



CSIS California School Information Services

# Hesperia Unified School District

## Special Education Review

April 28, 2017



**Joel D. Montero**  
Chief Executive Officer







## CSIS California School Information Services

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April 28, 2017

David McLaughlin, Superintendent  
Hesperia Unified School District  
15576 Main Street  
Hesperia, CA 92345

Dear Superintendent McLaughlin:

In October 2016, the Hesperia 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. Review the district's implementation of Student Success Teams (SSTs), Response to Intervention (RtI), and Multi-Tiered System of Supports (MTSS) and make recommendations for improvements, if any.
2. Analyze special education teacher staffing ratios, class and caseload size using statutory requirements for mandated services and statewide guidelines and make recommendations for improvement, if any.
3. Review the staffing of both classroom and 1-to-1 special education paraeducators for efficiency and make recommendations for improvement, if any. Review the procedures for identifying the need for paraeducators, and the processes for monitoring the assignment of paraeducators and determining the need for continued support from year to year.
4. Review the Special Education Department's central office administrative and support staffing and make recommendations for improvement, if any.
5. Analyze whether the district provides a continuum of special education and related services from preschool through 22 years of age, and make recommendations for improvement, if any.
6. Analyze caseloads and staffing for related service providers including, but not limited to, speech pathologists, psychologists, occupational and physical therapists, behavior specialists, adaptive physical education teachers, and other staff who may provide Designated Instructional Services, and make recommendations for improvement, if any. This scope item will include a review of contracted services.

**FCMAT**

Joel D. Montero, Chief Executive Officer

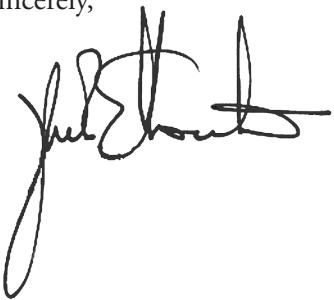
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Administrative Agent: Mary C. Barlow - Office of Kern County Superintendent of Schools

7. Review county office of education (COE), nonpublic school and nonpublic agency costs and placements, and make recommendations for improving cost efficiencies and the placement process, if any.
8. Review services provided by the COE and analyze possible advantages of having the district provide those services, if any.
9. Review the process used to ensure that the least restrictive environment is provided and to determine whether services will be increased or reduced when transitioning students from elementary to middle school and from middle school to high school. Make recommendations for improvement, if any.
10. Review the district's unrestricted general fund contribution to special education and make recommendations for greater efficiency, if any.

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 Hesperia Unified School District for their cooperation and assistance during fieldwork.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel D. Montero".

Joel D. Montero  
Chief Executive Officer

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# About FCMAT

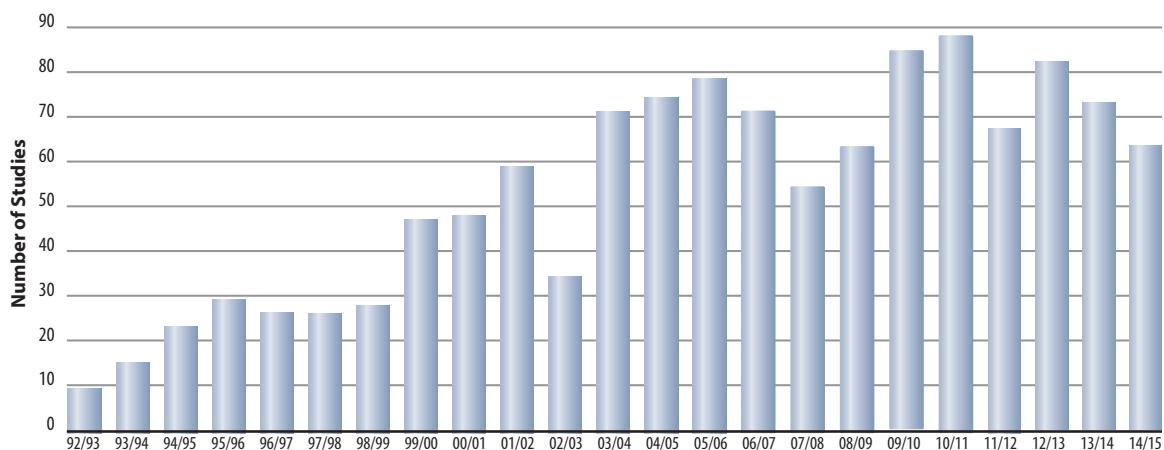
FCMAT's primary mission is to assist California's local K-14 educational agencies to identify, prevent, and resolve financial, human resources and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related 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, support the training and development of chief business officials and help to create efficient organizational operations. FCMAT's data management services are used to help local educational agencies (LEAs) meet state reporting responsibilities, improve data quality, and inform instructional program decisions.

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 LEA 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.

FCMAT has continued to make adjustments in the types of support provided based on the changing dynamics of K-14 LEAs and the implementation of major educational reforms.

**Studies by Fiscal Year**



FCMAT also develops and provides numerous publications, software tools, workshops and professional development opportunities to help LEAs operate more effectively and fulfill their fiscal oversight and data management responsibilities. The California School Information Services (CSIS) division of FCMAT assists the California Department of Education with the implementation of the California Longitudinal Pupil Achievement Data System (CALPADS). CSIS also hosts and maintains the Ed-Data website ([www.ed-data.org](http://www.ed-data.org)) and provides technical expertise to the Ed-Data partnership: the California Department of Education, EdSource and FCMAT.

FCMAT was created by Assembly Bill (AB) 1200 in 1992 to assist LEAs to meet and sustain their financial obligations. AB 107 in 1997 charged FCMAT with responsibility for CSIS and its statewide data management work. AB 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. AB 2756 (2004) provides specific responsibilities to FCMAT with regard to districts that have received emergency state loans.

In January 2006, Senate Bill 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

The Hesperia Unified School District was formed in 1987 by combining Hesperia Elementary School District and a portion of the Victor Valley Union High School District. The district's boundaries include the city of Hesperia as well as unincorporated areas of the county of San Bernardino, which encompasses an area of approximately 70 square miles.

The district serves approximately 21,500 students in three comprehensive high schools, two continuation high schools, three middle schools, 12 elementary schools, three choice schools, two alternative schools, one adult education school, and five charter schools. With more than 2,500 staff members, the district is the largest employer in the high desert.

Beginning in 1977, all school districts and county school offices in the state were required to belong to a special education local plan area (SELPA) to address the needs of disabled children. All SELPAs have the same basic goal of delivering high-quality special education programs and services to these students in the most effective, efficient, and cost-effective manner feasible.

SELPAs generally come in two types. The single-district SELPA serves one district that may be unified or nonunified. This SELPA generally functions within the district's administrative structure and operates all of the district's special education programs as well as providing the functions of the SELPA. The second type is a multidistrict SELPA, which may or may not operate programs along with providing SELPA functions. The Hesperia Unified School District is one of 30 members of the multidistrict Desert/Mountain SELPA.

In October 2016, the district requested that FCMAT review its special education programs and services.

## Study and Report Guidelines

FCMAT visited the district on December 6, 7 and 8, 2016 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
- SST/RtI2/MTSS/PBIS
- Staffing and Caseloads
- Instructional Assistants
- Organizational Structure
- Continuum of Services
- Related Service Provider Caseloads
- Nonpublic Schools and Agencies
- County Office of Education Services
- Least Restrictive Environment in the Transition Process

- Fiscal Issues
- 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:

Julie Auvil, CPA, CGMA	Jackie Kirk-Martinez, Ed.D.
FCMAT Intervention Specialist	FCMAT Consultant
Bakersfield, CA	Pismo Beach, CA
JoAnn Murphy	Don Dennison
FCMAT Consultant	FCMAT Consultant
Santee, CA	Arroyo Grande, CA
Jackie Martin*	Phillip Williams*
Assistant Superintendent	Associate Superintendent
Atascadero Unified School District	Placer County Office of Education
Atascadero, CA	Auburn, CA
Leonel Martínez	
FCMAT Technical Writer	
Bakersfield, CA	

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

# Executive Summary

FCMAT reviewed the Hesperia Unified School District's implementation of student success teams (SSTs), Response to Intervention (RtI<sup>2</sup>) and Multi-Tiered System of Supports (MTSS) and found that, while the district has some sites involved in these processes, none of them have been implemented districtwide. Although not included in the district's study agreement with FCMAT, district staff expressed that a fourth intervention program, Positive Behavior Interventions and Supports (PBIS) was also inconsistently implemented.

The district's identification rate for disabled students was 10.9% in 2014-15 and 11.2% in 2015-16, which is slightly higher than the statewide average of 10.7%.

While the district reorganized its delivery of mild/moderate special education services in 2014 using Specialized Academic Instruction (SAI), some of the district's sites continue to operate both mild/moderate and moderate/severe special day classes (SDCs).

Other than Article 14 of the certificated bargaining unit's contract, the district has no official guidelines, board policies or cabinet-approved operational guidelines for SDC class size. However, the Special Services Department maintains an internal document that addresses SDC, resource specialist program (RSP) and SAI and caseloads for designated instructional personnel. With these documents, FCMAT reviewed the special education teacher caseloads and found that mild/moderate special education services are well staffed with average SAI caseloads of 19-20 students, or 76% of maximum capacity using the district's internal caseload cap of 25. However, individual teacher caseloads range from a high of 30 to a low of 11. The district's moderate/severe SDC classes operate within the industry standards for student caseloads.

The district employs three categories of instructional assistants with the categories of special education instructional assistant II, and instructional assistant-medically fragile assigned as 1-to-1 aides. Both the Special Services Department and position control documents track this staffing, and staff indicated the special services documents are more accurate. However, no system exists to share this information on a consistent basis with other departments.

Aides across all grade spans are overstaffed by 3.05 FTE. More importantly, the district's 1-to-1 instructional assistant staffing significantly affects its instructional aide support expenditures, and the 53 1-to-1 FTE aides represent approximately \$1.9 million (or 23.59%) of all instructional assistant personnel expenditures. The industry has no standard for 1-to-1 instructional assistant staffing, and all 1-to-1 assistants are considered over and above traditional paraprofessional staffing. Developing PBIS may help reduce some 1-to-1 support by reinforcing the philosophy and practice that positive behavior is teachable at all levels of student functioning.

Compared to two other districts of similar size, Downey Unified and Vista Unified, Hesperia Unified's Special Services Department is understaffed by three program administrator/supervision positions. Those comparisons showed that the district employs 10.46875 FTE in clerical positions compared to the other two districts, which each employ 3.0 FTE. The largest difference is that Hesperia has 6.0 FTE in department secretarial positions. Many duties performed by these positions are related to special education students at school sites, other departments in the district or data entry work. This includes a backlog of computer repairs for students at school sites and ensuring that there are substitutes for assignments at sites. The comparative districts do not have special education clerical positions with those types of duties.

A comparison of caseloads for the district's related services providers with industry standards showed that the district is overstaffed by 2.15 FTE psychologists and 1.1 FTE adapted physical education teachers, and understaffed by 2.6 FTE speech language pathologists and 0.2 FTE teachers of the orthopedically impaired.

The district's nonpublic school (NPS) or nonpublic agency (NPA) costs have fluctuated inconsistently with decreases and increases in NPS enrollment during the three years reviewed. However, meetings between the Special Services and Business Services departments are necessary to develop budgets and make adjustments to accommodate students as they enter or leave NPS placements.

An analysis of costs charged back to the district per the AB 602 Fiscal Allocation Plan found the overall costs for regional services have increased 30%, from an average of \$34,787 per student to an average of \$45,043 per student over the two years reviewed. While the AB 602 Allocation Plan ADA rate is affected by a number of variables, the district's per-student cost for students referred to county regional programs has increased significantly, and it should consider operating the moderate/severe classes currently operated by the county.

The district enrolls some of its special education students in county-operated programs. However, district-provided documents indicate that more than 90% of the students enrolled in the five remaining county-operated moderate/severe classes are from Hesperia Unified, and one class is composed entirely of district students. Consequently, the district could avoid the additional shared costs associated with classrooms in county-operated programs by hiring its own teacher and instructional assistants. This would reduce district costs and allow it to add students without adding additional expenses per student.

The maintenance-of-effort (MOE) documents provided to FCMAT indicate the district's unrestricted general fund contribution was \$14,219,186 or 52% of total special education expenditures (less program cost report allocations) in 2014-15 and \$17,154,281 or 55% in 2015-16. The district's 2016-17 approved budget for special education is \$32,396,840, and its unrestricted general fund contribution is projected to be \$19,672,733 or 61% of the special education budget. The district's unrestricted general fund contribution percentage to special education expenditures is larger than the statewide average of 43% as reported by the March 2015 Special Education Task Force Report.

# Findings and Recommendations

## SST/RTI2/MTSS/PBIS

Student Study Team – The student study team (SST) process is a longstanding and widely-used method that gathers information from teachers, specialists and parents to provide a struggling student with additional educational strategies and interventions. Either a staff member or a parent can make a referral to the program. SST meetings provide an opportunity for all parties to voice concerns and develop a plan. The interventions agreed upon will vary depending on the child's educational needs and the process has proven to be successful if consistently implemented.

While Hesperia Unified has developed “The Student Success Team Handbook 2014-15,” the district has no board policies or administrative regulations related to SSTs. The handbook also includes no indication that it was reviewed or revised since it was generated in 2014-15. Both general and special education staff reported they had the opportunity to attend SELPA SST/RtI trainings; however, limited additional professional development had been offered, which may be the reason that the handbook is used as a reference but not consistently implemented across the district.

Some sites indicated they have their own forms, and some sites do not consistently use the SST process. Because the SST process is a site-based decision, a student who struggles at one site may be assessed for special education before general education strategies and interventions are implemented. However, if the student attended a different site, he or she may have received an SST meeting and appropriate strategies and interventions that resulted in not being assessed for special education. District staff stated that sites that do not have a strong SST processes or RtI<sup>2</sup> implementation have a higher rate of assessments and referrals. Students who may qualify from these sites under specific learning disability (SLD) may not have qualified if they received reading or math interventions.

Serving a student with an individualized education program (IEP) is more expensive than using interventions and general education supports. Identifying a student for special education before general education interventions are considered is illegal under IDEA 2004 and not in the student's best interest. Special education should be the very last option of intervention because of state and federal laws as well as the costs of special education programs. State and federal laws mandate that students have the opportunity to be educated in a general education setting with their nondisabled peers, also known as the least restrictive environment (LRE), to the greatest extent possible.

The district's 2015-16 11.2% identification rate for its disabled students is slightly higher than the 10.7% statewide average based on the March 2015 California Task Force Report on Special Education.

### ***Identification Rate***

School Year	Total Enrollment	Students with IEPS**	Percentage
2014-15	21,082	2,298	10.9%
2015-16	21,555	2,432	11.2%

Source: DataQuest and Ed Data, CASEMIS \*\* All excludes infants and preschool age.

Response to Intervention – In 2004, the reauthorization of the Individuals with Disabilities Act (IDEA 2004) provided support for models that include a 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 with learning disabilities. 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 left each individual state to develop its own guidelines and regulations. Response to Intervention (RtI), which the California Department of Education (CDE) now refers to as Response to Instruction and Intervention (RtI<sup>2</sup>), provides districts with a method to drive educational decisions and measure academic growth.

The CDE information further states the following:

RtI<sup>2</sup> 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. RtI<sup>2</sup> integrates resources from general education, categorical programs, and special education through a comprehensive system of core instruction and interventions to benefit every student.

The CDE further states that RtI<sup>2</sup> is used in the following three ways:

1. Prevention:

All students are screened to determine their level of performance in relation to the 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 selected to receive more intense interventions.

3. Component of SLD determination:

The RtI<sup>2</sup> approach can be one component of the SLD determination as addressed in the Individuals with Disabilities Education Act (IDEA) 2004 statute and regulations. The data from the RtI<sup>2</sup> process may be used to demonstrate that a student has received researched-based instruction and interventions as part of the eligibility determination process.

The CDE is in the process of further defining how RtI<sup>2</sup> could be used in the eligibility process.

*Source: <http://www.cde.ca.gov/sp/se/sr/documents/sldelegibilityrti2.doc> Determining Specific Learning Disability Using Response to Instruction and Intervention*

Like SST, RtI2 is a site-based process that should include the leadership at each site. District staff reported that universal assessments are completed three times per year and Special Services Department staff indicated they are responsible for monitoring the progress of students who receive RtI2 in addition to their special education duties. However, district staff said RtI2 is inconsistently used between sites, which results in varying levels of special education referrals for assessments. This may lead to underqualifying or overqualifying students for special education as

discussed above. Best practices suggest that districts should establish a basic level of expectations for the use of RtI2 at all sites. This would ensure a minimum level of service requirement.

During a presentation at the National Association of School Psychologists Convention in 2006, George Batsche and W. David Tilly identified three phases in the implementation of RtI2: Consensus building (commitment from the staff), infrastructure, and implementation. The Education Services Department, with consultation from the Special Services Department, would best lead RtI2 implementation. This would be crucial in the implementation process since RtI2 is a general education function, and acceptance should be sought from the entire staff. The district should also consider hiring an RtI2 expert to assist with the planning, training, and implementation phases of this model.

Multi-Tiered System of Supports – The winter 2015 issue of “The Special EDge,” Volume 29, No. 1, describes MTSS as “standards based instruction, interventions, mental health, and academic and behavioral supports aligned with accessible instruction and curriculum...” The Special EDge issue indicates that a MTSS approach can, “be used to develop and align resources, programs, supports, and services at all organizational levels to increase positive student outcomes.” The Report of California’s Statewide Task Force of Special Education, “One System: Reforming Education to Serve All Students,” March 2015, states the following:

A multi-tiered system of supports (MTSS) is a whole-school, data driven, prevention-based framework for improving learning outcomes for every student through a layered continuum (typically three tiers) of evidence-based practices that increases in intensity, focus, and target to a degree that is commensurate with the needs of the student.

The publication also states, “Operating at the student level, RTI is a part of MTSS and echoes the tenets of the MTSS structure.”

The CDE provides information regarding the similarities and differences between MTSS and RtI2 as follows:

MTSS incorporates many of the same components of RtI<sup>2</sup>, such as:

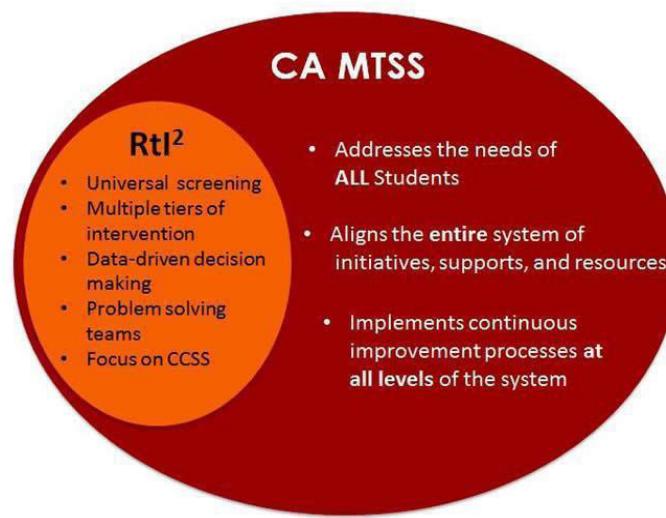
- Supporting high-quality standards and research-based, culturally and linguistically relevant instruction with the belief that every student can learn including students of poverty, students with disabilities, English learners, and students from all ethnicities evident in the school and district cultures.
- Integrating a data collection and assessment system, including universal screening, diagnostics and progress monitoring, to inform decisions appropriate for each tier of service delivery.
- Relying on a problem-solving systems process and method to identify problems, develop interventions and, evaluate the effectiveness of the intervention in a multi-tiered system of service delivery.
- Seeking and implementing appropriate research-based interventions for improving student learning.
- Using school-wide and classroom research-based positive behavioral supports for achieving important social and learning outcomes.
- Implementing a collaborative approach to analyze student data and working together in the intervention process.

MTSS has a broader scope than does RtI<sup>2</sup>. MTSS also includes:

- Focusing on aligning the entire system of initiatives, supports, and resources.
- Promoting district participation in identifying and supporting systems for alignment of resources, as well as site and grade level.
- Systematically addressing support for all students, including gifted and high achievers.
- Enabling a paradigm shift for providing support and setting higher expectations for all students through intentional design and redesign of integrated services and supports, rather than selection of a few components of RtI and intensive interventions.
- Endorsing Universal Design for Learning instructional strategies so all students have opportunities for learning through differentiated content, processes, and product.
- Integrating instructional and intervention support so that systemic changes are sustainable and based on common core state standards (CCSS) aligned classroom instruction.
- Challenging all school staff to change the way in which they have traditionally worked across all school settings.

MTSS is not designed for consideration in special education placement decisions, such as specific learning disabilities. MTSS focuses on all students in education contexts.

The following figure displays similarities and differences between California's MTSS and RtI<sup>2</sup> processes. Both rely on RtI<sup>2</sup>'s data gathering through universal screening, data-driven decision making, problem-solving teams, and are focused on the CCSS. However, the MTSS process has a broader approach, addressing the needs of all students by aligning the entire system of initiatives, supports, and resources, and by implementing continuous improvement processes at all levels of the system.



*Source: California Department of Education*

*For more information and documents please refer to the California Department of Education website. <http://www.cde.ca.gov/ci/cr/ri/mtsscomprti2.asp>*

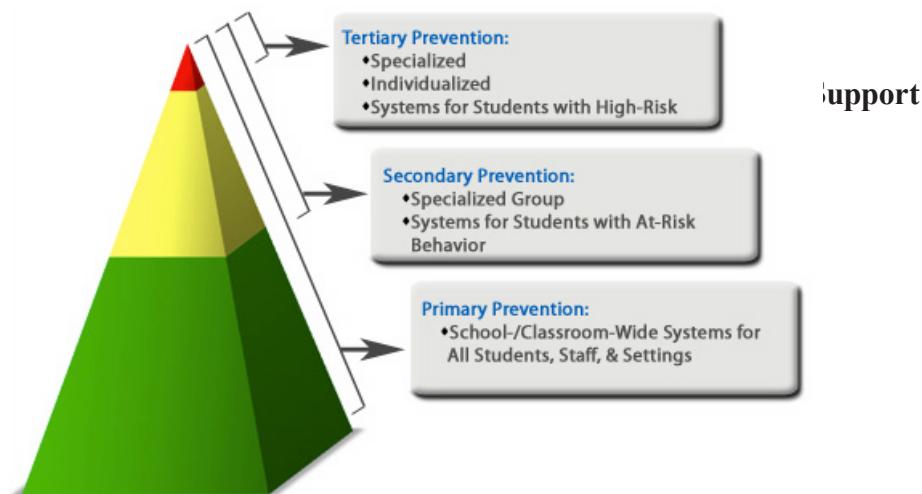
Both RtI<sup>2</sup> and MTSS are necessary in order to build a comprehensive delivery system of interventions and supports for all students in the district. However, as with SSTs and RtI<sup>2</sup>, the district does not have a district-wide system in place. District staff reported that some sites used discretionary funds to purchase supplemental materials, whereas others used those funds for other purposes and did not have any remaining to purchase supplemental materials. The district does not have a base foundation to have common intervention options. The district should consider prioritizing RtI<sup>2</sup> and MTSS through a district-wide committee and provide intensive RtI<sup>2</sup> and MTSS training for all staff with the training phase outlined in a strategic plan.

Positive Behavior Interventions and Supports – Unfortunately, nothing works single-handedly to remove the barriers to learning that occur when behaviors are disrupting the learning community. The climate of each learning community is different; therefore, a “one size fits all” approach is less effective than interventions based on the needs of each school.

One of the foremost advances in school-wide discipline is the emphasis on school-wide systems of support that include proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments. Instead of using a piecemeal approach of individual behavioral management plans, a continuum of positive behavior support for all students within a school is implemented in areas including the classroom and non-classroom settings (such as hallways, buses, and restrooms).

PBIS is a proactive approach to establishing the behavioral supports and social culture needed for all students in a school to achieve social, emotional and academic success. Attention is focused on creating and sustaining primary (school-wide), secondary (classroom), and tertiary (individual) systems of support that improve lifestyle results (personal, health, social, family, work, recreation) for all youth by making targeted misbehavior less effective, efficient, and relevant, and desired behavior more functional.

The following diagram illustrates the multi-level approach offered to all students in the school. These group depictions represent systems of support not children:



Source: <http://www.granvillecsd.org/GHS.cfm?subpage=624784>

Although PBIS was not included in the specific scope points of this study, district staff indicated that it lacks oversight and is inconsistently implemented. FCMAT's interviews with site personnel found they want PBIS implemented at their sites to support student behavior and social emotional needs, which affect their academic learning. Six sites have implemented PBIS, but the decision occurred at the site level. Those sites now have supports to assist with student behaviors and reported they have fewer students who are referred to special education and require additional interventions. The district should determine whether all sites should become PBIS sites and provide consistent implementation throughout the district. The implementation process should also include training providing districtwide expectations.

## Recommendations

*The district should:*

1. Develop and implement board policies and administrative regulations for preintervention supports.
2. Review The Student Success Team Handbook 2014-15 annually and update as necessary.
3. Implement SST across all sites, with the Education Services Department leading and monitoring the processes and procedures.
4. Provide additional SST professional development to assist with implementation. Consider implementing annual refresher trainings.
5. Implement and establish baseline expectations for RtI<sup>2</sup> at all sites, with the Education Services Department leading and monitoring the processes and procedures.
6. Provide intensive RtI<sup>2</sup> training for all applicable staff. Consider using a vendor with expertise in RtI<sup>2</sup> for the planning, training, and implementation phases of this model.
7. Implement MTSS at all sites, with the Education Services Department leading the processes and procedures.
8. Provide intensive MTSS training for all applicable staff.
9. Implement PBIS at all sites, with the Education Services Department leading the processes and procedures.
10. Provide professional development training to all applicable staff in PBIS.

## Staffing and Caseloads

The district reorganized the delivery of mild/moderate special education services using the SAI model in 2014. Before implementation of SAI, mild/moderate services for special education students were delivered in traditional RSP and mild/moderate SDC settings. With the SAI model, those services are combined to create a more seamless service delivery model that ensures each identified student receives maximum access to general education classrooms and curriculum as appropriate to his or her needs. A “learning center” model has also been implemented, using one or more special education teachers and instructional assistants to serve students either in their general education classroom or in combination with a special education setting on campus. This reorganization was primarily in the elementary grade levels, and staff interviews indicated that middle school and high school level mild/moderate students already receive a blended service based primarily on the specialized academic instruction service they require.

Article 14 of the district’s collective bargaining agreement with its certificated bargaining unit states that the class size for this service model “shall not exceed enrollment of 25 students, unless mutually agreed upon by the bargaining unit member and site administrator.” District employees received training from staff and local training from the SELPA, focusing on co-teaching in preparation for implementation of SAI. However, even with a districtwide program, implementation and effectiveness vary from site to site and district staff reported that the adjustment to and implementation of SAI are still in progress.

FCMAT’s interviews of district staff indicated that the district has a long history of site-based autonomy. While this can be useful in adapting to unique communities and student populations, it can hinder consistency in the districtwide implementation of methodology. District staff reported to FCMAT that at least two elementary sites continue to operate mild/moderate SDC classes. General and special education teachers vary in their receptivity to co-teaching. The effectiveness of mild/moderate special education teachers’ collaboration on caseload distribution and student instruction was also reported to differ widely from school site to school site. Staff from the smallest school sites with a more limited number of special education personnel were reported to struggle the most, and teachers from a number of elementary sites reported that they have firmly embraced SAI and are implementing the approach with positive results.

Even with efforts to move to a districtwide SAI model, the district still operates several types of moderate/severe SDC classes that address specialized student needs. At the elementary level, two types of SDC programs serve students with intellectual disabilities, as well as a program for social/emotional disorders and a program for students with autism spectrum disorder. At the secondary level, students have access to a moderate/severe program for those with intellectual disabilities as well as a program for students who require an emphasis on life skills instruction. SDC services aid students with social/emotional disorders and there is a young adult transition program.

Other than Article 14 of the certificated bargaining unit agreement, the district has no official guidelines, board policies or cabinet-approved operational guidelines for SDC class size. However, the Special Services Department maintains an internal document entitled “Special Education Class Size Ratios (Teacher:Student)” that addresses RSP, SDC, SAI and caseloads for designated instructional service personnel. Administrative staff indicated this document serves as a department reference point for monitoring caseload status and recommendations for adjustment; however, other departments and the cabinet do not use it. This gap in information and communication between the department and cabinet contributes to the issues and concerns raised in staff interviews about cabinet-level decisions on mid-year requests for either certificated or classified staff additions.

Further complicating this process is the established procedure of having mid-year personnel requests come to the cabinet solely through the assistant superintendent of educational services without the participation of the director of special services in that meeting. The director of special services is called into the cabinet at a later date only if there are questions about the staffing request, but multiple staff members reported that this occurs for most of these requests. The staff members interviewed also indicated that no official procedures and documentation record the appropriate department-level checks and analysis of existing staff assignments before a request for additional staff is submitted to the cabinet for consideration. However, the Special Services Department maintains an effective document for tracking staffing and caseloads across all special education classes and school sites. The document is reportedly updated at least monthly and is consistently reviewed by Special Services Department administrators.

FCMAT's review of district-provided documents on special education teacher caseloads suggests that mild/moderate special education services are well staffed overall. The district averages K-12 SAI caseloads of 19-20 students or 76% of maximum capacity using the district's internal caseload cap of 25. A review of individual teacher caseloads in the elementary setting provided to FCMAT indicate that the district has a wide range of SAI caseloads, which span from a high of 30 to a low of 11. This range appears to be connected to the variation of service delivery in the elementary SAI model. Interviews with staff found that some elementary sites have at least two SAI-designated programs that continue to operate as mild/moderate SDC classes. Interview responses also suggested that SAI caseloads may vary based on the effectiveness with which both special education and general education teachers are able to collaborate and coordinate their services. The district's moderate/severe SDC classes operate within the industry standards for student caseloads.

### ***Foundations Preschool Program Self-Contained***

Total Teacher FTE	Total Students	Paraeducator FTE	Industry Standard adult/student per session*	District Ratio adult/student per session*
2.0	56	5.0	1:7/session	1:4/session

*\*A session is defined as either a class operating for the full school day or a program dividing it into two sections, one on the morning session and the other in the afternoon. The latter is the most common method.*

### ***Specialized Academic Instruction (SAI)***

Grade Span	Total Teacher FTE	Total Students	Total Teacher/Student Ratio	District Caseload Guideline*	Industry Standard SAI/Learning Center
Elementary	32	602	1:18.81	1:25	1:25
Middle	18	348	1:19.33	1:25	N/A
High	33	660	1:20	1:25	N/A

*\*District Bargaining Agreement, Article 14, "Class Size"*

### *Moderate/Severe SDC (including CHAMPS & Life Skills)*

Grade Span	Total Teacher FTE	Total Students	Total Teacher/Student Ratio	District Caseload Guidelines*	Industry Standard
Elementary	13	135	I:10.39	N/A	I:10-I2
Middle	4	46	I:11.5	N/A	I:10-I2
High	5	48	I:9.6	N/A	I:10-I2

\*See discussion on district guidelines

### *SUCCESS & AIIM SDC*

Grade Span	Total Teacher FTE	Total Students	Total Teacher/Student Ratio	District Caseload Guidelines*	Industry Standard
Elementary	3	29	I:9.67	I:15	I:8-10
Middle	2	16	I:8	I:15	I:8-10
High	6	43	I:7.17	I:15	I:8-10

\*Unofficial Department Guidelines

### *Autism SDC*

Grade Span	Total Teacher FTE	Total Students	Total Teacher/Student Ratio	District Caseload Guidelines*	Industry Standard
Elementary	6	60	I:10	I:9	I:8-10

\*Unofficial Department Guidelines

## **Recommendations**

*The district should:*

1. Ensure the core elements of the SAI service delivery model are consistently implemented across all elementary campuses.
2. Develop cabinet level inter-departmental guidelines on the appropriate caseload numbers for special education staff that will be used to establish the need for additions or reductions of both certificated and classified special education employees.
3. Develop an administrative cabinet procedure for determining the need for mid-year special education staff additions. The procedure should use the data being collected in the Special Services Department and include assurance that steps such as a comprehensive review of existing staff assignments have been conducted as well as appropriate direct communication between cabinet and the director of special services.
4. Review elementary SAI caseloads and assignments to determine if staffing adjustments would be appropriate.



## Instructional Assistants

Interviews of district staff and the review of documents provided to FCMAT show that the district employs three categories of instructional assistants: Special education instructional assistant, special education instructional assistant II, and instructional assistant – medically fragile. The special education instructional assistant is a six-hour per day position that is primarily assigned to SAI service support. The special education instructional assistant II and the instructional assistant – medically fragile are 6.5-hour per day positions primarily assigned to SDC service support and 1-to-1 instructional assistant assignments. These two categories of instructional assistants differ because the job description of the instructional assistant – medically fragile position includes bathroom assistance duties.

The records provided by the district show that the staffing tracking documents maintained by the Special Services Department and the position control documents maintained by the Business Services and Personnel departments are inconsistent. Staff indicated the Special Services documents are more current and accurate, but the district has no system to consistently share Special Services information with other departments.

Documents provided to FCMAT and staff interviews indicated that the Special Services Department maintains guidelines to assign paraprofessional support to special education teachers and their programs. At the elementary level, SAI teachers receive support from one paraprofessional, and moderate/severe SDC teachers receive support from two paraprofessionals. At the secondary level, mild/moderate teachers receive support from one paraprofessional for 50-80% of their class time and moderate/severe SDC teachers receive support from two paraprofessionals. Overall, records showed that the district adheres to those guidelines as reflected in the table below. This level of staffing is largely consistent with industry standards for basic instructional paraprofessional staffing; however, the support for elementary moderate/severe SDC classes exceeds those standards. This increase is offset by the lower instructional assistant support given to secondary SAI services.

FCMAT's review of the special services November 18, 2016 staffing documents show that of the nine instructional assistant positions open, most are being hired as instructional assistants – medically fragile, which gives the district the flexibility to provide toileting assistance in special education classrooms. As shown in the chart below, the average cost of a special education instructional assistant II and an instructional assistant – medically fragile position is not significantly different. Therefore, the district should consider phasing out the special education instructional assistant II position through attrition and transition to hiring solely instructional assistants – medically fragile to provide additional flexibility in assigning instructional assistant to classrooms. If so, a more generic title for the instructional assistant – medically fragile position could be considered. District staff also reported that instructional assistants do not receive appropriate orientation when they are hired, and that there are significant inconsistencies in the level of ongoing professional development provided to these positions.

The district-provided documents that show that it has 53 FTE in 1-to-1 instructional assistant (IA) staffing. These positions represent approximately \$1.9 million (or 23.59%) of all expenditures for special education instructional assistant personnel and are a significant portion of the special education budget. There is no industry standard for 1-to-1 instructional assistant staffing and all 1-to-1 assistants are considered over and above traditional paraprofessional staffing. Virtually all districts have some 1-to-1 instructional assistants, but the numbers vary so widely that there is little basis for being able to establish an average or standard.

***IA Analysis by K-12 Special Education Teacher FTE Excluding 1-to-1 IAs***

Grade Span	Total SE Teacher FTE Combined All Class Types	Total IA FTE Combined All IA Categories Excluding 1-to-1 IAs	Industry Standard for IA FTE based on total Teacher FTE	IA FTE (+) Over (-) Under Industry Standard
Elementary	54	84.50	76	(+) 8.50
Middle	24	31.50	30	(+) 1.50
High	44	48.05	55	(-) 6.95
Total IA FTE		164.05	161	(+) 3.05

***IA Cost Analysis by IA Categories Including 1-to-1 IAs***

IA Category	Total FTE	Avg Cost Per FTE (Salary and Benefits)	Total Cost	Percent of Total IA Cost
SpEd Asst	70	\$35,841	\$2,508,870	31.11%
SpEdII (6.5 hr)	24.16	\$36,841	\$890,079	11.05%
SpEdII (8 hr)	28.31	\$45,342	\$1,283,632	15.93%
IA Medically Fragile	41.58	\$35,442	\$1,473,678	18.29%
SpEdII 1-to-1	16	\$36,841	\$589,456	7.32%
IA MF 1-to-1	37	\$35,442	\$1,311,354	16.28%
Total IA Cost All Categories			\$8,057,069	

District staff interviews and records indicate that the district has a special circumstances instructional assistant assessment process that is consistently used to help determine when individual instructional support is required to meet a student's special needs. This assessment process is performed using the procedures of a formal special education assessment, which provides additional rigor in the determination process. However, once the district determines through the assessment and IEP process that a student requires 1-to-1 assistance, a fade plan or goals for reaching independence are not developed in the IEP or reviewed annually.

District staff stated many 1-to-1 instructional assistant services are necessary to assist students with highly involved behavior, especially in moderate/severe SDCs. The district has reportedly made some effort to develop PBIS, but it is not a fully implemented districtwide system of intervention. PBIS will not eliminate the need for all 1-to-1 support required for behavior; however, it will help reinforce the philosophy and practice that positive behavior is teachable at all levels.

The PBIS approach will have a positive effect on behavior disorders and learning throughout the district.

District staff also indicated that special education staff training is inconsistent concerning strategies for extreme behavior, which is encountered primarily in moderate/severe SDC settings. The district has elementary and secondary coaching positions that are responsible for providing assistance to special education staff related to behavior; however, both coaches' time with staff is reportedly spent primarily on reactive responses instead of proactive professional development and training.

## Recommendations

*The district should:*

1. Ensure that position control and Special Services Department staff-tracking documentation are consistent with one another.
2. Develop procedures and documentation for sharing Special Services Department instructional assistant job assignment tracking information with the Personnel and Business Services departments and cabinet frequently and consistently.
3. Consider combining the special education instructional assistant II and the instructional assistant – medically fragile positions into one job category that includes bathroom assistance in the job description, and create a more generic title for the new position.
4. Develop and implement an employee orientation and a schedule of ongoing professional development activities for the district's instructional assistants.
5. Develop and implement a policy on the inclusion of goals for independence in the IEP of every student who receives 1-to-1 instructional support as a related service. These goals must be reviewed and revised annually until the IEP team determines the related service is no longer required.
6. Commit to the implementation of a districtwide PBIS consistently at all school sites.
7. Research and invest in professional development training strategies for effectively responding to severe behavior disorders and teaching replacement strategies. Utilize the special education coaching positions, and other staff as necessary, to provide the ongoing training necessary to effectively implement those strategies.



## Organizational Structure

The Special Services Department's administrative and clerical support structures were compared with those of the Downey Unified and Vista Unified school districts.

Comparable size was determined by similar enrollment and demographics as well as the number of students identified as autistic by district of residence. Autism was included because FCMAT determined through its work in other special education studies that a higher percentage of identified students with autism affects the structure and operation of Special Services Departments by increasing the need for certificated administrators and behavior specialists.

While the percentage of autistic students at Hesperia Unified is lower than the districts of comparable size, this could be because of the criteria used for identification. Students are frequently identified as speech and language disordered yet have many characteristics of autism.

Data for the comparison was taken from the California Longitudinal Pupil Achievement Data System (CALPADS) completed enrollment figures for 2015-16 and DataQuest special education enrollment figures for 2015-16, which is the most recent and available posting. The total number of special education students from birth to age 22 was reported by district of residence. Although comparative information is useful, it should not be considered the only measure of appropriate staffing levels. School districts are complex and vary widely in demographics and resources. Careful evaluation is recommended because generalizations can be misleading if unique district circumstances are not taken into account.

District	Enrollment	Special Education	% of Students with Autism*
Downey	22,649	3,026	11.3%
Hesperia	21,555	2,549	7.6%
Vista	21,941	3,403	10.7%

*Source: CALPADS completed enrollment 2015-16; DataQuest Special Education Enrollment 2015-16*

*\*Autism rate = % of the special education population identified as Autistic in DataQuest 2015-16*

The district provided information on administrative and clerical support staffing. Each district identifies positions differently. FCMAT reviewed the available job descriptions for administrative and clerical positions and combined some categories into like groups for purposes of this study only.

The comparable districts in this study have unique programming aspects. For example, Vista Unified operates a school for preschool students and a school for transition program students ages 18 to 22, which also serves as a regional program for the 14 districts in the North Coastal Consortium for Special Education. These programs are off site and require full-time principals. They are not included in the administrative analysis below because they do not represent the typical administrative support structures in most districts.

Administrative Positions	Downey	Hesperia	Vista
Director/Executive Director	1	1	1
Coordinators	0	2	1
Program Administrators/Supervisors	4	0	5
Total	5	3	7

*Source: District provided documents and FCMAT interviews of other districts*

In addition to the administrative positions shown above, Hesperia Unified employs two FTE teachers as special education coaches in nonadministrative positions to support special education services; however, they cannot assist supervising and evaluating staff. One coach provides critical behavioral support to teachers in classrooms in the absence of a district behavioral support specialist. The other coach is focused on general supports for special education such as curriculum, instructional strategies and training teachers for IEP meetings. The district has approved the addition of one FTE coaching position funded through the Local Control and Accountability Plan (LCAP); however, it had not yet been filled at the time of FCMAT's fieldwork.

Coaches do not have the authority to make administrative decisions in an IEP meeting. Instead, the director and coordinators have the duties and responsibility for critical fiscal and programmatic issues. Like the director at Hesperia Unified, the directors in the other comparable districts are responsible for the overall day-to-day operations of special education, budget, program development, procedural compliance, due process, evaluation and training. However, Hesperia Unified's director also has additional responsibilities for health services, which includes supervising three FTE school nurses and 20 health technicians assigned to various school sites.

While all three districts are staffed with a director/executive director, Hesperia Unified is understaffed in administrative positions compared to districts of comparable size. Total administrative positions in these districts average six FTE, while the district has three FTE. District staff reported that the director and coordinators are working diligently to provide support at the sites, but that the department is reactive more than proactive because of lack of time and the shortage of administrative support.

Adding three program administrator/supervisor positions would augment the district's already established organizational structure and align it with comparable districts. The department can further expand its expertise in the Special Services Department by recruiting program administrators with varied backgrounds and qualifications in areas such as behavior specialist duties, autism, emotional disturbance, or moderate/severe disabilities.

The district staff expressed concerns over not having had job-alike meetings since 2014 and lacking a current departmental procedural handbook. Comparable districts analyzed in this study have job-alike meetings monthly for speech and language pathologists, psychologists, mild/moderate, moderate/severe teachers and itinerant specialists as well as updated departmental procedural handbooks. Developing and/or updating a departmental handbook can be difficult; however, some districts used a collaborative approach by creating an advisory group composed of representatives of mild/moderate and moderate/severe teachers, psychologists, speech pathologists, adaptive physical education, occupational therapy, etc. This group participated in the development of procedures for the department, articulated concerns and problem solved, collaborated with administration to focus on proactive program planning, staffing, etc. The composition of the group would be at the district's discretion, but the maximum size should be 20 representatives.

## Clerical Support Positions

The clerical support in Hesperia Unified has significant differences from the support at the districts of comparable size. Including one open executive secretary I position, the district has 10.46875 FTE clerical positions in the Special Services Department compared to Downey and Vista unified school districts, which have only three FTE. The primary difference between Hesperia Unified and the comparative districts is that it provides department/program administrative secretaries for coordinators while the comparative districts do not. Another difference is

that other department/program administrative secretaries also have work related to special education students at school sites, other district departments or data entry. This includes a backlog of computer repairs for students at sites and ensuring that substitutes are available for assignments at schools. The comparative districts do not have special education clerical positions that perform those types of duties do not exist in the comparative districts.

Clerical Positions	Downey	Hesperia	Vista
Administrative Secretary/Executive Secretary	1	3	1
Department Secretary	1	6	1
Senior Clerk Typist	0	1.46875	0
Data Clerk	1	0	1
Total	3	10.46875	3

*Source: District documents, FCMAT interviews with staff and interviews with other districts*

During interviews, staff pointed out some contractual issues that should be addressed by the district. The first is related to personnel in department/program administrative secretary as well as senior clerk typist positions working out of class.

At least one department/program administrative secretary's primary duties do not align with the district's job description. Over the last several years, this position has been assigned tasks that include data entry on all students in the special education program, which includes enrollment, all IEP and evaluation information, maintenance of student files, and exporting student data to the SELPA for state and federal reports through the California Special Education Management Information System (CASEMIS). However, these duties are different than those typically found in these types of job assignments and may be more appropriate for a data-entry clerk type position.

A review of the job descriptions for senior clerk typists found they would normally have duties related to composing and processing documents/materials such as memorandums, letters, purchase orders/requisitions, scheduling meetings and responding to staff inquiries. Instead, FCMAT's interviews found that one managed all three information systems for the department (Web IEP, Management Information and Infinite Campus) and manually entered all data and transfer IEPs. The Business Services Department has assigned at least one person at the senior clerk typist level to perform data entry and management for Infinite Campus, which is the student information for general education. However, personnel in the Special Services Department indicated that they have not been included in any trainings for Infinite Campus.

Two different positions within the department perform some of the duties described above, such as entry of information in IEPs, one at the department/program administrative secretary level and the other at the senior clerk typist level. To determine whether there is a need for staffing reductions, the district will need to perform a more thorough analysis to define site- and district-level department responsibilities as well as define job duties for each position in the department's clerical ranks.

There is some confusion over who directs and sets priorities for special education regarding data entry and management of student information. Staff members from the Business Services Department have been allowed to assign data entry work related to CALPADS, which conflicts with timeline requirements for data management required in CASEMIS. In the comparative

districts used in this study, special education/services directs the work of the department. When collaborative projects are a district priority, the administrators in departments should determine how to incorporate tasks.

Clerical support staff members reported working through lunch, breaks and on weekends. Working without proper meal breaks violates Education Code Section 45180 and Article 14.D and E of the district's collective bargaining agreement with its California School Employees Association unit.

## Recommendations

*The district should:*

1. Establish job-alike meetings across the district in special education areas such as speech and language, psychologists, mild/moderate and moderate/severe teachers, and itinerant specialists. Ensure that the director and coordinators have leadership roles in the meetings.
2. Update the departmental procedural handbook and ensure that all teachers, specialists and principals receive training to implement it. The district should also consider putting the handbook online to increase accessibility.
3. Consider creating an advisory group to participate in the development of procedures for the department.
4. Consider adding three program supervisor/manager positions to align the district's level of administrative support in special education with other districts of comparable size.
5. Consider increasing the expertise in the Special Services Department by recruiting for the program supervisor/manager position administrators with expertise in autism, moderate/severe disabilities and behavior management.
6. Perform a thorough duties analysis for clerical positions to determine which tasks should be accomplished at the site level and which are district, department-level responsibilities before making reductions in Special Services Department clerical staffing.
7. Investigate issues related to the Special Services Department classified employees working out of class and determine whether a reclassification for a data entry position is needed.
8. Ensure that special services staff are included in district trainings such as what is offered for Infinite Campus.
9. Ensure that the Special Services and Business Services departments develop collaborative strategies for communicating work assignments to staff. Ensure that the chain of command is clear and priorities are uniform between the departments.

10. Review the workflow and expectations for support services from the special services office to ensure that the special services director directs the department's work, and requests from other departments are handled through him.
11. Ensure all employees take all required meal/rest periods in compliance with the law and collective bargaining agreements.



## Continuum of Services

The Individuals with Disabilities Education Act (IDEA) requires schools to provide each disabled student with a free appropriate public education (FAPE) (Title 34, Code of Federal Regulations, 300.17). FAPE is defined as an educational program that is individualized to a specific child, designed to meet his or her unique needs and provide educational benefit. The requirement that students be served in the LRE ensures that whenever possible, handicapped students are educated with students who are not handicapped. IDEA prohibits the removal of any student from the general education setting unless the handicap is severe enough to prevent him or her from being educated satisfactorily using supplementary aids and services. The legislation permits a student to be placed outside of the general education program to ensure that his or her IEP can be implemented; therefore, a district has discretion regarding how best to serve its special education students. Districts are also required to provide students with access to a full range of services (Title 34, Code of Federal Regulations, 300.115 and Education Code 56361).

FCMAT reviewed the programs and range of service options available to the district's special education students and found the district provides a complete spectrum of services as described in the Desert/Mountain SELPA Local Plan and state and federal regulations. The district provides SAI from preschool to age 22 in a variety of settings based on IEPs. The district provides SAI at the elementary level in a traditional pullout RSP, specialized push-in mild/moderate, and self-contained SDC programs. In addition to the more traditional SDC and RSP models, the district offers specialized intensive programs for students with emotional disturbance, conduct disorder, autism, and other moderate/severe disabilities. The district either provides or contracts for all related services required by state and federal regulations, including contracting with state special schools, and nonpublic schools. Although the district provides a continuum of specialized services, it does not provide a comprehensive, districtwide RtI<sup>2</sup> system.

During the past three years, the district has started operating more severe programs previously operated by the county office. Specifically, elementary and middle school moderate/severe programs were transitioned back to the district. Although this transition does not change the range of services offered by the district, it enhances its ability to increase special education students' access to general education settings and general education peers. County-office-operated programs are often located in neighboring districts and serve students from a number of local districts. The county office operated and continues to operate some programs on Hesperia Unified campuses where virtually all of the students served were Hesperia students and although the programs were located on district sites, they were instructed and supported by county office teachers and instructional assistants and managed by county office administrators. Multiple interviews indicated district administration did not attend all the IEPs for students enrolled in county-office-operated programs. All IEPs should include district representation to ensure appropriate services are provided based on individual student need and to better inform the evaluation of ongoing special education costs.

Transitioning the programs to the district ensures that its administrators or designees facilitate all IEPs, and that the district explores and controls all opportunities for integration. This is important because the CDE's 2014-2015 Special Education Annual Performance Report Measure for Hesperia Unified indicated it did not meet the state target of having less than 24.6% of its special education students educated outside the general education environment for more than 40% of the day. Instead, the report found that 41.1% of special education students were outside the general education environment for more than 40% of the day. The district should monitor the amount of time all students are educated outside the general education setting. It can improve this percentage by operating its own programs and supports on district sites.

The Desert Mountain Children's Center provides mental health services through a memorandum of understanding (MOU) between the Desert/Mountain SELPA and member local educational agencies (LEAs). The center is a contractor of the Department of Behavioral Health and is a separate legal entity under the California Health and Education Linked Joint Powers Authority. Documents were not available to review the full scope of services; however, the 2016 MOU states services provided to the district are for behavioral health counseling, speech, occupational therapy, physical therapy and other specialized areas as needed. The MOU states mental health services can be provided in an individual, group, and/or family delivery model. The center appears to offer a comprehensive model of mental health services; however, multiple interviews with district staff indicated they are dissatisfied with the referral process, responsiveness to referrals, individualization of services to student needs, and the change or deletion of services without including a district designee at the IEP. The district should monitor timelines from referral to service delivery, variation in methodology of service delivery, and the process for changing or stopping services. The district should review this data, and if this results in evidence that referrals are significantly delayed and services are not individualized or executed appropriately through the IEP process, it should attempt to resolve the issues using the conflict resolution process specified in the Desert/Mountain SELPA Local Plan.

## Recommendations

*The district should:*

1. Implement a plan to evaluate and initiate a districtwide RtI<sup>2</sup> across all school sites. The district should also refer to the discussion and recommendations in SST/RtI<sup>2</sup>/MTSS/PBIS section above.
2. Ensure all students placed in regional programs have a district representative attend all IEPs to ensure appropriate levels of integration, service delivery, and to monitor special education expenses.
3. Regularly monitor “% of time educated outside general education” on all IEPs to ensure compliance with the state’s Annual Performance Report.
4. Monitor timelines for mental health referrals, individualization of mental health services, and the process of changing or ending services without district representation. If data confirms mental health services are not individualized, timely, or monitored appropriately through the IEP process, the district should resolve issues with Desert Mountain Children's Center using the conflict resolution process described in the Desert/Mountain SELPA Local Plan.

## Related Service Provider Caseloads

In this report section, FCMAT analyzed caseloads and staffing ratios for related service providers including, but not limited to, psychologists, speech and language pathologists, , adaptive physical education teachers, and other staff who may provide related services. This discussion will include a review of contracted services.

FCMAT reviewed several documents that demonstrated inconsistent caseloads and ultimately used a combination of three primary documents including the November 2016 Teacher Caseload Report, an undated SLP Caseload Summary and the November 18, 2016 Special Education Staffing report in this analysis. The Special Services Department developed the documents using CASEMIS, with one presenting the full-time equivalency of all staff and the other showing the number of students at each school site and services provided.

### Psychologists

The district provided documents that indicated it has 19.58 FTE school psychologists. Staff reported the psychologists provide common duties such as assessment, SST and IEP attendance and site support as needed. Psychologists were also hired to provide some general education social emotional supports; however, the delivery of this support was inconsistent and not formalized across all sites. The SELPA provides all of the mental health support for district students with IEPs requiring educationally related mental health services. CalEdFacts indicates the statewide caseload average for K-12 school psychologists is 1,235-to-1. Based on the district's 2015-16 enrollment of 21,555, psychologists are overstaffed by 2.15 FTE. However, before the district takes action to reduce the number of psychologists, it should consider whether these positions will be needed to provide social emotional support services in its formalization of RtI<sup>2</sup> and MTSS.

Program	No. of FTE	Enrollment	Industry Standard	District Caseload Average
Psychologist	19.58	21,555	1,235:1	1,100:1

*Source: District data and CalEdFacts*

### Speech and Language Pathologists

Education Code Sections 56441.7(a) and 56363.3 establish maximum caseloads of 40 students for preschool and 55 students for K-12, respectively. The district uses an internal document that includes this code, but it is not followed. The district requested that the speech and language pathologists (SLPs) report their caseloads, and of the 16 that provided information, seven reported caseloads of between 70 to 108 students. Caseloads at this level violate the law and emphasize the district's need to increase its efforts to expand its SLP staff. Those efforts should include job fairs, statewide advertising, and consideration of the need to develop a separate salary schedule for hard to fill positions. Approximately a year ago, the district attempted to use a contractor available via telecommunication for some speech services, but for various reasons such as technology difficulties, the effort was deemed unsuccessful and the contract was not renewed. Districts statewide are utilizing these contractors because of the shortage of SLPs. This approach is most successful with students who are not in preschool and have an interest in technology through video conferencing and with those who do not have moderate/severe disabilities. The district should consider revisiting this approach to speech therapy services to reduce SLP caseloads to comply with the law.

FCMAT reviewed several documents provided by the district, but ultimately used the self-reporting FCMAT SLP Caseload Summary developed by the special services director noted above. Because many district speech pathologists serve students at their neighborhood school, the number of FTE actually focusing on preschool students was unclear. Position control in the Personnel Department was also uncertain about this number. Therefore, FCMAT calculated the student-to-staff ratios by considering the number of preschool students served and dividing that sum by the necessary number of FTE required by the Education Code. The summary showed 104 preschool students require speech and language services. Therefore, 2.6 FTE are required to service preschool students.

FCMAT then calculated the remaining FTE based on the number of K-12 students served to determine if the staffing complies with the Education Code. Subtracting the 2.6 FTE needed for preschool from the 18.0 total SLP FTE leaves 15.4 speech and language pathologists and 988 students requiring speech services. The average caseload per speech pathologists is 64.1 students, meaning the district is understaffed by 2.6 FTE. Exacerbating this situation is that some SLPs provide services to students who are also served by the county, which adds to their caseload. The district should determine if it is charged for this service or whether it can discontinue its possibly duplicative services and reduce caseloads. The district reported it sometimes observes several SLPs besides those from Hesperia Unified in the county-office-operated classrooms. This is inefficient, and the district should determine if there is a way to maximize services between providers.

The district speech and language pathologists also utilize five district speech and language pathology assistants. These assistants provide direct services under the direct supervision of the speech pathologists. The speech and language pathology assistants are not allowed to assume caseloads under the Education Code and use of the assistants does not exempt the district from the Education Code caseload requirements.

Program	# of FTE	Caseload	Caseload Average	Education Code
Speech and Language Pathologist - Preschool	2.6	104	40.0	1:40
Speech and Language Pathologist K-22	15.4	988	64.1	1:55

*Source: District data, Education Codes 56441.7(a) and 56363.3*

## Adapted Physical Education

Interviews indicated the adapted physical education (APE) teachers provide a service delivery model that allows for pullout services to teach specific skills, push-in services to modify and support students while in the PE classes, and whole class instruction. The district employs 4 FTE APE teachers who serve approximately 160 students including those attending the county-of-fice-operated programs who live in the district. District staff reported the duplication of related staff in the county-office-operated classrooms. The industry standard for APE caseloads is 1-to-45-55. Using a divisor of 50 and a numerator of 160 students, the district would require only 3.2 FTE APE teachers. The district's ratio of teacher to student is 1-to-40. If the district maximized resources using industry standards and a divisor of 55, it would require 2.9 FTE. Therefore, the district could reduce the FTE by 1.1.

Program	# of FTE	Caseload	Caseload Average	Industry Standards
Adapted Physical Education	4	160	1:40	1:45-55

*Source: District data and industry standards*

## Teacher for the Orthopedically Impaired

This position provides a variety of supports to students with orthopedic impairments (OI). The teacher provides primarily consultation services to the students and staff to ensure students are receiving the correct adapted devices and equipment to access the students' education. The teacher also provides these services to students residing within the district and served through the county operated programs. This position also provides formal assistive technology assessments, which require many observations and device trials. The district reported that it employs 1 FTE teacher for the OI and that there are 16 schools and approximately 77 students served in total (68 district students and 9 from the county office); however, the district's teacher caseload report reflected 62 students but did not include counts from all schools or students in county operated classes. Utilizing the district-reported data and the upper boundary of the 1-to-45-55 industry standard, the district is understaffed by .2 FTE.

Program	# of FTE	Caseload	Caseload Average	Industry Standards
<b>Teacher for the Orthopedically Impaired</b>	1	68	1:68	1:45-55

*Source: District data and industry standards*

## Nurses and Health Care Providers

The district has three FTE credentialed school nurses, 18 licensed vocational nurses (LVNs) and two health clerks. Some districts provide more health clerks at school sites to assist with everyday injuries on campus and monitor allergies and diabetes, and others have moved to providing one or more lead credential nurses to oversee LVNs for a higher level of services. Some districts have developed protocols to train and implement site staff to provide specialized health care. According to Kidsdata.org, the industry standard is 1-to-2,784 students. The district employs 3.0 FTE credentialed school nurses, which produces a districtwide caseload of 1-to-7,185, well above the industry standard. The district has also chosen to have either a LVN or a health clerk at each school site. Because these industry standards do not include health clerks or LVNs, it may benefit the district to further analyze the efficiencies of its health care services and supports.

Program	# of FTE	Caseload	Caseload Average	Industry Standard
Credentialed School Nurses	3	21,555	1:7,185	1:2,784

*Source: District data and kidsdata.org*

## Recommendations

*The district should:*

1. Develop a consistent caseload tracking process for all staffing and services provided.
2. Consider reducing psychologists by 2.15 FTE or instead formally using them for general education/social emotional interventions.

3. Increase speech and language pathologists by 2.6 FTE to comply with the Education Code and/or consider revisiting obtaining these services via tele-communication.
4. Determine if the district is charged for related services by the county office and also provides that service in-house. This may represent a duplication of services.
5. Explore the possibility of maximizing SLP services by those already serving students in county-office-operated classrooms.
6. Consider reducing the number of APE teachers by 1.1 FTE.
7. Increase the number of teachers for the orthopedically impaired by .2 FTE.

## Nonpublic Schools and Agencies

Education Code Section 56034 defines a “nonpublic, nonsectarian school” (NPS) as follows:

...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.

“Nonpublic, nonsectarian agency” (NPA) is defined by Education Code Section 56035 as follows:

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

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 district students, it may contract with an NPS or NPA. The Desert/Mountain SELPA assists with this process by providing the NPS and NPA contracts and negotiating rates for its member districts. The district provided FCMAT with Chapter 18 of the Desert/Mountain SELPA Local Plan, which describes the process for referral, placement, review and oversight of nonpublic school placements. The SELPA coordinator oversees nonpublic school compliance and the district designee (school psychologist) attends IEPs. District staff indicated only two nonpublic school options are available in the area, and both serve students with severe conduct and autism needs. On behalf of its member districts, the SELPA coordinates all aspects of residential placements for students who require them. The SELPA also covers the cost of the residential portion of the placement using educational related mental health funds. According to the Desert/Mountain AB 602 Allocation Plan provided by the district, the SELPA processes all invoices and bills back the district per the board approved X-Pot procedure. Financial documents were not available from the SELPA so FCMAT could review expenses related to mental health services. The X-Pot Insurance Fund provides each LEA SELPA voting member with indemnification against the first \$30,000 in NPS/NPA costs. However, insurance plans or pools such as the X-Pot can inadvertently create an incentive for costly, restrictive placements and should be reviewed regularly by the SELPA Finance Committee.

FCMAT reviewed the district’s NPS/NPA expenditures billed back from the SELPA for the past two years as well as the estimate for the current year. The table below indicates NPS/NPA costs decreased from \$805,271 in 2014-15 to \$604,837 in 2015-16 a reduction of 25%. Due to a lack of documentation from the district, FCMAT was unable to review the costs of the residential portion of NPS placements. The district had expressed concern about a perceived increase in NPS/NPA costs. FCMAT’s analysis of expenditures and student enrollment along with

evidence gathered through interviews with district staff indicate that expenses have fluctuated inconsistently with decreases and increases in NPS enrollment during the three years as shown in the chart below. The Business Department should meet with Special Services administration to review NPS placement trends and to develop a budget for the next fiscal year. These departments should meet monthly to adjust the budget to accommodate students as they enter or leave NPS placements accordingly. NPS enrollment changes throughout the year as students transition to and from NPS placements. Regular meetings will allow the Business Department to anticipate budgeting needs and the Special Services Department to anticipate staffing needs.

Year	December Enrollment*	Budgeted**	Revised Budget**	Expenditure**	% Change
2014/2015	14	\$875,000	\$856,000	\$805,271	
2015/2016	18	\$856,000	\$604,838	\$604,837	(25%)
2016/2017	16	\$500,000	\$500,000	\$679,455 (Est.)	12.3%

\*Source: CALPADS completed enrollment 2015-16 and 2016-17; DataQuest 2014-15

\*\*District provided downloads of the general ledger

## County-Office-Operated Programs

FCMAT analyzed the costs charged back to the district per the AB 602 Fiscal Allocation Plan. Chapter 24 of the allocation plan determines a SELPA-wide average daily attendance (ADA) rate, which is established by including the Local Control Funding Formula (LCFF) base, a cost-of-living adjustment (COLA), equalization, growth (if applicable) and other items, along with federal IDEA funds for age 5-21 programs. The funds are then distributed to member districts per the AB 602 Allocation Plan. Regional programs operated by the county are funded through a revenue deduct expense equation, based on the regional services fee-for-services schedule. The district receives a net revenue amount after all allocation plan deductions, and regional services fee-for-services costs are deducted. The table below shows the increased costs to the district even as fewer students are served in regional programs.

From 2014-15 to 2015-16, regional program costs decreased by 10.5% or \$385,312; from 2015-16 to 2016-17 they are projected to increase by 18.3% or \$603,108. Between 2014-15 and 2015-16, the decrease can be attributed to 29.52 fewer students served by the county, and the increase in the 2015-16 year is attributed to 11.26 additional students being served after the district returned one moderate/severe program back to the county. Based on the figures from the table below, the overall costs for regional services have increased 30% from an average of \$35,119 per student to an average of \$45,043 per student over the two years. While the AB 602 Allocation Plan ADA rate is affected by a number of variables, the district's per-student cost for students referred to county office regional programs has increased significantly, and it should consider operating the moderate/severe classes currently run by the county office.

### *Annual Costs For*

Year	ADA	SDC	Designated Instructional Services	I-to-I IAs	Total	% Change
2014-2015	104.82	\$20,245	\$3,813	\$48,344	\$3,681,182	
2015-2016	75.3	\$21,995	\$4,131	\$49,929	\$3,295,869	(10.5%)
2016-2017	86.56	\$21,349	\$5,800	\$43,754	\$3,898,977	18.3%

FCMAT's interviews with district staff from the Business Services and Special Services departments indicate regional program costs, as well as other AB 602 allocation deductions, are not regularly monitored and are not part of any budget development process in the latter department. Instead, the district rolls forward the previous year's budget and makes adjustments for expenses as they happen but which should be planned for in advance or anticipated based on information provided by the county. The district should formalize a budget development and review process that includes evaluating AB 602 projected revenues and program expenses. Costs for district students served in regional programs have clearly increased, and many district students are already served in regional programs on district sites. Consequently, the district should evaluate returning additional programs to the district.

Interviews also indicated that while the superintendent attends the SELPA Governance Committee meetings, the district does not regularly send representatives to attend the SELPA Finance Committee meetings.

## **Recommendations**

*The district should:*

1. Regularly request an analysis of the costs of students placed in residential settings from the SELPA to ensure that the nature of the funding model has not created an incentive for NPS/NPA placements.
2. Ensure that insurance funds or pools in which it participates have not created an incentive for more costly, restrictive placements and that the SELPA Governance and Finance Committee regularly reviews these funds and pools.
3. Institute regular meetings between the Business and Special Services departments to review NPS enrollment trends and placements.
4. Consider transferring back from the county office all remaining moderate/severe programs to reduce regional program expenses.
5. Include the Special Services Department in the budget development process, and ensure the departments meet monthly to review the county-office-generated financial projections.
6. Evaluate returning additional programs to the district; many of the district's students are already served in regional programs on district sites.
7. Send representatives to attend the SELPA Finance Committee meetings.



## County Office of Education Services

In 2009, the district initiated a plan to develop programs to serve students with more severe disabilities instead of referring them to county-office-operated regional programs. The district started with four autism classes and initiated another plan to return additional programs from the county office in 2013. The district operates 39 classes for students with more severe disabilities.

The costs of referring students to regional programs have increased and will likely continue to rise. Services provided by a county office should be focused on maximizing the benefits of economies of scale. County offices are sometimes the best options for districts with smaller populations of students with severe disabilities and also in more rural areas where the costs of teachers, aides, itinerant staff, administration, and facilities can be shared among districts. The responsibility of advertising, hiring, and supervising staff and providing statutory and health and welfare benefits can also be shared in this scenario. This economy of scale is lost in the district's remaining moderate/severe classes operated by the county. District-provided documents indicate that more than 90% of the students enrolled in the five remaining moderate/severe classes are from the district, and one class has an enrollment made up entirely of district students. The district could avoid the costs associated with classrooms in county-operated programs by hiring its own teacher and instructional assistants. This would not only reduce the district's costs but allow it to add students without additional expenses per student.

FCMAT was not provided with the actual or average costs of county office personnel for a complete comparison. However, the example below shows the financial benefit of the district returning additional regional programs. For this example, FCMAT used a moderate/severe classroom with 13 enrolled students located at Oak Hills High School which is larger than industry standard as discussed above. It is staffed with one teacher, three instructional aides and two, 1-to-1 instructional aides. Based on the calculated average salaries for these positions, the total staffing costs for this classroom would be \$282,001, or \$23,500 per student (using a class size of 12 – the upper limit of industry standard) as shown in the chart below.

Title	Average with benefits	Number	Total
Teacher	\$97,796	1	\$97,796
Special Education Assistant II	\$36,841	5	\$184,205
			\$282,001

Comparing the \$23,500 calculated above with the 2016-17 projected SDC cost for a student enrolled in a regional program of \$21,349, the district's cost is \$2,151 per student higher than the cost of the regional program. However, this example does not account for the revenues associated with enrollment, the savings the district would gain from not paying the full expense (plus indirect costs) for special circumstance instructional aides that are projected to cost \$43,754 and designated instructional services (DIS) costs, estimated to be \$5,800 per service or the fact that the classroom would then comply with industry standards. The cost of a county office 1-to-1 instructional aide (as reported in the previous section) is 19% more than the average district 6.5 hour special education instructional assistant II.

The district should operate all of the remaining moderate/severe classes so it can benefit from the economy of scale. All five of the ninth- to 12th-grade regional special education programs are located on district sites; however, they report to a separate administration. Under the existing model, the county office has full responsibility for the programs' design, curriculum and instructional methods.

Although students enrolled in these regional programs are from the district, they likely have limited interaction with other district students and staff since they are educated using county office personnel and facilities. The county office hires, supervises and evaluates certificated staff, which prevents school-site administrators from being extensively involved.

This type of delivery model can limit the district's flexibility in meeting individual student needs. District personnel indicated their communication is limited between the county office and the district on the transition of students along the full continuum of services. Opportunities to mainstream students to general education classes can also be delayed because of the additional layer of coordination and communication required with county office-operated programs and the school sites.

When the district receives communications or concerns from parents about their students' county office-operated special education program, it can offer little or no information. This is a disadvantage of this type of model from the district's perspective. A by-product of this type of delivery model is the lack of direct contact with county office staff to resolve day-to-day issues concerning individual students' programs or services. Parents can often be confused by the district's limited information about their child and may not understand the difference between programs operated by the county office and those run by the district. Returning the remaining 9-12 grade moderate/severe classes also enhances the matriculation of students from middle to high school, streamlining communication between the district and families and minimizing errors in coordination and communication.

The district incurs costs from due process cases that involve its students enrolled in regional programs, but it has no local control over the program staff, services, or curriculum and professional development.

The district's school principals and support staff indicated they have a strong interest in operating all special education programs, including those for children who are in county-office-operated programs. For a smooth transition, the district should revisit the plan developed in 2013 that includes involving all those affected, planning for facilities, curriculum, and hiring additional staff. The 2013 plan includes involving parents and communicating with them on the timeline for the transition as well as the plan to address staffing changes through the IEP process. Also included in the 2013 district plan, are the appropriate steps to follow per Section H of the Desert/Mountain SELPA Local Plan related to notifying the appropriate SELPA governance committees.

A significant obstacle that the district has faced after returning elementary programs from the county office is hiring and retaining staff. This will continue if the district returns the remaining moderate/severe classes. The district should aggressively recruit teachers in the county and increase out-of-region recruitment efforts to draw qualified teachers. The Special Services, Personnel and Business departments should meet monthly to monitor the placements of instructional assistants and develop a shared tracking method all departments can use to minimize the overstaffing of classroom assistants and 1-to-1 assistants. As the departments meet monthly, classroom enrollments should be reconciled with staffing to ensure appropriate ratios are maintained in all classes (see section on staffing ratios).

## Recommendations

*The district should:*

1. Return all regional service moderate/severe programs when most students belong to the district.
2. Return all 9-12 grade moderate/severe programs to reduce special education costs and improve matriculation between middle and high school programs.
3. Analyze the staffing ratios of regional programs and develop a plan to staff moderate/severe classrooms with specific and general environmental supports from classroom instruction aides and fewer 1-to-1 supports.
4. Complete a cost analysis of staffing a regional program with district staff and project potential savings of serving district students in a district program.
5. Reconsider the “Proposal to Return County Students to District Control” plan developed in 2013 and the transition of the 9-12 grade programs. If the district proceeds with the plan, it should aggressively recruit teachers in the county and increase out-of-region recruitment efforts to draw qualified teachers to the district as well as facilitate regular meetings with county office administration to address possible communication gaps with staff and parents.
6. Initiate monthly meetings between Personnel, Special Services, and Business Services departments to review special services enrollment, ensure the appropriate level of instructional aide staffing, track approved personnel assignments, and to better inform budget development based on enrollment trends.



## Least Restrictive Environment in the Transition Process

Transition is important in the service delivery model for special education, and the district has written procedures for this area that are implemented at all levels, according to staff.

A transition IEP meeting is held for students as they promote to the next grade level before the end of the school year. The case carrier is responsible for scheduling the IEP meeting and ensures that all required participants are in attendance. The IEP meeting includes the receiving school's case carrier. The meeting may be held along with an annual or triennial IEP or can be an addendum to the previous IEP. The deadline for these meetings is April 30.

The staff reported that these meetings are held consistently for students transitioning from level to level and ensure that the least restricted environment is provided to all students. However, there was no indication that services were increased or decreased because of the transition from level to level.

## Recommendations

*The district should:*

1. Continue its established implementation of procedures at all transition levels.
2. Consider ongoing articulation in the beginning of the school year to identify problem areas in the transition process that can be avoided in the next transition.



## Fiscal Issues

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

The special education reporting methods of districts, county offices, and SELPAs can vary. There is no consistent, uniform procedure or coding requirements for special education. 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 need to address an unrestricted general fund contribution that is excessive or increasing.

Maintenance of effort (MOE) is the federal statutory requirement that a district must spend the same amount or more 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 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.
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 provided to FCMAT indicate the district's unrestricted general fund contribution was \$14,219,186 or 52% of total special education expenditures (less program cost report allocations) in 2014-15 and \$17,154,281 or 55% in 2015-16. The district's 2016-17 approved budget for special education is \$32,396,840 and its unrestricted general fund contribution is projected to be \$19,672,733 or 61% of the special education budget. According to the March 2015 Special Education Task Force Report on the general fund contribution percentage to special education, the statewide average is 43%.

Several factors affect a district's unrestricted general fund contribution, including 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 LCFF was enacted with the passage of the 2013-14 Budget Act, replacing the previous K-12 finance system with a new funding formula. 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. The previous K-12 finance system included a transfer of ADA funding generated by SDC attendance from the unrestricted general fund to the special education program. This ADA is no longer reported separately, and the CDE determined that this transfer will no longer occur because of the LCFF. 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 was folded into the LCFF and is therefore no longer restricted special education revenue.

The district's special education contribution has increased by \$5,453,547 since 2014-15 or 38.4%.

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 its financial system. Since 2014-15, the district's revenue received to operate special education programs is projected to decrease by \$220,883 or 2.4%.

### ***Special Education Revenues from 2014-15 to Projected 2016-17***

Description	2014-15	2015-16	Projected 2016-17	Difference from 2014-15 to projected 2016-17
IDEA Entitlement	\$2,991,870	\$3,172,952	\$3,172,952	+\$181,082
IDEA Preschool	\$137,313	\$108,974	\$108,974	-\$28,339
State Preschool Grant	\$3,879	\$0	\$0	-\$3,879
State Workability	\$288,970	\$289,284	\$289,311	+\$341
AB602 State Apportionment	\$5,476,333	\$5,473,201	\$5,269,748	-\$206,585
AB602 State Apportionment, Prior Year Adjustments	\$106,520	\$544,604	\$0	-\$106,520
Interagency Services	\$24,084	\$13,863	\$0	-\$24,084
Other Local	\$32,899	\$30,840	\$0	-\$32,899
Total Revenues	\$9,061,868	\$9,633,718	\$8,840,985	-\$220,883

School districts throughout the state find it increasingly difficult to fund the costs for serving special education students. Districts are faced with mounting increases in the differences between the federal and state governments' funding and the mandated costs for these vital student services. Special education funding is based on total districtwide generated ADA and not on identified students or just SDC attendance. It is important to monitor attendance and attendance rates districtwide, including those of SDCs. Every attendance day is either revenue earned or lost for general education and special education.

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 2014-15 the district's expenditures to operate special education programs are projected to increase by \$4,890,163 or 17.8%.

### *Special Education Expenditures from 2014-15 to Projected 2016-17\**

Description	2014-15	2015-16	Projected 2016-17 <sup>^</sup>	Difference from 2014-15 to projected 2016-17
Certificated Salaries	\$11,228,214	\$13,121,456	\$14,853,152	+\$3,624,938
Classified Salaries	\$5,509,939	\$6,424,219	\$6,777,751	+\$1,267,812
Benefits	\$5,641,036	\$6,681,339	\$6,735,557	+\$1,094,521
Materials and Supplies	\$462,138	\$404,255	\$371,050	-\$91,088
Contracts and Operating	\$4,637,801	\$4,491,906	\$3,639,672	-\$998,129
State Special School	\$15,918	\$22,029	\$0	-\$15,918
Sub-Total, Direct Costs	\$27,495,046	\$31,145,204	\$32,377,182	+\$4,882,136
Indirect Charges	\$11,631	\$13,568	\$19,658	+\$8,027
Total Expenditures	\$27,506,677	\$31,158,772	\$32,396,840	+\$4,890,163

\*Excludes the Program Cost Report Allocation

<sup>^</sup>From 2015-16 Unaudited Actuals, Report SEMB

The table below compares the district's December 1 identified special education pupil count and the expenditures per identified pupil count. Since 2014-15 the district's identified special education pupil count has increased by 184 pupils or 8.3% and expenditures per identified special education pupils are projected to increase by \$1,086 per pupil or 8.8%.

### *Pupil Count and Expenditures per Pupil*

Description	2014-15	2015-16	Projected 2016-17	Difference from 2014-15 to projected 2016-17
December 1 Identified Pupil Count	2,220	2,404	2,404	+184 (+8.3%)
Expenditures per Pupil	\$12,390	\$12,961	\$13,476	+\$1,086 (+8.8%)

District staff indicated the Business Services and Special Services departments do not communicate effectively about the budgeting process. This includes a lack of ongoing communication about budget revisions and a lack of regular meetings between the two departments to discuss the budget and necessary revisions. As a result, unexpected costs are included in the Special Services Department budget after the expense has been incurred. While the Special Services Department is responsible for developing its own budget, staff indicated delays are common, and the Business Services Department is sometimes not provided with the justification data for additional staff/contracted services.

## 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 exemptions allowed.
2. Monitor attendance rates, including those of SDCs.

3. Establish monthly meetings with the special services director and the assistant superintendent of business services to include the following topics:
  - a. Budget development
  - b. Budget monitoring
  - c. Maintenance of effort requirements
  - d. Additional staff requests or changes in assignments
  - e. Nonpublic school and/or agency contracts, invoices and new placements
  - f. Due process or complaint issues
  - g. Staff caseloads
  - h. Identified student counts
  - i. Identified needs
4. Establish regular meetings of the Special Services, Business Services and Personnel departments to review the special education staffing to ensure that staff is charged appropriately to special education and based on identified needs. If staff members serve both identified and nonidentified students, the portion of their time serving the latter should not be charged to the special education program.
5. Periodically review the cost of contracted services including the services provided by the county office to determine if it would be cost-effective to operate these special education programs and services rather than contracting.

# Appendix

## A. Study Agreement



# Appendix A

## Study Agreement



CSIS California School Information Services

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**FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM  
STUDY AGREEMENT  
September 22, 2016**

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the Hesperia 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 local education agencies (LEAs). 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**

1. Review the district's implementation of Student Success Teams (SSTs), Response to Intervention (RtI), and Multi-Tiered System of Supports (MTSS) and make recommendations for improvements, if any.
2. Analyze special education teacher staffing ratios, class and caseload size using statutory requirements for mandated services and statewide guidelines and make recommendations for improvement, if any.

3. Review the staffing of both classroom and 1-to-1 special education paraeducators for efficiency and make recommendations for improvement, if any. Review the procedures for identifying the need for paraeducators, and the processes for monitoring the assignment of paraeducators and determining the need for continued support from year to year.
4. Review the Special Education Department's central office administrative and support staffing and make recommendations for improvement, if any.
5. Analyze whether the district provides a continuum of special education and related services from preschool through 22 years of age, and make recommendations for improvement, if any.
6. Analyze caseloads and staffing for related service providers including, but not limited to, speech pathologists, psychologists, occupational and physical therapists, behavior specialists, adaptive physical education teachers, and other staff who may provide Designated Instructional Services, and make recommendations for improvement, if any. This scope item will include a review of contracted services.
7. Review county office of education (COE), nonpublic school and nonpublic agency costs and placements, and make recommendations for improving cost efficiencies and the placement process, if any.
8. Review services provided by the COE and analyze possible advantages having the district provide those services, if any.
9. Review the process used to ensure that the least restrictive environment is provided and to determine whether services will be increased or reduced when transitioning students from elementary to middle school and from middle school to high school. Make recommendations for improvement, if any.
10. Review the district's unrestricted general fund contribution to special education and make recommendations for greater efficiency, if any.

**B. Services and Products to be Provided**

1. Orientation Meeting - The team will conduct an orientation session at the district to brief district management and supervisory personnel on the team's procedures and the purpose and schedule of the study.
2. On-site Review - The team will conduct an on-site review at the district office and at school sites if necessary.
3. Exit Meeting - The team will hold an exit meeting at the conclusion of the on-site review to inform the district of significant findings and recommendations to that point.
4. Exit Letter – Approximately 10 days after the exit meeting, the team will issue an exit letter briefly memorializing the topics discussed in the exit meeting.
5. Draft Report - 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 by the district within six to 12 months after completion of the study, FCMAT will return to the district at no cost 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. FCMAT will work with the district on a mutually convenient time to return for follow-up support that is no sooner than eight months and no later than 18 months after completion of the study.

### **3. PROJECT PERSONNEL**

The study team will be supervised by Michael H. Fine, Chief Administrative Officer, Fiscal Crisis and Management Assistance Team, Kern County Superintendent of Schools Office. The study team may also include:

<i>A. To be determined</i>	<i>FCMAT Staff</i>
<i>B. Don Dennison</i>	<i>FCMAT Consultant</i>
<i>C. Jackie Kirk-Martinez, Ed. D.</i>	<i>FCMAT Consultant</i>
<i>D. Jackie Martin</i>	<i>FCMAT Consultant</i>
<i>E. JoAnn Murphy</i>	<i>FCMAT Consultant</i>
<i>F. Phillip Williams</i>	<i>FCMAT Consultant</i>

### **4. PROJECT COSTS**

The cost for studies requested pursuant to Education Code (EC) 42127.8(d)(1) shall be as follows:

- A. \$500 per day for each staff member while on site, conducting fieldwork at other locations, presenting reports and participating in meetings. The cost of independent FCMAT consultants will be billed at their actual daily rate for all work performed.
- 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 2A, the total not-to-exceed cost of the study will be \$50,000.**

- 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 and/or completion 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 and will be established upon the receipt of a signed study agreement:

Orientation:	December 5, 2016
Staff Interviews:	December 5-9, 2016
Exit Meeting:	December 9, 2016
Draft 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 which, 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 field work, 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 of 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 Hesperia Unified School District named as additional insured, indicating applicable insurance coverages upon request.

**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: George Landon, Assistant Superintendent  
Telephone: (760) 244-4411 extension 7238  
E-mail: [george.landon@hesperiausd.org](mailto:george.landon@hesperiausd.org)



10-4-16

George Landon, Assistant Superintendent  
Hesperia Unified School District

Date



September 22, 2016

Michael H. Fine,  
Chief Administrative Officer  
Fiscal Crisis and Management Assistance Team

Date