified and nonidentified students will not reduce the total budget, but will ensure the special education budget is accurate.

Recommendations

The district should:

1. Require the Business Services and Special Education departments to collaboratively review revenues and expenditures, identified student counts, caseload, and identified needs.
2. Require the Business Department to review and approve contracts over a certain dollar threshold to be determined by the district.
3. Require the Business Services, Human Resources and Special Education departments to review special education staffing to ensure that staff is appropriately charged. If staff members serve identified and nonidentified students, a portion of their time serving nonidentified students should be charged to the unrestricted general fund and not to the special education program.

SELPA Allocation Plan and Local Plan

The local plan was last updated in 2012 and approved by the board in 2013; however, the attachments to this document, such as the allocation plan, are not included. This document describes the district as the administrative unit for the Mid-Alameda County SELPA, which is composed of the Castro Valley, Hayward, San Leandro, and San Lorenzo unified school districts. As the administrative unit, Castro Valley Unified is responsible for functions such as the following:

- Receiving and distributing special education funds to SELPA districts for the operation of special education programs and services.
- Receiving and distributing special education funds to accounts exclusively designated for SELPA use.
- Employing staff to support SELPA functions.

As stated in the local plan, “the Administrative SELPA unit is designated as the entity responsible for the administration of the Local Plan and assuring that the SELPA is in compliance with all applicable laws and regulations”.

The fundamental role of the SELPA administrator according to the local plan is as follows:

...To provide leadership and facilitate the decision making process. The SELPA Administrator’s role includes the provision of information, specific services identified by the Superintendent’s Council, technical assistance, leadership and arbitration. It is the SELPA Administrator’s responsibility to represent the interests of the SELPA as a whole without promoting any particular local education’s interest over the interest of any other agencies.

The local plan does not specify the FTE of a SELPA director’s position necessary to assume these duties and responsibilities. Because the annual budget plan required by the CDE and the AB 602 fiscal allocation plan developed by SELPAs were not available, FCMAT could not analyze the funding for the SELPA director’s position.

The local plan references a review and adoption of an expenditure plan or program specialist/regionalized service dollars. A review of this expenditure plan found that some of these dollars are utilized to support .3 FTE of a SELPA director’s salary since this staff member also operates as the district director of special education.

A special education AB 602 fiscal allocation plan such as the one referenced in the local plan would typically describe the allocation and distribution of state and federal funds to the LEAs. The plan is reviewed by the council of administrators, which is composed of the directors of each LEA, the superintendents, and the community advisory committee. Final approval is given by the regional policy board, which is composed of a board member representative of each LEA. Because the AB 602 fiscal allocation plan was not located, documentation regarding the SELPA position in such a plan was impossible.

The local plan also mentions program specialists and indicates they have the following responsibilities:

- Observe, consult with and assist resource specialists, designated instruction and services instructors, special day classes teachers and other support staff.
- Plan programs, coordinate curricular resources, evaluate the appropriateness and effectiveness of programs for children with disabilities.

- Assist with local education agency staff development programs, innovation of special methods and approaches, and program development.
- Provide coordination, consultation, and program development in specialized areas of expertise.
- Monitor, consult and/or assist with referral, assessment, identification, and IEP development.
- Perform other activities as required by the SELPA.
- Meet regularly with other program specialists to share data and information about services and students.
- Make recommendations to the council of administrators and the LEA administrators about identified service needs.
- Assist in mediation, due process hearings and compliance proceedings by providing expertise in knowledge of special education law and regulations as well as programs and appropriate interventions available throughout the SELPA.
- Assist in developing training for parents and members of the community advisory committee.
- Provide in-service training and technical assistance for regular and special education teachers, administrators, support staff and parents.
- Assist as liaison to various community agencies such as the Department of Mental Health, East Bay Regional Center, California Children's Service, Department of Human Services, and the Probation Department.

A plan for allocating services and selecting and assigning program specialists is submitted to the regional policy board for approval according to the local plan; however, these specifics were not available for review. The local plan also indicates the administrative unit contracts with each LEA for program specialists to serve the respective districts. However, staff reported that districts actually hire their own program specialists and submit to the administrative unit at the end of the year for reimbursement for these expenditures. The parameters of the number of program specialists allowed per district were not designated. This practice is also inconsistent with the local plan provision of contracting with the LEAs for such service.

According to the local plan, the regional policy board is responsible for designating the staff to support SELPA functioning, but staff reported that the administrator's council was not always informed of expenditures for additional positions to be hired midyear by the administrative unit.

During staff interviews, questions arose on the following issues:

- Whether a .3 SELPA position is adequate.
- The advantages and disadvantages of one staff person acting as SELPA director and district director of special education.
- The feasibility of hiring at least a portion of a program specialist for the SELPA Department in addition to the positions hired by the districts.

These issues are outside the scope of this study. A more in-depth analysis of the SELPA Department and its responsibilities and efficiencies could be addressed in a follow-up study.

Recommendations

The district should:

1. Annually develop an annual budget plan with the involvement of the council of administrators and superintendents for approval by the regional policy board and submission to the CDE.
2. Modify the local plan to reflect current practice and specify the parameters of the number of program specialists to be hired by each district.
3. Locate or develop an AB 602 fiscal allocation plan to be reviewed periodically by the council of administrators, business management representatives, and superintendents.
4. Assign the SELPA director/director of special education to complete a time study that shows how this position spends each day implementing the duties and responsibilities of both positions.
5. Request that the districts and SELPA review SELPAs of similar size and scope to develop a comparison of FTEs allocated to the SELPA director and program specialist positions.
6. Request that the council of administrators review the efficiency and effectiveness of the SELPA director services funded in the program specialist/regionalized services budget. A recommendation should be made to the superintendents on whether the position should be increased from .3 FTE or whether the division of .3 FTE SELPA director/.7 FTE director of special education should continue.

Workability and Transition Partnership Program

Workability

The Mid-Alameda County SELPA Workability Project serves the Castro Valley, Hayward, San Leandro, and San Lorenzo unified school districts. The purpose of the project is to prepare students for employment, continuing education, and adult life with an emphasis on work-based learning. The project includes the following elements: (1) recruitment of students and employers to participate in the project, (2) career interest assessment, (3) counseling to help determine post-secondary options, (4) pre-employment skills training, (5) vocational training, (6) student wages for subsidized employment, (7) placement in unsubsidized employment, (8) other assistance with transition to adult life. The targeted population is mostly mild to severely disabled students, although some moderately to severely disabled students are also served. Students are served individually and in small groups.

The Workability Project is funded through a CDE grant obtained by the SELPA. The amount of each year's grant is determined by number of students served and placed in community job sites in the previous year. Twenty-five percent of the students are required to be placed in employment. As the chart below indicates, a much larger percentage of the students served in the SELPA are actually employed. The chart also provides a summary of income for the past three years based on the number of students served and placed in employment:

Budget 2012-13	No. of high school students funded to serve	No. of high school students to be placed in employment positions
\$86,446.00	169	42
	No. of high school students actually served	No. of high school students actually placed
	223	91
	Percentage of 2012-13 funded students who were actually served	Percentage of 2012-13 funded students to be served who were actually placed
	132%	54%
Budget 2013-14	No. of high school students funded to serve	No. of high school students to be placed in employment positions
\$92,458.00	187	46
	No. of high school students actually served	No. of high school students actually placed
	255	86
	Percentage of 2013-14 funded students who were actually served	Percentage of 2013-14 funded students to be served who were actually placed
	136%	46%
Budget 2014-15	Percentage of high school students funded to serve	Percentage of high school students to be placed in employment positions
\$92,458.00	187	46

The Workability coordinator is a classified employee and supervises the program budget. The budget supports the classified Workability coordinator's wages and benefits as well as wages and worker's compensation benefits for students hired through the project, materials and supplies, expenses for travel and mileage, and indirect costs. The business office adjusts the budget yearly on October 31 to reflect current employee contracts so that income and expenditures reconcile. The coordinator monitors the budget, and reports are filed as required by CDE; however, the department has twice had special conditions imposed for not fully expending the budget. Although the consequences of these conditions were not determined, the grant continued to be funded for at least the amount received in the previous year in the time reviewed by FCMAT. The amount of expenditures for each of the three years matched the budgeted income.

Staff development opportunities are not periodically provided, and feedback is not sought from the district directors of special education on program receptivity and service adequacy. Some staff indicated that the Workability Project does not place students in employment; however, documents show 86 to 92 students were placed in employment yearly for the past three years. There is some confusion about Workability staff roles and responsibilities and the level of supervision of staff resulting in a general lack of program accountability.

Recommendations

The district should:

1. Conduct staff development on the purpose and annual outcomes of the program.
2. Provide end-of-year reports on student placements to the SELPA and district staff.
3. Closely monitor the budget to ensure all funds are expended so that additional conditions are not imposed, and subsequent yearly income is not jeopardized.
4. Establish methods of communication on budget implementation and monitoring between the business office and SELPA Department.
5. Monitor implementation of program status quarterly and provide updates twice a year with the SELPA Department and the council of administrators.
6. Routinely supervise and evaluate staff.

Transition Partnership Program

The Department of Rehabilitation and the SELPA jointly fund the Transition Partnership Program to provide vocational rehabilitation services to eligible students. The program staff work closely with the department counselors throughout the referral, eligibility, planning and follow-up processes. The program staff also provide employment preparation and placement services.

Fiscal Year	2012-13	2013-14	2014-15
DOR to District	\$98,564	\$98,564	\$134,120
District Match	\$111,418	\$111,418	\$123,270

The operating Transition Partnership Program budget shows income from both the Department of Rehabilitation and a match made by the districts as shown in the chart below:

Three vocational specialists, and portions of a coordinator, program director, and a secretary are hired with this funding. The expenses are divided between the department contribution to district and the district match as shown below:

DOR Contribution to District

TPP Coordinator	I FTE = 40 hours per week	50% FTE
TPP Vocational Specialist	I FTE = 37.5 hour per week	100% FTE

District Match

TPP Program Director	I FTE = 40 hours per week	FY 2012-13 12%	FY 2013-14 12%	FY 2014-15 12%
Transition Vocational Specialist	I FTE = 37.5 hours per week	FY 2012-13 85%	FY 2013-14 85%	FY 2014-15 95%
TPP Vocational Specialist	I FTE = 37.5 hours per week	FY 2012-13 85%	FY 2013-14 85%	FY 2014-15 95%
TPP Secretary	I FTE = 40 hours per week	FY 2012-13 8.163%	FY 2013-14 8.163%	FY 2014-15 4.64%

While the grant's budget narrative describes duties and responsibilities, there is confusion regarding "who does what" regarding the functions performed by each person daily. It was reported that at least one staff member was not fully performing assigned job responsibilities, and that employees were not provided adequate supervision or evaluated annually. Implementation of the grant is not closely monitored and supervised, which causes accountability issues in the field and across departments.

The district hires some program staff utilizing some of the budget's match dollars with the understanding that those expenses will be shared by all four SELPA member districts. Documents were not provided to substantiate that the other three districts share in the cost of that portion of the program (\$123,270 for 2014-15 for example), or Castro Valley Unified absorbs the full expense. Billing to the department is not reportedly completed in a timely manner, some operating expenses were not billed on at least one occasion.

Recommendations

The district should:

1. Develop accountability procedures to ensure that staff responsibilities are met and the budget is fully spent in a timely manner.
2. Supervise and evaluate employees more consistently using an evaluation form that is duty specific.

3. Determine a method of reimbursement such as through ADA and the deadlines for reimbursement for the district match.
4. Invoice the Department of Rehabilitation by the 15th of each month.

Appendices

- A. Study Agreement**
- B. Memo Dated 2010**
- C. SCIA Manual**

Appendix A - Study Agreement



FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM STUDY AGREEMENT December 1, 2014

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the Castro Valley 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 assign professionals to study specific aspects of the district's operations. These professionals may include staff of the team, county offices of education, the California State Department of Education, school districts, or private contractors. All work shall be performed in accordance with the terms and conditions of this agreement.

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

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

The scope and objectives of this study are to:

1. Provide feedback regarding the extent to which a Response to Intervention model (RTI) is being implemented.
2. Determine whether the district provides special education and related services at or above the legally mandated level through an analysis of staffing ratios, class and caseload size using the statutory requirements for mandated services and statewide guidelines.

3. Review the efficiency of the staffing allocations of paraeducators throughout the school district. Analyze the procedures for identifying the need for par educators, and the processes used for monitoring the resources for allocating paraeducators and determining the ongoing need for continued support from year to year. (Include classroom and 1:1 para educators.)
4. Provide an analysis of all staffing and caseloads for related service providers: speech therapists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education staff, credentialed nurses and others.
5. Compare and analyze the roles, responsibilities and organizational structure of the district office staff such as the director of special education, program specialists, behavior specialists, support staff and the school site administration and make recommendations for greater efficiencies and effectiveness, if needed.
6. Review the use of resource allocations for nonpublic schools and agencies and mental health services, alternative programs and make recommendations for greater efficiency.
7. Review the costs of due process, mediations, and settlements for the past three years.
8. Determine the district's general education fund contribution to special education and make recommendations for greater efficiency.
9. Determine how the district can reduce deficit spending in special education and remain in compliance with appropriate laws and regulations.
10. Review the local plan and the allocation plan of the positions for SELPA director and program specialists and compare the time and funds used and allocated. Make recommendations for greater efficiency, if needed.
11. Review the Workability and Transition Partnership Program grants usage and distribution of funds. Make recommendations for greater efficiency, if needed.

B. Services and Products to be Provided

1. Orientation Meeting - The team will conduct an orientation session at the district to brief district management and supervisory personnel on the team's procedures and the purpose and schedule of the study.
2. On-site Review - The team will conduct an on-site review at the district office and at school sites if necessary.
3. Exit Report - The team will hold an exit meeting at the conclusion of the on-site review to inform the district of significant findings and recommendations to that point.

4. Exit Letter – Approximately 10 days after the exit meeting, the team will issue an exit letter briefly summarizing significant findings and recommendations to date and memorializing the topics discussed in the exit meeting.
5. Draft Reports - Electronic copies of a preliminary draft report will be delivered to the district's administration for review and comment.
6. Final Report - Electronic copies of the final report will be delivered to the district's administration and to the county superintendent following completion of the review. Printed copies are available from FCMAT upon request.
7. Follow-Up Support – If requested, FCMAT will return to the district at no cost six months after completion of the study to assess the district's progress in implementing the recommendations included in the report. Progress in implementing the recommendations will be documented to the district in a FCMAT management letter.

3. **PROJECT PERSONNEL**

The study team will be supervised by William P. Gillaspie, Ed. D., Deputy Administrative Officer, Fiscal Crisis and Management Assistance Team, Kern County Superintendent of Schools Office. The study team may also include:

<i>A. William P. Gillaspie, Ed.D.</i>	<i>FCMAT Deputy Administrative Officer</i>
<i>B. Jackie Kirk-Martinez</i>	<i>FCMAT Consultant</i>
<i>C. Donald Dennison</i>	<i>FCMAT Consultant</i>
<i>D. Sandra Kludt</i>	<i>FCMAT Consultant</i>
<i>E. Jackie Martin</i>	<i>FCMAT Consultant</i>

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

4. **PROJECT COSTS**

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

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

Based on the elements noted in section 2 A, the total estimated cost of the study will be \$25,000.

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

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

5. RESPONSIBILITIES OF THE DISTRICT

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

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

6. **PROJECT SCHEDULE**

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

Orientation:	March 9, 2015
Staff Interviews:	March 9 – 13, 2015
Exit Meeting:	to be determined
Preliminary Report Submitted:	to be determined
Final Report Submitted:	to be determined
Board Presentation:	to be determined, if requested
Follow-Up Support:	if requested

7. **COMMENCEMENT, TERMINATION AND COMPLETION OF WORK:**

FCMAT will begin work as soon as it has assembled an available and appropriate study team consisting of FCMAT staff and independent consultants, taking into consideration other jobs FCMAT has previously undertaken and assignments from the state. The team will work expeditiously to complete its work and deliver its report, subject to the cooperation of the district and any other parties from whom, in the team's judgment, it must obtain information. Once the team has completed its fieldwork, it will proceed to prepare a preliminary draft report and a final report. Prior to completion of fieldwork, the district may terminate its request for service and will be responsible for all costs incurred by FCMAT to the date of termination under Section 4 (Project Costs). If the district does not provide written notice of termination prior to completion of fieldwork, the team will complete its work and deliver its report and the district will be responsible for the full costs. The district understands and agrees that FCMAT is a state agency and all FCMAT reports are published on the FCMAT website and made available to interested parties in state government. In the absence of extraordinary circumstances, FCMAT will not withhold preparation, publication and distribution of a report once fieldwork has been completed, and the district shall not request that it do so.

8. **INDEPENDENT CONTRACTOR:**

FCMAT is an independent contractor and is not an employee or engaged in any manner with the district. The manner in which FCMAT's services are rendered shall be within its sole control and discretion. FCMAT representatives are not authorized to speak for, represent, or obligate the district in any manner without prior express written authorization from an officer of the district.

9. **INSURANCE:**

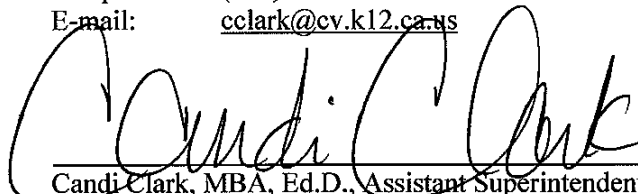
During the term of this agreement, FCMAT shall maintain liability insurance in an amount not less than \$1 million unless otherwise agreed upon in writing by the district, automobile liability insurance in the amount required under California state law, and workers compensation as required under California state law. FCMAT shall provide certificates of insurance, with additional insured endorsements, indicating applicable insurance coverages prior to the commencement of work.

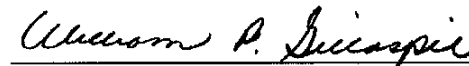
10. **HOLD HARMLESS:**

FCMAT shall hold the district, its board, officers, agents and employees harmless from all suits, claims and liabilities resulting from negligent acts or omissions of its board, officers, agents and employees undertaken under this agreement. Conversely, the district shall hold FCMAT, its board, officers, agents and employees harmless from all suits, claims and liabilities resulting from negligent acts or omissions of its board, officers, agents and employees undertaken under this agreement.

11. **CONTACT PERSON**

Name: Candi Clark, MBA, Ed.D.
 Telephone: (510) 537-3335 x1212
 E-mail: cclark@cv.k12.ca.us

 12/12/14
 Candi Clark, MBA, Ed.D., Assistant Superintendent Date
 Castro Valley Unified School District

 December 1, 2014
 William P. Gillaspie, Ed. D. Date
 Deputy Administrative Officer
 Fiscal Crisis and Management Assistance Team

Appendix B - Memorandum on Roles and Responsibilities of School Psychologists

Special Education
Castro Valley Unified School District

MEMORANDUM
Roles and Responsibilities of School Psychologists

Date: November 17, 2010

From: Blaine Cowick, Director of Special Education

To: Psychologists, Program Specialists, Speech Therapists and Behaviorist

Cc: Principals

This is to follow up on previous discussions regarding the role and responsibilities of District psychologists. In order to address a number of procedural violations that result in a denial of a free and appropriate public education to students, a number of changes in role and responsibilities are being asked of principals, teachers, program specialists and psychologists.

District psychologists have historically conducted only comprehensive psychological assessments. Psychologists have not been directly responsible for performing other duties that address the social, behavioral and mental health needs of students. Psychological assessments have often been waived at the elementary and middle school level, placing the District at significant risk for litigation. Psychologists have rarely been involved with the development of behavior plans, providing counseling services or for making referrals to Alameda County Mental Health. The following is a list of responsibilities that need to be implemented by psychologists, effective immediately, unless otherwise specified.

- 1) Psychological assessments are not to be waived at the elementary or middle school level, except under extraordinary circumstances. If psychologist staff are considering waiving assessments, these cases are to be reviewed and approved 60 days in advance of the 3-year re-evaluation due date by the Director of Special Education. Only cases where consistent results have been obtained on two consecutive evaluations and there are no other suspected areas of disability should a waiver be considered (this includes students with a primary diagnosis of Autism).
- 2) When conducting initial evaluations for students who have suspected deficits in the area of language, a comprehensive psychological evaluation needs to be completed. For 3-year re-evaluations, students who meet eligibility as Speech and Language Impaired need to be provided comprehensive psychological evaluations when they have deficits in the area of language, or are receiving resource specialist or special day class services.
- 3) Psychologists shall develop positive behavior intervention plans when behavior interferes with the learning process. Psychologists will receive Behavior Intervention Case Management (BICM) training from the SELPA. The District Behaviorist should be contacted for consultation or referral when more serious behavior problems occur with students with moderate/severe disabilities. All referrals to the District Behaviorist should come from the psychologists or from special education administrative staff.
- 4) Psychologists should provide psychological counseling services when students are at risk for needing Alameda County Mental Health referrals and evaluations. Counseling should not be provided without appropriate adjustments to the IEP or previous behavior intervention plans. Referrals for psychologists counseling services should only come through principals or administrative staff.
- 5) Beginning August, 2011, psychologists will be responsible for completing referrals to Alameda County Mental Health and for case managing these referrals through the IEP process.

All issues described above will be addressed through ongoing discussion and training as appropriate. Please let me know if you have concerns or questions regarding this information.

Appendix C - Special Circumstances Instructional Assistance Manual

Process for Requesting Special Circumstance Instructional Aides

Guidelines and Forms

Guidelines for Requesting Special Circumstance Instructional Assistance

Rationale: Special circumstance instructional assistance (SCIA) may be indicated in situations where additional staff support is needed in the classroom or en route to and from school due to 1) pervasive and aggressive student behaviors directed towards self or others, or 2) intensive student needs.

Factors for review and consideration:

The goal for any special needs student is to encourage, promote, and maximize independence. If not carefully monitored, special circumstance instructional assistance can easily and unintentionally foster dependence. A student's total educational program must be carefully evaluated to determine where support is indicated. Natural support and existing staff support should be used whenever possible to promote the least restrictive environment.

Special factors for students residing in the _____:

1. All requests for SCIA shall be submitted to the Director of Special Education. SCIA should not be indicated in individual student IEP's as a service. However, in certain circumstances the need for additional support may need to be indicated in a student's IEP. In those instances, the need shall be indicated in the present levels or meeting notes as "100% supervision."
2. For services requiring additional personnel support as a result of student-related behavioral issues, a positive behavioral support plan or Behavior Intervention Plan should be developed and should include provisions describing how and when the support will be utilized to implement the plan and when the plan will be reviewed and modified, including the fading of SCI Assistance.
3. Observational assessments and team staffings will be conducted on a quarterly basis to evaluate the continued need for SCIA.

Budget coding for additional paraeducator support (classroom and/or transportation):

0100-56400-0-5750-3142-220004-XXXX-XXX

0100-65000-0-5750-1110-210004-XXXX-XXX

The appropriate code must be entered on all status forms and payroll timesheets.

The Special Education Department Accountant shall receive a copy of all SCIA requests and shall be notified routinely of all excess costs.

Process for requesting SCI Assistance:

1. Complete the Request for Special Circumstance Instructional Assistance (for Classroom Support and/or Transportation Support).
2. Complete the Observational Evaluation for SCI Assistance (For Individual Student Support only).

3. Complete the Student Needs for Additional Support Rubric (For Classroom Support , Individual Student Support and Transportation Support).
4. Complete the Class Weighting Worksheet (For Classroom Support only).
5. Attach supporting documentation if pertinent (IEP, Behavior Plan, etc.).
6. Submit all paperwork to the Director of Special Education.
7. Upon approval, complete the Request for Long-term Substitute for classroom support and/or an employee status form for transportation support (regular employee ride along).
8. All forms will be disseminated to the Special Education Accountant, Human Resources Department, Program Specialist and Special Education Director.
9. The Special Education Director will assist the site during each quarter to review the need for on-going SCIA classroom and/or transportation support.

Request for Special Circumstance Instructional Aide

Student-Related: Classroom Support or Individual Student

Please complete all required information and return to the Special Education Department, Director of Special Education. Notification of approval will be provided to the Program Manager, Special Education Accountant, Finance Department, and Human Resources Department.

Program _____ *Teacher* _____

Program Specialist _____ **Date** _____

Complete 1 or 2:

1. Classroom Support _____ Class Location _____

2. Individual Student Support _____ **Name** _____

District of Residence _____ **DOB** _____

All requests for Special Circumstance Instructional Assistance are reviewed quarterly.
Please attach required forms and supporting documentation (Refer to SCIA Guidelines).

Requested Start Date _____ *Anticipated Ending date* _____

Department Approval:

Program Specialist _____ Date _____

Special Education Director/Administrator _____ Date _____

Comments:

SCIA Assignment Codes:

0100-56400-0-5750-3142-220004-XXXX-XXX

0100-65000-0-5750-1110-210004-XXXX-XXX

Enter budget code:

FUND	RESOURCE	YEAR	GOAL	FUNCTION	OBJECT	DEPT.	MANAGER

SCIA: rev. 9/10/09

Request for Special Circumstance Instructional Aide
Student-Related/Transportation Support

Please complete all required information and return to the Special Education Department, Director of Special Education. Notification of approval will be provided to the Program Manager, Special Education Accountant, Finance Department, and Human Resources Department.

Program _____ *Teacher* _____

Program Specialist _____ **Date** _____

Student _____ **DOB** _____

District of Residence _____ **Classroom** _____

Requested Start Date _____ *Anticipated Ending date* _____

Transportation Provider (check one): _____ **District of Residence** _____ **First Student**

Rationale for ride-along support: (Attach additional information/documentation)

Department Approval:

Program Specialist

Date

Special Education Director

Date

Comments:

SCIA Assignment Codes:
0100-56400-0-5750-3142-220004-XXXX-XXX
0100-65000-0-5750-1110-210004-XXXX-XXX

Enter budget code:

FUND	RESOURCE	YEAR	GOAL	FUNCTION	OBJECT	DEPT.	MANAGER

Special Education Class Weighting Worksheet

Program: _____ **Teacher:** _____ **Site:** _____

Contact phone	Total Number of Students	Total Number of Paraeducators

[illegible]

Rating System:

1. Write the "letter" for each of the items that apply to students in the columns above.
2. Tally and enter the number of individual items for all students in the area provided next to the items at the top of the columns. Example: If five students have a "Specialized health plan" in place, mark a "5" on the line next to "A. Specialized health plan" in the first column.
3. Please provide data for each item marked.

Form to be completed by Program Specialist or Psychologist.

Student Needs for Additional Support Rubric

Student Name:

DOB:

Disability:

Date Reviewed:

Teacher:

Current Program:

Select the number that best describes the student in each rubric category that is appropriate.

	<i>Health/Personal Care/Rating</i>	<i>Behavior/Rating</i>	<i>Instruction/Rating</i>	<i>Inclusion/Mainstreaming/Rating</i>
0	General good health. No specialized health care procedure, medications taken, or time for health care. Independently maintains all "age appropriate" personal care.	Follows adult directions without frequent prompts or close supervision. Handles change and redirection. Usually gets along with peers and adults. Seeks out friends.	Participates fully in whole class instruction. Stays on task during typical instruction activity. Follows direction with few to no additional prompts.	Participate in some core curriculum within general education class and requires few modifications. Can find classroom. Usually socializes well with peers.
1	Mild or occasional health concerns. Allergies or other chronic health conditions. No specialized health care procedure. Medications administration takes less than 10 minutes time. Needs reminders to complete "age appropriate" personal care activities.	Follows adult direction but occasionally requires additional encouragement and prompts. Occasional difficulty with peers or adults. Does not always seek out friends but plays if invited.	Participates in groups at instructional level but may require additional prompts, cues or reinforcement. Requires reminders to stay on task, follow directions and to remain engaged in learning.	Participates with modification and accommodation. Needs occasional reminders of room and schedule. Requires some additional support to finish work & be responsible. Needs some social cueing to interact with peers appropriately.
2	Chronic health issues, generic specialized health care procedure. Takes medication. Health care intervention for 10-15 min daily (diet, blood sugar, medication). Requires reminders and additional prompts or limited hands on assistance for washing hands, using bathroom, wiping mouth, shoes, buttons, zippers, etc. Occasional toileting accidents.	Has problems following directions and behaving appropriately. Can be managed adequately with a classroom behavior management plan, but unable to experience much success without behavior support plan implementation.	Cannot always participate in whole class instruction. Requires smaller groups and frequent verbal prompts, cues or reinforcement. On task about 50% of the time with support. Requires more verbal prompts to follow directions.	Participates with visual supervision and occasional verbal prompts. Requires visual shadowing to get to class. Needs modifications & accommodations to benefit from class activities. Regular socialization may require adult facilitation.
3 *	Very specialized health care procedure and medication. Limited mobility. Physical limitations requiring assistance (stander, walker, gait trainer or wheelchair). Special food prep or feeding. Health related interventions 15-45 min. daily. Frequent physical prompts and direction assistance for personal care. Food prep required regularly. Requires toilet schedule, training, direct help, diapering.	Serious behavior problems almost daily. Defiant and/or prone to physical aggression. Requires a Behavior Intervention Plan (BIP) and behavior goals and objectives on the IEP. Requires close visual supervision to implement BIP. Medication for ADD/ADHD or other behaviors.	Difficult to participate in a large group. Requires low student staff ratio, close adult proximity and prompts including physical assistance to stay on task. Primarily complies only with 1:1 directions & monitoring. Cognitive abilities & skills likely require modifications not typical for class as a whole. Needs Discrete Trial, ABA, Structured Teaching, PECS. Requires signing over 80% of time.	Participation may require additional staff for direct instructional and behavioral support. Requires direct supervision going to & from class. Always requires modifications & accommodations for class work. Requires adult to facilitate social interaction with peers.
4 *	Specialized health care procedure requiring care by specially trained employee (G tube, tracheotomy, catheterization.) Takes medication, requires positioning or bracing multiple times daily. Health related interventions 45 min. daily. Direct assistance with most personal care. Requires two-person lift. Direct 1:1 assistance 45 or more minutes daily.	Serious behavior problems with potential for injury to self and others, runs-away, aggressive on a daily basis. Functional Analysis of Behavior or Hughes Bill has been completed and the student has a well-developed BIP, which must be implemented to allow the student to safely attend school. Staff has been trained in the management of assaultive behaviors.	Cannot participate in a group without constant 1:1 support. Requires constant verbal and physical prompting to stay on task and follow directions. Regularly requires specific 1:1 instructional strategies to benefit from the IEP. Cognitive abilities and skills require significant accommodation and modification not typical for the class group.	Always requires 1:1 staff in close proximity for direct instruction, safety, mobility or behavior monitoring. Requires 1:1 assistance to go to and from class 80% of the time. Requires adult to facilitate social interaction with peers and remain in close proximity at all times.

*Attach a copy of documentation indicating frequency and duration over a period of time to determine further consideration of special circumstance instructional assistance. If mostly ratings of 3's & 4's, in two or more areas, continue with needs assessment process.

Observational Evaluation for SCI Assistance

Student: _____ School: _____

Teacher: _____ Date: _____

Observer's Name/Title: _____ Setting: _____

Section I: Please complete the following review of the visual and physical structure of the classroom, curriculum design, data collection and planning.

Posted classroom schedule _____Yes _____No

If yes, complete section below:

1. The following elements are included in the classroom schedule:

☐ Times

☐ Students

☐ Staff names

☐ Locations

☐ Activities

2. The schedule is ☐ Daily ☐ Weekly ☐ Other

Individual student schedule _____Yes _____No

If yes, complete section below:

1. Student uses the following format for individualized schedule:

☐ Object

☐ Photograph

☐ Picture

☐ Icon

☐ Word

2. Room is arranged with structure to correlate with tasks on schedule:

☐ Area for one-to-one work

☐ Area for group work

☐ Not applicable

☐ Area for independent work

☐ Area for leisure

3. Student ability to follow the schedule:

☐ Independent

☐ Non-verbal with gestural prompt

☐ With indirect verbal prompt

☐

☐ With direct verbal prompt
With physical prompt

☐ Consistent ☐ Inconsistent

4. Student use of the schedule:

☐ Student carries schedule

☐ Student goes to schedule board

☐ Student uses transition cards

☐ Teacher carries and shows the schedule

☐ Consistent ☐ Inconsistent

**Attach sample classroom schedule and individual student schedule*

Curriculum and instructional planning

1. Check the curricular domains included in the student's program:

- ☐ Communication
- ☐ Self care

- ☐ Academics
- ☐ Motor skills/mobility

- ☐ Domestic
- ☐ Social/behavioral
- ☐ Pre-vocational/vocational

- ☐ Recreation/leisure
- ☐ Other:

2. Describe curricular accommodations and/or modifications currently being used:
3. List equipment or devices used /available that may relate to the need for assistance (may be low incidence equipment or assistive technology device):
4. Are materials and activities age appropriate? Yes No
5. Are materials and activities instructionally appropriate? Yes No

Current data systems and collection of data

Has data been collected on student performance? _____*Yes* _____*No*

If yes, complete section below:

1. Current data on each objective includes:

- ☐ Date
- ☐ Task
- ☐ Level of independence (prompting needed)

2. Data is collected:

- ☐ Daily
- ☐ Weekly
- ☐ Biweekly
- ☐ Monthly

3. Data is summarized in the following manner:

- ☐ Graphed
- ☐ Written narrative
- ☐ Other

****Attach sample***

Behavior and safety

1. Describe the behavior management system in the classroom, including positive reinforcers and consequences. Is the system appropriate for the student or does it need modification?
2. Are specific positive behavior supports utilized for the student? Yes No
Describe:
3. Is there appropriate safety equipment in place? Yes No
4. Are appropriate safety and medical procedures being used? Yes No
5. Does it appear appropriate training has been provided? Yes No

Comments:

6. Describe the student's interactions with peers:
 7. Describe the student's interaction with non-classroom staff in a less structured environment:
 8. What activities does the student choose during breaks?
 9. What problems are evident?
-

Planning team meetings

1. Are team meetings held? (formal or informal meetings to problem solve)

Yes

No

If yes, complete section below:

☐ Daily

☐ Weekly

☐ Need to be schedule

☐ Biweekly

☐ Monthly

Meetings include the following participants:

Current utilization of assistance

How is existing assistance utilized?

☐ Behavior management

☐ Curriculum adaptation and preparation

☐ Instruction - individual

☐ Instruction - group

Other

☐ Medical assistance

☐ Supervision

☐

Team Summary/Action Plan

1. Can current conditions be modified to meet the student's goals and objectives and/or personal care needs? If so, how?

2. What other types of assistance are needed? Why?

3. Are there any other issues that need to be addressed?

4. Recommendations:

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Techniques to Promote Independence and Fading of Support

1. Watch before assisting. Can the student ask for help from teacher or peer?
2. Can the student problem solve independently?
3. Give the student extra time to process and respond before assisting.
4. Provide consistent classroom schedule (posted, visual, at desk if needed, reinforcement periods included). Teach the student how to use it.
5. Start with the least intrusive prompts to get the student to respond:
 - A. Gestural, hand or facial signals
 - B. Timer
 - C. Verbal
 - D. Light physical
 - E. Hand over hand
6. Prompt, then back away to allow independent time.
7. Use strengths and weaknesses, likes and dislikes to motivate student participation and interest.
8. Model; guide (watch and assist); check (leave and check back).
9. Teach independence skills (raising hand, asking for help, modeling other students).
10. Praise for independent attempts.
11. Direct the student to answer to the teacher.
12. Prompt the student to listen to the teacher's instructions. Repeat only when necessary.
13. Encourage age appropriate work habits. See what other students are doing.
14. Be aware of proximity. Sit with the student only when necessary.
15. Encourage peer assistance and partnering. Teach peers how to help, not enable.
16. Utilize self-monitoring checklists for student.
17. Color code materials to assist with organization.
18. Use transition objects to help the student anticipate/complete transition (i.e., head phones for listening center).
19. Break big tasks into steps.
20. Use backward chaining (i.e., leave the last portion of a cutting task for the student, then gradually lengthen the task).
21. Assist in encouraging a means for independent communication (i.e., PECS).
22. Provide positive feedback (be specific to the situation).
23. Ask facilitative questions ("What comes next?" "What are other students doing?" "What does the schedule say?" "What did the teacher say?").
24. Give choices.

Instructional Aide Guidelines

I. GUIDING PRINCIPLES

A. Rationale

SELPA is committed to providing a full continuum of placement options for students with identified disabilities who are receiving special education services. The Individuals with Disabilities Education Act (IDEA2004) and California laws and regulations describe a continuum of alternative placements such as instruction in general education classes, special classes, special schools, home instruction and instruction in hospitals and institutions. Both federal and state laws contain provisions to ensure that children with disabilities are educated to the maximum extent possible with children who are not disabled and that children are removed from the general education environment only when the nature of the disability is such that education in the general education classroom cannot be satisfactorily achieved with the use of related services.

B. Related Services

California's related services as defined in Education Code and Title V regulations are referred to as Designated Instruction and Services or DIS. IDEA2004 defines Related Services as signifying the utilization of aids, services, and other supports that are provided in general education classes or other education-related settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate. This applies to any general education program or special education program in which the student may participate.

C. Special Needs Assistant/Support

By law, services to students with special needs must be delivered in the least restrictive environment (LRE). When an IEP Team is considering a special needs assistant for a student, all aspects of the student's program must be considered with the intent of maximizing the student's independence. It must be acknowledged that the teacher, rather than the assistant, is responsible for the design and implementation of the student's program. The IEP team must consider the student's personal independence when discussing the necessity for a special needs assistant. The foremost educational goal for any special needs student is to encourage, promote, and maximize independence. Without proper consideration of the role of a special needs assistant, the presence of such support may unintentionally foster dependence. The team must carefully evaluate a student's total educational program to determine where support is indicated. Natural support, existing staff support, and/or other classroom modifications/supports (e.g. assistive technology, behavior plan) should be used whenever possible to promote the least restrictive environment (LRE).

D. Other considerations

- The IEP Team needs to base the decision for a special needs assistant as a related service on appropriate documentation and assessment. A special needs assistant is considered only in instances where the student is not able to
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benefit from a Free and Appropriate Public Education without such support. Specifically the program modifications or supports for school personnel (special needs assistant) are necessary to assist the student to:

- ◆ Advance appropriately toward the annual goals
 - ◆ Be involved in and progress in the general curriculum
 - ◆ Participate in extracurricular and other nonacademic activities; and,
 - ◆ Be educated and participate with other disabled and non-disabled students.
- If a special needs assistant is necessary for curricular purposes, the IEP Team must consider if the current goals and objectives are appropriate and if the proposed placement is truly the least restrictive environment for the child.
 - If a special needs assistant is necessary for behavioral concerns, the IEP Team must have charted behaviors and implemented an appropriate behavior plan before they consider a special needs assistant.
 - The school nurse should be a part of the IEP Team discussion whenever assistance is needed due to a medical need.

II. PROCEDURES/ADMINISTRATIVE GUIDELINES

A. Complete an Evaluation

Members of the school education team need to complete the Evaluation to determine the Appropriateness for a Special Needs Aide form to evaluate the need for additional classroom support.

B. Schedule IEP Meeting

If, after completing the form, it is determined that a special needs assistant (for the classroom or for a specific student) is needed, an IEP meeting should be scheduled and should include an appropriate district of residence administrator/designee.

C. The IEP needs to include the following:

1. A statement that the special needs assistant is necessary for the child to benefit from his/her educational program with a specific statement of how the related service will assist the child. Specify the conditions and circumstances under which the special needs assistant appears appropriate for the student.
 2. An objective manner (criteria) for evaluating whether the addition of personnel assists the child in benefiting from his/her educational program.
 3. A statement of the frequency and location of the related service(s).
 4. A statement of the duration of the services. A short-term special needs assistant could be used for an evaluation period or transition period not to exceed eight weeks.
 5. A statement of the role of the special needs assistant as well as the role of the teacher and any other professionals responsible for the student's education.
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6. A systematic written plan to address how the additional personnel support will be monitored and to address the criteria for fading that support as the student gains independence.
7. The schedule for review of the student's program which leads to the fading of the assistant. It is recommended that the team meet at least every six months except for cases of extreme medical need.
8. Goals/objectives that address the skills needed by the child in order for the special needs assistant to be faded.
9. A behavior plan for a student requiring a special needs assistant for behavior. The behavior plan needs to include a description of how and when support, including personnel, will be utilized to implement the plan and when the plan will be reviewed and modified.
10. If the student has instructional needs requiring additional personnel, a written plan must be developed by the general and/or special education teacher(s) based on appropriate assessment information. The plan must specify how the additional personnel will be utilized to support the teacher in implementing the student's goals and objectives. Additionally, the plan must indicate what attempts will be made to transition to other available classroom resources and supports. (timeline, criteria, and specific resources and supports)

Evaluation to Determine the Appropriateness for a Special Needs Aide

Date:			
Student:			Grade: <input type="text"/>
Teacher:		Title:	
School Site:			Room Number: <input type="text"/>
Instructional Setting:			

When completing the form, please use the back pages of the form as necessary to give complete information.

A. Curriculum and Instructional Planning

1. Check the curricular domains included in the student's IEP:

___ Communication

___ Academic/Pre-academic

_____Self-Care

_____Behavior

_____Pre-vocational, Vocational_____Motor skills/Mobility

_____Other (specify: _____)

2. Is the student currently making progress towards the IEP goals?

_____Yes (all)

_____Yes (some)

_____No

3. If limited or no progress is being made, what factors are responsible for this?

4. Describe all interventions attempted including the duration of the intervention and the success or lack of success for each intervention.

5. List equipment or devices used that may relate to the need for assistance.

6. Describe reinforcers and reinforcement schedule used.

7. List materials and activities being used as part of the student's instructional program.

8. Does the student have behaviors that negatively impact the learning environment for other students? (Please include all documentation of attempts to reduce the behavior including a behavior plan.)

B. Classroom Environment

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1. Attach a diagram of the arrangement of the furniture and instructional areas that provide the physical structure of the classroom. Does the physical environment of the classroom present barriers to the student's participation in the curriculum? If yes, how?

1. Describe the classroom schedule and visual supports provided for the student.

2. Describe the classroom management system.

Are the visual structures in place enough to meet the student's needs? If no, what else is needed? Is the current classroom management system working for the student? If no, what else is needed?

3. Are distractions occurring in the classroom that interfere with student learning? If yes, what are they?

C. Determining Student Access to the Curriculum

1. What part(s) of the curriculum is accessible to the student given the natural or available supports?
2. What part(s) of the curriculum is not accessible given the natural or available supports?

What factors prevent the student's participation in this aspect of the curriculum?

D. Determining Available Supports

1. What supports (personnel, environmental, structural, instructional) are available for the student in the natural environment?
 2. Describe other school personnel that might be available to support the student's needs? (classroom teacher, special education teacher, special education paraprofessional, other school instructional aides, peer support, etc.
 3. Describe other modifications or supports that might be considered for the student that have not been tried. (change of classroom environment, classroom management plan, individual behavior plan, assistive technology)
 4. Please check any intervention below that might be helpful to try before consideration of a **special needs aide**.
 - a. ____ Training for instructional staff (specify what type)
 - b. ____ In class coaching
 - c. ____ Consultation in the classroom
 - d. ____ Behavior observation/support
 - e. ____ Other (please specify)
 5. If a **special needs aide** is being contemplated, does the assistant need to be assigned to one student or could the assistant be assigned to the entire class?
 6. Specify exactly what times during the day the student could participate without the support of the **special needs aide**.
-

Time of Day	Activity

If a **special needs aide** is contemplated for this student, what part(s) of the day would the student require support? What type of support would be given?

Time of Day	Activity	Anticipated Support

E. Determining the Need for Assistance

_____ The student is able to access the curriculum in the least restrictive environment with supports currently available in the school environment.

_____ The student is not able to access the curriculum in the least restrictive environment using natural and/or available supports for the following reason(s):

_____ Intensive medical need (attach documentation)

_____ Serious behavior (attach documentation of attempted interventions and current behavior plan)

_____ Low Incidence needs (scribe, sign language translator, notetaker, etc.)

_____ Basic life function assistance

_____ Other (curricular, mobility, etc.)

Specify: _____
