

March 29, 2016

Marguerite D. Bulkin, Superintendent
Tuolumne County Superintendent of Schools
175 Fairview Lane
Sonora, CA 95370

Dear Superintendent Bulkin,

In January 2016, the Tuolumne County Superintendent of Schools (county office) entered into an agreement with the Fiscal Crisis and Management Information Team (FCMAT) for a special education technical assistance review. The study agreement requested that FCMAT perform the following:

1. Provide consultation and technical assistance to the SELPA/director of special education regarding the special education delivery system in Tuolumne County.
2. Ensure that the local plan and procedural manual comply with federal and state regulations and that the governance council is involved and monitors the Tuolumne County special education program and fiscal policy making.
3. Discuss budget development for 2016-17 with the director of special education, and strategies for budget monitoring from January to June 2016.

The purpose of this management letter is to provide the findings and recommendations developed by FCMAT in response to this request. FCMAT conducted staff interviews at the county office on March 9-11, 2016. The FCMAT study team also reviewed various documents collected before and during the visit. This management letter is the result of those efforts.

Study Team

The study team was composed of the following members:

William P. Gillaspie, Ed.D.

FCMAT Deputy Administrative Officer
Bakersfield, CA

Jackie Kirk-Martinez, Ed.D.

FCMAT Consultant
Pismo Beach, CA

Each team member reviewed the draft letter to confirm its accuracy and to achieve consensus on the final recommendations.

FCMAT

Background

Tuolumne County has 11 school districts with a total enrollment of 6,100 students, 915 of whom are identified with individualized education programs (IEPs); 839 of those 915 students, are served directly by the Tuolumne County Superintendent of Schools (county office). The county office serves students ages three to 22 at eight K-8 elementary schools, three comprehensive high schools, two alternative education schools, an adult transition school, and two charter schools.

Findings and Recommendations

There is uncertainty among the SELPA, the county office and the county's 11 school districts regarding which entity provides direct services. Specifically, there is a lack of distinction and delineation between the county office and the SELPA as separate entities, and as a result the SELPA is frequently listed or referenced as a direct provider of services even though this is not the case because this is a function of the county office, or in some cases one of the districts in the county.

To avoid continuing this uncertainty, this technical assistance letter will refer to the direct service provider as the county office when discussing any direct services not provided by the districts.

Special Education Delivery System

FCMAT was asked to provide consultation and technical assistance to the SELPA/director of special education regarding the special education delivery system in Tuolumne County.

Through interviews and a review of documents, FCMAT found that staff are performing SELPA duties and that students are receiving direct services according to their respective IEPs; however, as mentioned above, the roles and functions of the county office and the SELPA are not clearly distinguished and delineated from one another, resulting in uncertainty, and the SELPA rather than the county office is frequently listed or referenced as the provider of service.

Because the districts provide services for students with mild to moderate disabilities and the county office provides all other special education services including related services, FCMAT is confident that students are receiving a continuum of services. Further analysis is needed to differentiate the SELPA responsibilities and the county office responsibilities to all districts and students.

The least restrictive environment for special education students is general education. Districts are required to provide services in general education classes first and pull-out services only when students are unable to access services and progress in their education. When a student is referred to the county office for a special day class (SDC) program and is not attending their neighborhood school, it is considered a restrictive environment. Districts should consider all neighborhood school options before referring students to the county office. Further analysis is needed to determine district-level least restrictive environment options.

Staff expressed concern that the county office programs located on district school campuses are segregated and noninclusive. For example, none of the students served by the county office are invited to grade-level or subject-level field trips; their bell schedules vary and are different from the general education population except for at high schools; classrooms do not receive campuswide all-calls; and parents do not receive equal notification of events and emergencies.

Individuals interviewed reported that students who receive services from a district and who are not on the diploma track are referred to the county office's transition program for students ages 18-22, which focuses on functional living skills, instead of being offered a fifth year of high school opportunity. However, depending on the needs of the individual student, the county office transition program may be too restrictive. The high schools should consider offering a fifth-year program before referring a student to a functional living program.

Documents and individuals interviewed indicated that districts within the SELPA have inconsistent student study team (SST) procedures and are lacking in the use of Response to Intervention (RtI) countywide. School psychologists have the background and training to help districts with suggestions and recommendations for accommodations, modifications and interventions that can be provided before a determination of referral to special education is made. However, psychologists are employed by the county office and do not regularly attend district SST meetings. Psychologists should be a part of the SST meetings to help districts determine the need for student assessment. With leadership from the Educational Services Department, the county office should collaborate with all districts and develop a rigorous RtI model and plan as well as a consistent SST process.

Local Plan, Procedural Manual, and Governance Council Involvement

FCMAT was asked to determine whether the local plan and procedural manual comply with federal and state regulations and whether the governance council is involved and monitors the Tuolumne County special education program and fiscal policymaking.

There is confusion countywide regarding the roles and responsibilities of the SELPA and county office. In the early 1970s important federal and state laws were passed, including federal laws PL 93-112 and PL 94-142. In 1987, PL 99-457 was passed, which expanded services to preschool children. In response to these laws, legislation was passed in California that requires local districts and agencies to establish SELPAs to address the needs of all children with disabilities.

These laws and regulations promote changes and procedures leading to the following:

- Accountability
- Annual reviews of progress
- California Special Education Management Information System (CASEMIS) reporting
- Career training
- Community involvement and support
- Compliance reviews
- Coordination of resources among districts by regions
- Desired Results Developmental Profile (DRDP) assessment and data reporting
- Due process rights
- Educational benefit
- Full services to all students with disabilities
- Guaranteed equality of access
- Improved self-esteem for children with disabilities

- Increased parent participation
- Individualized education programs (IEPs)
- Placement in the least restrictive environment
- Local governance systems
- Program evaluation
- Quality program reviews
- Social acceptance of children with disabilities
- Staff development programs
- State performance plan indicator data collection
- Transition from school to post-secondary education and employment

The county superintendent of schools is responsible for examining and approving school district budgets. Assembly Bill 1200, passed in 1991, gives county superintendents additional powers to enforce sound budgeting to ensure the fiscal integrity of school districts.

County offices of education support school districts by performing tasks that can be done more efficiently and economically at the county level. County offices provide or help formulate new curricula; provide staff development and training programs and instructional procedures; design business and personnel systems; and perform many other services to meet changing needs and requirements. When economic or technical conditions make county or regional services most appropriate for students, county offices provide a wide range of services, including special and vocational education, programs for youths at risk of failure, and instruction in juvenile detention facilities. In addition, several statutes now give county offices of education responsibility for monitoring districts for adequate textbooks, facilities, and teacher qualifications.

The Tuolumne County Special Education Local Plan has not been updated since 2003, which was prior to the reauthorization of the Individuals with Disabilities Education Act (IDEA). FCMAT's review of the local plan revealed that it is outdated and not in effect for the SELPA. The 2003 local plan is not complete: it lacks the necessary components to include the 602 allocation plan and the mental health plan. However, a committee has been established to update the local plan and includes the following members:

- i. Community advisory committee
- ii. County superintendent
- iii. Psychologists
- iv. Director
- v. District superintendents
- vi. District board members
- vii. Related service providers

Although this committee has met several times this year and is making progress on the updates, many questions and concerns persist about the SELPA's duties versus the county office responsibilities and the lack of formal funding plans. Because of this, the update should be temporarily suspended until further analysis of programs, funding formulas and processes are established. Immediate attention should be directed to the development of an allocation plan, a mental health plan, and the establishment of clearly defined and distinguished SELPA and county office roles and responsibilities. The local plan should be updated as soon as these issues are defined and clarified, and no later than the end of 2016-17 school year.

The SELPA procedure handbook has not been updated for many years. It is unclear to SELPA and county office staff what purpose it serves to the districts. The SELPA handbook should be updated immediately and sections added to it to help all districts and the county office with procedures and processes for all areas within special education, including pre-referral and pre-identification. The SELPA should form a committee consisting of district staff, SELPA staff and county office staff to develop the handbook. The SELPA should provide professional development countywide to all its staff and member districts.

Budget Development and Monitoring

FCMAT was asked to discuss budget development for 2016-17 with the director of special education, and strategies for budget monitoring from January to June 2016.

There is no allocation plan within the SELPA or county office to help develop a systematic budget plan for the 2016-17 fiscal year. Because there is no allocation plan to differentiate resource codes into specific line items, the SELPA governing board should recommend that the SELPA finance committee immediately develop a comprehensive plan. This will allow the SELPA, the county office and districts to understand the funding model and process for all special education monies from the federal and state governments, which in turn informs the SELPA governing board of the costs of services for students and allows districts to budget for potential revenues and excess costs.

Because there is no allocation plan established, for the 2016-17 school year, the county office should begin with a zero-based budget. Doing this will require clearly distinguishing and delineating SELPA positions and county office positions.

When developing the budget and ongoing best practices, the county office should establish formal monthly meetings of administrators from the special education, business and human resources departments. These meetings should include discussion of the following:

1. Budget development
2. Budget monitoring
3. Maintenance of effort requirements
4. Additional staff requests or changes in assignments
5. Nonpublic school and/or nonpublic agency contracts, invoices and new placements
6. Due process or complaint issues
7. Staff caseloads

8. Identified student counts
9. Identified needs

The SELPA and county office need to immediately determine and distinguish SELPA personnel positions, budget and roles from county office staffing positions, roles and budget.

Over the past 10 years there have been five SELPA/county office directors, including three in the last five years. This turnover may have contributed to the lack of understanding of the SELPA/county office, and the lack of an allocation plan, mental health plan, local plan update, and handbook update.

In addition to the above areas of review, the county superintendent asked that FCMAT provide information on any additional areas discovered during the course of its review that may need further analysis. The following list summarizes the areas in which FCMAT believes further analysis would benefit the county office, the SELPA and the county's 11 districts.

1. Analyze special education teacher staffing ratios, class and caseload size using the statutory requirements for mandated services and statewide guidelines.
2. Analyze all staffing and caseloads for related service providers: speech therapists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education teachers, credentialed nurses and others.
3. Review the use of mental health services and seek to increase efficiency.
4. Analyze the roles and responsibilities of the SELPA and the county office to increase efficiencies.
5. Analyze the cost of services provided to licensed children's institutions to increase efficiencies.
6. Review special education department staffing and organization in the county central office, including staffing comparisons, to ensure that clerical and administrative support, programs, and overall functionality are aligned with those of county offices of comparable size and structure. This review should include a comparison of the county office's special education staffing and organization with that of three to six similar-sized county offices using the Ed-Data website, or six county offices of education selected by the Tuolumne County Superintendent of Schools. The review should result in recommendations to improve staffing and organizational efficiency and effectiveness, and should also include SELPA department personnel needs and comparisons.
7. Review the charter schools' procedures and process for special education to increase efficiency.
8. Review the SELPAwide implementation of SSTs, RtI, and multi-tiered system of supports (MTSS) to improve efficiency and services to students.
9. Determine whether the 11 districts are overidentifying students for special education services compared to the statewide average identification rate, and seek to reduce

overidentification if needed while maintaining appropriate and effective services to students.

10. Conduct an evaluation of transportation services for special education students to ensure efficiency and identify potential cost savings. Implement use of a decision tree and IEP processes, and determine the best potential school site locations for placement of county office programs.
11. Analyze the county office's current cost and funding procedure, which uses off-the-top funding and bills for excess costs but lacks a comprehensive allocation model for all funding. Compare the current procedure to a direct fee-for-service approach used as part of a comprehensive allocation model to determine which is most effective and efficient.
12. Analyze the costs of the county office providing services to district students in comparison to districts becoming a regional program provider for specific programs; determine which is most efficient and effective.

Conclusion

This technical assistance letter has outlined specific areas that the county office and SELPA can immediately address to improve the overall efficiency and effectiveness of the special education delivery system. Improvements can be made in all areas discussed. The county office and the SELPA should determine priorities and establish a plan for implementation.

FCMAT thanks all the staff and administrators of the Tuolumne County Superintendent of Schools and the Tuolumne County SELPA for their cooperation during fieldwork. We appreciate the opportunity to serve the county office and SELPA and hope that this letter is beneficial to all concerned.

Sincerely,



William Gillaspie, Ed.D.

Deputy Administrative Officer