



FCMAT

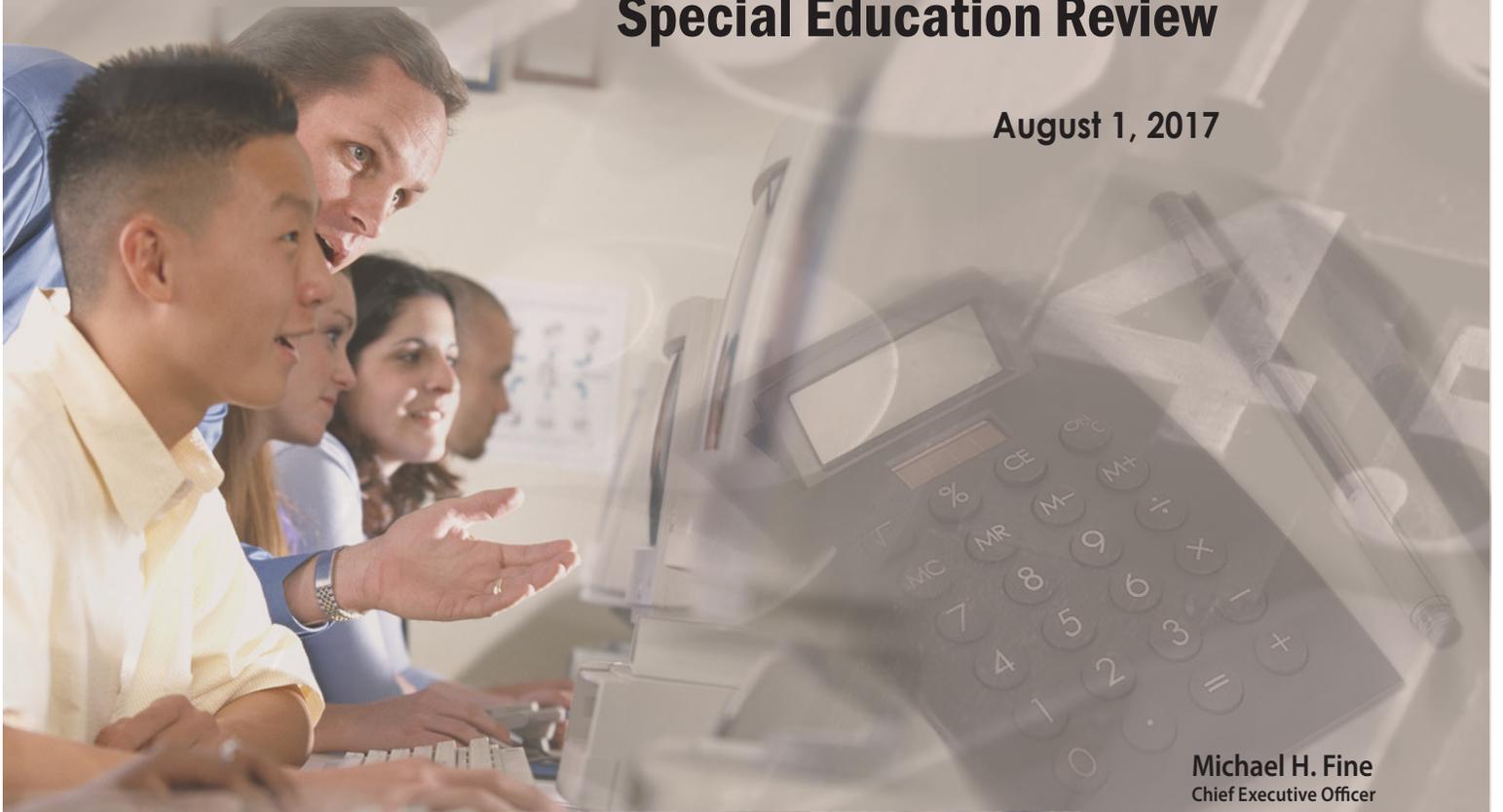
FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

CSIS California School Information Services

Poway Unified School District

Special Education Review

August 1, 2017



Michael H. Fine
Chief Executive Officer







CSIS California School Information Services

August 1, 2017

Marian Kim-Phelps, Ed.D., Superintendent
Poway Unified School District
15250 Avenue of Science
San Diego, CA 92128

Dear Superintendent Kim-Phelps,

In November 2016, the Poway Unified School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for a Special Education review. Specifically, the agreement stated that FCMAT would perform the following:

1. Review the district's 2016-17 projected unrestricted general fund contribution to special education, including transportation; analyze the factors contributing to the escalating costs in 2014-15, 2015-16 and 2016-17 and make recommendations for greater efficiency, if any.
2. Review the district's implementation of Student Success Team, Response to Intervention, and Multi-Tiered System of Supports, and make recommendations for improvement, if any.
3. Determine whether the district is overidentifying students for special education services compared to the statewide average, and make recommendations that will reduce overidentification, if needed.
4. Analyze whether the district provides a continuum of special education and related services from preschool through 22 years of age, including student placements in the least restrictive environments, and make recommendations for improvement, if any.
5. Review special education teacher staffing ratios, class and caseload size using the statutory requirements for mandated services and statewide guidelines and make recommendations for improvement, if any.
6. Review the efficiency of staffing allocations of special education paraeducators and make recommendations for improvement, if any. This will include reviewing the procedures for identifying the need for paraeducators and determining the

ongoing need for continued support from year to year (including classroom and 1:1 paraeducators).

7. Analyze staffing and caseloads for related service providers, such as: speech therapists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education teachers, credentialed nurses and others, and make recommendations for improvement, if any.
8. Review nonpublic school and nonpublic agency costs and placements and make recommendations for improving the process for placement and cost efficiencies, if any.
9. Review the mental health plan and service delivery, revenues and expenditures and make recommendations for efficiencies, if any.
10. Review the costs of due process, mediations, and settlements for 2014-15, 2015-16 and 2016-17 and make recommendations for efficiencies, if any.
11. Review the organizational structure and staffing of the special education department in the district's central office to determine whether clerical and administrative support, programs, and overall functionality are aligned with those of single-district SELPAs of comparable size and structure and make recommendations for greater efficiencies, if needed.

This final report contains the study team's findings and recommendations in the above areas of review. FCMAT appreciates the opportunity to serve the Poway Unified School District, and extends thanks to all the staff for their assistance during fieldwork.

Sincerely,



Michael H. Fine
Chief Executive Officer

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About FCMAT

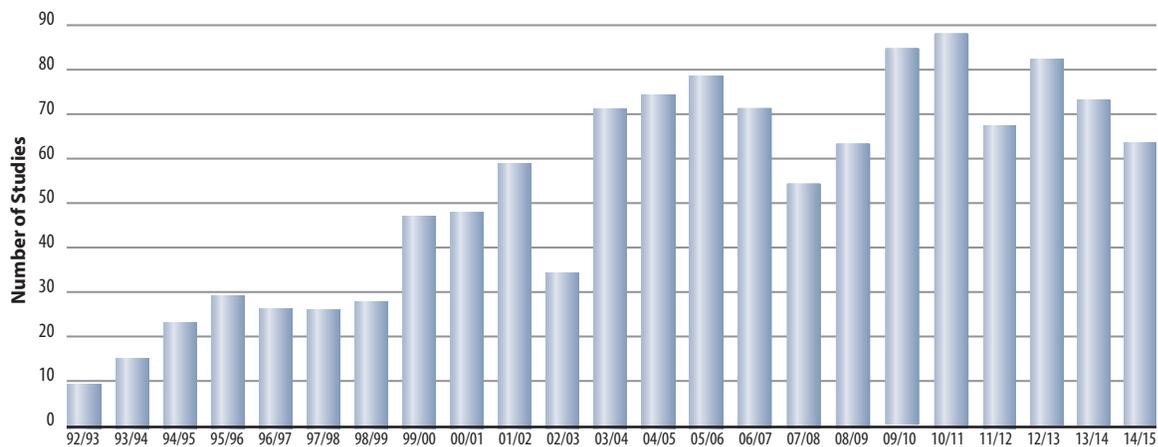
FCMAT’s primary mission is to assist California’s local K-14 educational agencies to identify, prevent, and resolve financial, human resources and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related 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) 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 state-wide 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 Michael H. Fine, Chief Executive Officer, with funding derived through appropriations in the state budget and a modest fee schedule for charges to requesting agencies.

Introduction

Background

Located in San Diego County, the Poway Unified School District serves approximately 35,900 students at 25 elementary schools (TK-5), one elementary and middle school combination (TK-8), six middle schools (6-8) and five comprehensive high schools (9-12). The district also offers an independent study program, but has not authorized any charter schools.

The district has a five-member governing board and one student board member who is selected to serve a one-school-year term. Its schools are located in the cities of San Diego and Poway.

The district is a single district Special Education Local Plan Area (SELPA). According to 2016-17 data from the California Department of Education, 4,457 students from birth to age 22 live in the district and are identified with special needs.

In December 2016, the district and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for management assistance to review the district's special education program.

Study and Report Guidelines

FCMAT visited the district on March 14-17, 2017 to conduct interviews, collect data, and begin reviewing documents. This report is the result of those activities and is divided into the following sections:

- Executive Summary
- Fiscal Considerations
- General Education Academic and Behavior Support (SST/RtI²/MTSS/PBIS)
- Identification Rates
- Least Restrictive Environment
- Program Delivery
- Special Education Caseloads
- Paraeducator Staffing
- Related Service Provider Staffing
- Nonpublic Schools and Agencies
- Mental Health
- Due Process
- Organizational Structure
- Appendix

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

Study Team

The study team was composed of the following members:

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

Executive Summary

School districts throughout the state face a continuing challenge in funding the costs for special education students. Districts are faced with rising increases in the differences between the federal and state funding and the mandated costs for these vital student services. Poway Unified's unrestricted general fund contribution to special education was 46% of total special education expenditures in 2014-15, 49% in 2015-16, and is projected at 52% in 2016-17. Factoring in the general fund contribution to special education transportation would increase the contribution by an additional 8% in all three fiscal years. The current year's projected unrestricted general fund contribution to special education and special education transportation of 60% is consistent with most recent statewide averages.

Position control is essential for school district budgeting since typically 85% to 90% of school district costs are attributable to personnel-related expenses. Staff had difficulty producing an accurate position control report that accounted for all staff charged to the special education program. Special Education Department staff tracks personnel assigned to their programs, and this information ultimately became the basis of FCMAT's caseload analysis. It is impossible for a district's budget, budget monitoring and decision-making process to be accurate, efficient and effective without a fully functioning position control system.

The district has taken initial steps toward a plan for Student Study Teams (SSTs) and Response to Intervention and Instruction (RTI²); however, no effective system has been implemented. Poway Unified is a site-based decision-making district, and multiple interviews indicated each site is different. Because of flexibility at the sites, they do not utilize a consistent system. Therefore, a student who struggles at one site may be assessed for special education before general education strategies and interventions are implemented. At a different site, the student may have an SST meeting and appropriate general education strategies and interventions.

The district's identification rate for the current school year is 11.5%, which is .8% higher than the 10.7% statewide average identification rate for disabled students. While it is close to the statewide average rate, the district's rate has increased by .5% annually over the most recent three years. This trend indicates a need to consider reviewing the general education preidentification strategies and programs. As of the date of this study, there were 419 open special education assessments. The district is over the statewide average for disabilities in other health impaired, specific learning disabled, emotionally disturbed and speech and language impaired.

The district has made minimal progress in complying with federal requirements to increase least restrictive environment for K-12 students. Two factors impede the district's progress: A strategic plan for a change in program delivery has not been adopted, and the executive director should be a member of decision making in the Learning Support Services Department.

Staffing formulas for special education programs that are not established in the Education Code are included in an internal, unofficial guideline. However, the district should clarify whether this document, titled "Class Size and IA Staffing for Programs," is only a guideline with great flexibility or adopted staffing policy. Education Code regulations for caseload limits in the resource specialist program indicate the district is overstaffed in K-12 resource specialist teachers. For moderate/severe special day classes (SDCs), district documentation suggests it is overstaffed in elementary and middle school teachers in the critical skills SDCs compared to industry standards. The district should continue evaluating whether to restructure autism support SDCs.

The district's level of instructional assistant staffing in services to mild/moderate students is at or below industry standards. Instructional assistant staffing for autism spectrum disorder SDCs is significantly above industry standards, especially at the elementary level. The district has a high level of 1-to-1 instructional assistance support. It is essential to adhere to the procedures identified in the special circumstance individual assistance guidelines.

School psychologist staffing for typical duties across K-12 align with one state measurement, but caseloads are higher than another state comparison point. The district utilizes some school psychologists in roles that diverge from the typical duties. Speech and language pathologists serving K-12 caseloads also align with state averages, while those serving preschool programs have low caseloads. Speech and language pathologists should be supported in developing RTI² services for mild articulation-only students in the primary grades, and in shifting service models for moderate/severe autism and critical skills SDCs that reduce pullout and emphasize push-in services.

Enrollment in nonpublic schools (NPS) is decreasing because of efforts to provide in-district alternative programs for disabled students. The district over relies on nonpublic agency (NPA) staffing in speech and language, nursing, occupational therapy, and the supervision of aides working in programs for students with autism. It should actively recruit staff in these areas to reduce NPA costs.

The district has developed a comprehensive system of support for social emotional and behavioral needs. It is within budget and has built internal capacity for a district sequence of programs for disabled students that have mental health issues.

The most effective way to contain due process costs is preparing and taking action beforehand by providing the executive director and resolution team with direct access to specialized legal counsel. Working closely with legal counsel, the special education administration will be prepared to resolve issues at the lowest level and cost. This access was removed from the special education executive director in fall 2016, but recently has been restored. Continued access increases overall effectiveness and the ability to resolve legal issues early.

FCMAT reviewed the organizational structure and staffing of the Special Education Department in the central office and determined that clerical and administrative support, programs, and overall functionality align with those of single-district special education local plan areas (SELPAs) of comparable size and structure. The three other similar districts were Mt. Diablo, Irvine and San Ramon Valley unified school districts. Key to this finding of comparability was the reinstatement this school year of the executive director position and two clerical positions. While Poway Unified is appropriately staffed with administrative and clerical positions, the district's leadership does not fully recognize or rely on the experience and knowledge of the executive director. The newly appointed superintendent has the opportunity to change this.

Findings and Recommendations

Fiscal Considerations

FCMAT was asked to review the district's 2016-17 projected unrestricted general education fund contribution to special education, including special education transportation; analyze the factors contributing to the escalating costs in 2014-15, 2015-16 and 2016-17 and make recommendations for greater efficiency, if any.

The current funding structure, commonly referred to as Assembly Bill (AB) 602, was introduced and signed into law in 1997 and became effective with the 1998-99 fiscal year. Under AB 602, special education funding is based on the average daily attendance (ADA) of all students in a school district, regardless of the number or cost of students served in special education programs. California distributes special education funds to SELPAs, which have little equity in funding rates. The district is a single-district SELPA, with funding provided by the state.

In addition to AB 602 state funding, districts/SELPAs receive a small amount of federal funds. The funding is not designed to support a stand-alone program; it is designed to supplement the general education program. Therefore, the combined state and federal financial resources are insufficient to cover even the most efficient and minimally funded special education programs. Local districts make contributions from local resources generated by all students, including special education students. This is the amount of funding that a district must transfer from its unrestricted general fund to pay for special education expenditures that are greater than those covered by the program revenues.

The special education financial reporting methods of districts, county offices, and SELPAs can vary. Some districts include transportation while others do not, and SELPAs vary in how they allocate funds. Therefore, it is not always possible to accurately compare a district's general fund contribution to that of other districts. However, a district needs to address a general fund contribution that is relatively excessive or increasing inconsistently with other district costs.

Federal statute requires districts to spend at least the same amount of state and local funds on special education services in each succeeding year. This requirement is commonly referred to as the maintenance of effort (MOE). There are limited exceptions, and if a district is considering reductions to the overall general fund contribution to special education, it is required to follow the MOE requirements (20 U.S.C.1413 (a)(2)(A)). The California Department of Education (CDE) lists the following as exceptions that allow the district to reduce the amount of state and local funds spent on special education:

1. 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 free and appropriate public education (FAPE) 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 general fund contribution was \$27,703,699 or 46% in 2014-15, and \$31,763,573 or 49% in 2015-16. For 2016-17, the district's total special education budget is projected to be \$71,664,541. The 2016-17 general fund contribution is projected to be \$37,020,590, or 52% of the special education budget. The MOE documents do not include the district's general fund contribution to the special education transportation program because of a state accounting change. However, a review of the documents provided to FCMAT shows the district's general fund contribution for the special education transportation would increase the contribution to 54% in 2014-15. Based on projections for 2016-17, the contribution would increase to 60%. The special education transportation program contribution was \$4,545,788 in 2014-15 and is projected to be \$5,958,527 in 2016-17.

According to the March 2015 Special Education Task Force Report on the general fund contribution percentage to special education, the statewide average is 43%. The Legislative Analyst's Office 2017-18 Budget: Proposition 98 Education Analysis dated February 9, 2017, states that as of 2014-15 "state and federal categorical funding covers about 40% of special education costs in California. Schools cover remaining special education costs with unrestricted funding (mostly LCFF)." This indicates that the unrestricted general fund contribution has increased to approximately 60%, which places the district at the statewide average.

Several factors affect a district's general fund contribution, including the revenue received to operate the programs and the expenditures for salaries, benefits, staffing and caseloads, NPS and NPA costs and transportation. Litigation can also increase a district's general fund contribution. As with the general fund budget, most of the costs of providing special education services are for personnel. As the district has negotiated higher salary and benefit contributions for its employees, special education costs have also increased. The district's recent negotiations may have been based on factors relative to the overall state budget and funding to LEAs, but state special education funding has been changed only by the state-adopted cost-of-living-adjustment (COLA). This means special education personnel costs are rising at a much higher rate than special education revenues, forcing the district to make a higher general fund contribution to cover the difference.

The Local Control Funding Formula (LCFF) was enacted with the passage of the 2013-14 State Budget Act, replacing the previous K-12 finance system. The formula for school districts and charter schools is composed of uniform base grants by grade spans (K-3, 4-6, 7-8, 9-12) and includes additional funding for targeted students. Under the previous K-12 finance system, general education ADA funding generated from special day class attendance was transferred from the unrestricted general fund to the special education program. This ADA is no longer reported separately, and the CDE determined the transfer should no longer take place under the LCFF. Because of this, general fund contributions to special education are reported at higher levels but do not necessarily reflect increased adverse impacts on the district's resources.

Also effective in 2013-14, funding for special education transportation became an add-on to the LCFF and was fixed at 2012-13 levels.

The district's MOE special education contribution has increased by \$9,316,891 since 2014-15 or 33.6%. The district's special education transportation contribution has increased by \$1,412,739 since 2014-15 or 3.11%.

The table below compares the special education revenue the district receives from both state and federal resources. The special education revenue data provided to FCMAT was 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 has decreased by \$18,017 or 0.1%.

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	\$5,014,293	\$4,962,358	\$4,977,131	-\$37,162
IDEA Preschool	\$518,089	\$481,582	\$480,906	-\$37,183
IDEA Mental Health	\$398,384	\$398,168	\$398,710	+\$326
IDEA Infant	\$117,525	\$117,525	\$117,525	\$0
Federal Alternative Dispute Resolution Grant	\$0	\$12,167	\$30,027	+\$30,027
Federal Workability	\$205,153	\$0	\$0	-\$205,153
Other Federal	\$65,552	\$0	\$0	-\$65,552
AB602 Property Taxes	\$1,273,299	\$1,531,480	\$1,417,190	+\$143,891
AB602 State Apportionment	\$16,411,756	\$16,348,969	\$16,548,685	+\$136,929
AB602 State Apportionment, Prior Year Adjustments	\$0	\$397,520	\$0	\$0
State Local Assistance Grant	\$0	\$0	\$9,725	+\$9,725
State Mental Health	\$2,069,321	\$2,083,075	\$2,089,048	+\$19,727
State Workability	\$221,020	\$221,020	\$221,020	\$0
Other Local	\$13,592	\$0	\$0	-\$13,592
Total, Revenues	\$26,307,984	\$26,553,864	\$26,289,966	-\$18,017

Source: 2014-15 and 2015-16 unaudited actual data; projected 2016-17 as of Second Period Interim Financial Report
Rounding used in calculations

School districts throughout the state face a continuing challenge in funding the costs for serving special education students. Districts are faced with rising increases in the differences between the funding provided by federal and state governments and the mandated costs for these services. Special education funding is based on total district wide generated ADA and not just on identified students. It is important to monitor attendance and attendance rates districtwide.

The table below shows the district's special education program expenditures. The data is based on the MOE documents provided to FCMAT. Since 2014-15 the district's expenditures to operate special education programs, including transportation, has increased by \$11,822,413 or 19.8%. Salaries and employer-paid benefits are the largest component of the increase. Since 2014-15, certificated salaries have increased by 15.1%, classified salaries have increased by 25.4%, and employer-paid benefits have increased by 50.1%. A portion of this increase has been in the special education programs because of settled contract negotiations, including employer-paid health insurance contribution increases, and the mandated increase in CalSTRS and CalPERS employer contribution rates. Since 2014-15 contracted services, which includes NPA and NPS placements, have decreased by 18.3%.

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

Description	2014-15	2015-16	Projected 2016-17	Difference from 2014-15 to projected 2016-17
Certificated Salaries	\$21,300,788	\$23,354,084	\$24,510,815	+\$3,210,027 (+15.1%)
Classified Salaries	\$14,030,958	\$15,106,698	\$17,594,776	+\$3,563,818 (+25.4%)
Benefits	\$13,577,503	\$15,814,367	\$20,386,360	+\$6,808,857 (+50.1%)
Materials and Supplies	\$1,379,998	\$1,135,640	\$1,299,538	-\$80,460 (-5.8%)
Contracts and Operating	\$9,157,585	\$8,840,180	\$7,484,590	-\$1,672,995 (-18.3%)
Capital Outlay	\$0	\$25,771	\$18,000	+\$18,000 (+100.0%)
Sub-Total, Direct Costs	\$59,446,832	\$64,276,740	\$71,294,079	+\$11,847,247 (+19.9%)
Indirect Charges	\$395,296	\$360,327	\$370,462	-\$24,834 (-6.3%)
Total, Expenditures	\$59,842,128	\$64,637,067	\$71,664,541	+\$11,822,413 (+19.8%)

Source: MOE documents; projected 2016-17 as of Second Interim Financial Report

Rounding used in calculations

*Excludes the Program Cost Report Allocation.

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 count has increased by 527 pupils or 13.4% and the expenditures per identified special education pupil have increased by \$852 per pupil or 5.6%.

District of Service Pupil Count and Expenditure per Pupil

Description	2014-15	2015-16	Projected 2016-17	Difference from 2013-14 to projected 2015-16
December 1 Identified Pupil Count	3,930	4,209	4,457	+527 (+13.4%)
Expenditures per Pupil	\$15,227	\$15,357	\$16,079	+\$852 (+5.6%)

Source: Data Quest (district of service) and MOE documents; projected 2016-17 as of Second Interim Financial Report

Position control is essential for school district budgeting, as 85% to 90% of typical district costs are attributable to personnel-related expenses. A strong position control system allows control and management of the budget, reduces the risk of missing positions, allows more accurate reporting and provides improved information about the district's positions and vacancies.

District staff had difficulty producing accurate information that accounted for all of the personnel charged to the special education programs. Position name, employee assigned to the position, full-time equivalency (FTE), annual paid days, daily paid hours, annual salary, and employer paid benefits are basic essential data components of position control. The information provided over multiple days was inconsistent. Staff reported that they use payroll-encumbering information for budgeting, which appears to be labor intensive. Special Education Department staff track personnel assigned to their programs, and this information was accurate and complete, and ultimately became the basis of FCMAT's caseload analysis. It is impossible for a district's budget, budget monitoring and therefore decision-making process to be accurate, efficient and effective without a fully functioning position control system.

Staff reported that the Special Education Department is involved in the budget development process and often overbudgets to account for anticipated growth. The Special Education, Business and Human Resources departments do not meet regularly during the year to adjust the

budget based on current needs. These meetings would be useful to discuss the following components of personnel and budget management:

- a. Budget development
- b. Budget monitoring
- c. Maintenance of effort requirements
- d. Additional staff requests or change in assignments
- e. Nonpublic school and/or agency contracts and invoices and new placements
- f. Due process or complaint issues
- g. Staff caseload
- h. Identified student counts
- i. Identified needs

Recommendations

The district should:

1. Monitor its unrestricted general fund contribution through the annual MOE computations and determine if it can reduce expenditures using any of the exemptions allowed.
2. Monitor overall attendance rates, including attendance rates in special day classes.
3. Establish monthly meetings with the special education executive director, the assistant superintendent of business services, the assistant superintendent of human resources, and related staff.
4. Implement a strong position control system and consider moving primary responsibility for position control to the Business Services Department.

General Education Academic and Behavior Support (SST/RtI²/MTSS/PBIS)

With few exceptions, most special education students start their educational career in general education. Identification of special needs is influenced by the district's implementation of Student Success Teams (SSTs), Response to Intervention and Instruction (RtI²), and Multi-Tiered System of Supports (MTSS).

During the 2012-13 school year, state compliance officials found the district to be significantly disproportionate in the disability category of emotional disturbance. To correct this finding, the district was required to utilize 15% of its federal funds for preidentification activities.

The student study team (SST) process is a long-standing 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 team. SST meetings provide an opportunity for all parties to share concerns and develop a plan. The interventions agreed upon vary depending on the child's educational needs, and the process has proved successful when effectively and consistently implemented.

In 2013-14 school year, the district developed a common SST online form termed Student Success Strategies (S³) with a subheading of RtI. The online form was beta tested during the 2013-14 school year and rolled out to some elementary school sites for the 2014-15 and 2015-16 school years. The online form was then accessible to all school sites for the 2016-17 school year. FCMAT could not locate board policies or administrative regulations related to SSTs. The district has these documents for student promotion/intervention/acceleration/retention, but they do not include language regarding SST or RtI. The district reports there is no handbook or formal referral process.

Poway Unified is a site-based decision-making district, and multiple interviews indicated that each site operates differently. Because of the sites' flexibility, many (especially secondary sites) do not utilize the online S³ forms. Some sites reported that they use their own forms, and some do not consistently use the SST process. Because the SST process is subject to 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. At another site, the student may receive an SST meeting and appropriate general education strategies and interventions that result in improvement and eliminate the need to be assessed for special education. District staff stated that sites that lack strong SST processes or RtI² implementation have a higher rate of assessment and referral. Students who may qualify under specific learning disability (SLD) from sites with a weak SST process may not have qualified for special education had they received appropriate general education interventions.

The district invited principals and their leadership team (which varied from site to site) to attend a training by Solutions Tree, Inc. focusing on raising student achievement and how to develop an RtI plan. The district developed the RtI online console and rolled it out during the same timeline as the S³ online form. This is potentially useful if accessed and utilized consistently across the district. As of the 2016-17 school year, the district hired four teachers on special assignment (TOSAs) responsible for all elementary sites. These TOSAs act as consultants to teachers, assisting with various teaching strategies. For the secondary sites, one teacher per site was released for 50% of his or her assignment. These secondary teachers are considered the SST and 504 coordinators and support teachers with coordinating meetings and assisting or coaching staff with differentiated instruction. The TOSAs and secondary released teachers meet weekly to discuss districtwide needs and share ideas for improvement.

Staff reported that the district has a foundation that financially supports each site with private funds based on site-determined needs. Staff stated some sites have hired impact teachers utilizing these inconsistent private funds. Impact teachers are on timecards and are utilized differently by each site, such as for releasing classroom teachers for various reasons or providing small group instruction. Although the sites view the impact teachers as RtI, these teachers have no formal training or formalized curriculum or process. Formal training in consistent, districtwide RtI instruction and intervention would increase the value of the impact teachers.

While parts of SST and RtI systems are found throughout the district, staff consistently reported there is no formal SST and RtI process, training or materials. Some sites reported they use Read Naturally, a structured reading program for struggling learners, and a few sites use small group instruction. There is no formal benchmark reporting for students who are struggling, which would inform staff if differentiated supports and interventions are needed and if they are working. There is potential for restructuring the use of the TOSAs and secondary release teachers to assist with focused implementation of interventions and provide direct instruction. The district is in the first phase of the SST and RtI process, but it should be more deliberate and consistent in moving the process along, perhaps with guidance from outside experts.

When a student is struggling and staff suspect a learning disability, the Intervention Assistance Team (IAT) meets. The IAT may meet as a result of an SST meeting or separately at the time general education interventions have been tried and concluded and the student is not progressing. The IAT varies from site to site and may or may not include the general education teacher, TOSA or released secondary teacher, administration, psychologist and nurse. The IAT should be consistently staffed at each site to determine the need for formal referral for assessment. FCMAT requested and received an accountability of current open assessments being conducted at the time of the fieldwork for this special education study. There are 147 open assessments for students requiring only speech assessments and 219 open assessments for students requiring a full psycho-educational assessment. The chart below shows the open assessments at each site.

Open Assessments as of March 2017

School site	Open SLP-only assessments	Open psycho-educational assessments
ABES	6	7
CHES	5	4
CSES	6	4
CVES	4	4
D39C	2	11
DCES	1	7
DSES	2	2
GRES	0	3
HRES	0	10
LPES	3	0
MCES	1	3
MDES	4	1
MRES	4	8
PMES	0	2
PRES	7	0

School site	Open SLP-only assessments	Open psycho-educational assessments
PVES	4	5
RHES	4	3
SCES	0	4
SDES	3	1
SHES	0	1
SRES	0	5
TBES	0	2
TBKES	0	4
VES	5	4
WGES	4	5
WWES	5	3
BHMS	4	8
BMMS	0	6
MBMS	1	5
MVMS	0	10
OVMS	1	2
TPMS	3	4
AHS	0	0
DNHS	0	7
MCHS	1	3
PHS	0	5
RBHS	0	1
WHS	8	8
Private	1	3
NPS	0	0
Preschool	58	54
Total	147	219

It is more expensive to serve a student with an individualized education program (IEP) than it is to provide general education interventions and supports. Identifying a student for special education prior to general education interventions is contrary to the intention of the federal Individuals with Disabilities Education Act 2004 (IDEA 2004) and is not in the students' best interests. Special education should be the last form of intervention. State and federal laws mandate that students have the opportunity to be served in general education with their nondisabled peers to the greatest extent possible. This concept is known as the least restrictive environment (LRE).

A districtwide process and procedure for preidentification, intervention and instruction could create a level of consistent foundational expectations for SST and RtI. The guideline and philosophy used across the nation is provided below.

In 2004, the reauthorization of the IDEA provided support for models that include a response to scientific, research-based interventions. The law stated that these methods may be used as an alternative to the discrepancy model when identifying students with learning disabilities. IDEA

2004 also shifted research-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 state to develop its own guidelines and regulations. Response to Intervention (RtI), which the CDE now refers to as Response to Instruction and Intervention (RtI²), provides districts with a method to drive educational decisions and measure academic growth.

The CDE information further states the following:

RtI² is meant to communicate the full spectrum of instruction, from general core, to supplemental or intensive, to meet the academic and behavioral needs of students. RtI² integrates resources from general education, categorical programs, and special education through a comprehensive system of core instruction and interventions to benefit every student.

The CDE states that RtI² 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 in 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 RtI² approach can be one component of the SLD determination as addressed in the IDEA 2004 statute and regulations. The data from the RtI² process may be used to demonstrate that a student has received research-based instruction and interventions as part of the eligibility determination process.

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

During a presentation held 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. RtI² implementation is best led by the education services department with consultation from the special services department. This is crucial in the implementation process since RtI² is a general education function and acceptance should be sought from the entire staff.

Multi-Tiered System of Support (MTSS) – An issue of “The Special EDge,” winter 2015, 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 highlights 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 RtI², such as the following:

- 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.

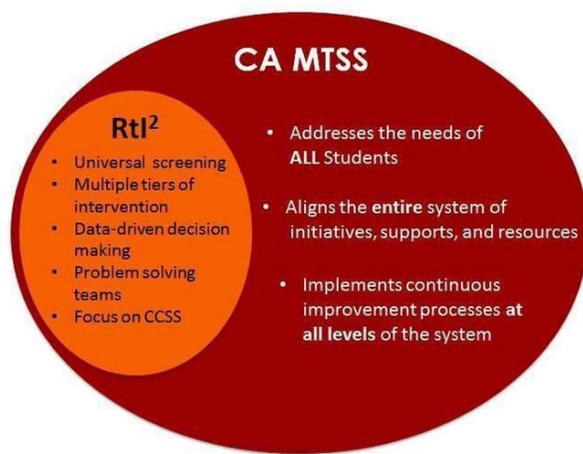
MTSS has a broader scope than does RtI². MTSS also includes the following:

- 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 RtI² processes. Both rely on RtI²'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/mtsscompri2.asp>

Both RtI² and MTSS are necessary to build a comprehensive delivery system of interventions and supports for all students in the district. However, as with SSTs and RtI², the district does not have a districtwide MTSS system. The district should consider prioritizing RtI² and MTSS through a districtwide committee and provide intensive RtI² and MTSS training for all staff with the training phase outlined in a strategic plan.

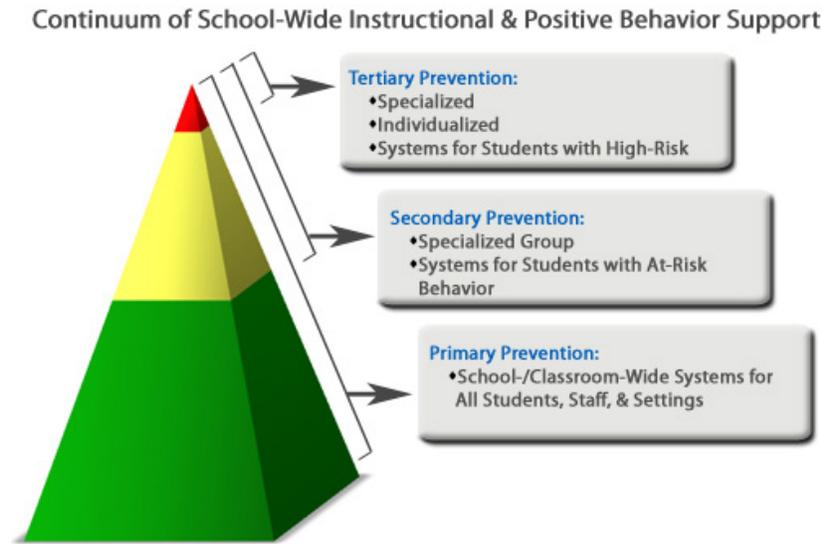
RtI² has a behavioral component that is widely known as Positive Behavioral Interventions and Supports (PBIS). Unfortunately, nothing works single-handedly to remove the barriers that occur when behaviors disrupt learning. The climate of each classroom is different; therefore, a “one size fits all” approach is less effective than interventions based on the needs of each school, classroom and students.

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

PBIS is about all students achieving social, emotional and academic success by having an established social culture and behavioral supports in place. Attention is focused on creating and sustaining schoolwide, classroom, and individual support that improve personal, health, social,

family, work, and recreation results by making misbehavior less effective, and desired behavior more functional.

The following diagram illustrates the multilevel 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 is inconsistently implemented in the district and has no oversight. Few sites knew the term, and only utilized the two special education behavior specialists for the extreme behavior needs of students without an IEP. Staff report they have not developed the skill set to support students in their classroom who exhibit extreme behaviors. Staff would like to be trained in PBIS, use a consistent terminology in this area and develop a culture at the sites to support behaviors. The district would need to determine whether all sites should become PBIS sites and provide consistent implementation throughout the district. Included in implementation also be the use of a universal terminology to allow for common expectations at the sites.

Recommendations

The district should:

1. Develop board policies and administrative regulations for preintervention supports.
2. Develop an SST handbook that is updated as necessary, and provide professional development annually.
3. Provide additional SST professional development to assist with implementation. Consider implementing annual refresher trainings.
4. Establish baseline expectations for RtI² at all sites.

5. Provide intensive RtI² training for all district staff. Consider using a vendor with expertise in RtI² to plan, train, and implement phases of this model.
6. Implement SSTs, RtI², MTSS and PBIS at all sites with the Curriculum and Instruction Department leading the processes and procedures.
7. Provide intensive MTSS training for all district staff.
8. Provide consistent staffing at each site for the Intervention Assessment Team.

Identification Rates

As shown in the table below, the district's identification rate for the current school year is 11.5%, which is .8% higher than the 10.7% statewide average rate for disabled students. While this identification rate is close to the statewide average rate, the district rate has increased by .5% annually over the last three years. As discussed earlier in this report, the district should consider reviewing its general education preidentification strategies and programs, process and implementation.

Identification Rate in Total

School Year	Total Enrollment	Students with IEPs	Percentage
2014-15	35,629	3,697	10.4%
2015-16	35,771	3,930	11.0%
2016-17	35,956	4,144	11.5%

Source: Data Quest and Ed Data.org, CASEMIS. Excludes infants and preschool age students.

The chart below compares the district to both the county and state rates by disability. The disability area of other health impairments is greater than the county and state. Staff reported that students are frequently eligible under emotional disturbance, but parents and parent advocates request the eligibility be categorized under "other health impaired." Staff should support the recommendation of the school experts who assess students using the required assessment protocols and regulations under IDEA. The eligibility and disability drives the student's IEP goals, which ultimately determines the services required for the student to access instruction and progress.

The district also overidentifies students on the autism spectrum disorder (ASD) and speech and language impairment (SLI) compared to the county and state averages. Staff reported they do not have an RtI for students who may have articulation errors or syntax errors. Many districts provide RtI for students with speech errors and can remediate such deficiencies within six to 10 weeks. Interviews indicated staff have not had updated professional development in ASD identification and assessment protocols to better identify autism eligibility, along with speech and language identification. Staff reported a need for more professional development with specific attention on determining clearer differentiation between ASD and SLI.

Identification Rate of Students for Dec. 1, 2015

Disability	District	County	State
Intellectual Disability	3.1	4.9	5.9
Hard of Hearing	1.4	1.2	1.4
Deaf	0.2	0.4	0.4
Speech or Language Impairment	24.8	22.6	21.7
Visual Impairment	0.3	0.3	0.4
Emotional Disturbance	2.1	2.7	3.3
Orthopedic Impairment	1.1	2.1	1.5
Other Health Impairment	19.5	15.8	11.3
Specific Learning Disability	26.7	34.6	39.2
Deaf-Blindness	0	0	.0
Multiple Disability	0.4	00.7	.9
Autism	19.7	13.8	13.2
Traumatic Brain Injury	0.1	0.2	0.2

Source: CASEMIS 12-1-2015; includes preschool.

Identification Rate over 3 Years

Disability	2014-15	2015-16	2016-17
Intellectual Disability	3.3	3.1	2.7
Hard of Hearing	1.5	1.4	1.5
Deaf	0.2	0.2	0.2
Speech or Language Impairment	27.0	24.8	26.4
Visual Impairment	0.2	0.3	0.2
Emotional Disturbance	1.8	2.1	1.8
Orthopedic Impairment	1.2	1.1	1.1
Other Health Impairment	19.0	19.5	20.5
Specific Learning Disability	26.3	26.7	26.2
Deaf-Blindness	0	0	0
Multiple Disability	0.4	0.4	0.3
Autism	18.6	19.7	20.2
Traumatic Brain Injury	0.1	0.1	0.1

Source: CASEMIS 12-1-2014, 12-1-2015, 12-1-2016. 2016-17 data excludes preschool.

Recommendations

The district should:

1. Implement RtI² and monitor the target rates to reduce referrals to special education.
2. Support recommendations to identify students as eligible under emotional disturbance instead of other health impairment.
3. Research the reasons students are identified as having speech and language impairments and determine if RtI² could help lower the rate and remediate without identification.
4. Provide professional development in ASD and SLI assessments and differentiation.

Least Restrictive Environment

Special Education Programs and Services

IDEA sets the minimum standards for services to disabled children throughout the nation. IDEA governs how states and public agencies provide early interventions, special education and related services to all eligible infants, toddlers (preschoolers), children, and youth with disabilities up to age 22. Further, each state must ensure that a free appropriate public education (FAPE) is available to any individual disabled child who needs special education and related services even though the child has not failed or been retained in a course or grade and is advancing from grade level to grade level (34 CFR 300.101(c)).

A review of data and staff interviews indicates the district provides special education services to students from preschool through age 22. A child receiving services under Part C of IDEA (early intervention program, birth to age three) and eligible for services under Part B of IDEA (preschool special education, ages three and up) must have an individualized education program (IEP) created and implemented by the time he or she turns three years old. Preschool program staff reported the district has regular meetings with the regional center (the agency that provides early intervention services) regarding students transitioning from Part C to Part B. An effective and smooth transition is an essential part of the IDEA, and the district has those procedures. The San Diego County Office of Education provides services for the district's infant population. Federal funds received by the district for Part C are transferred to the county office's Hope Infant Program to support these services. No additional contributions or costs are required from the district's general fund for infant services.

Least Restrictive Environment

As previously indicated, state and federal laws mandate that students have the opportunity to be served in general education with their nondisabled peers to the greatest extent possible. Compliance LRE is measured by the percentage of time a student is removed from the general education classroom and placed in special education. The U.S. Department of Education, Office of Special Education Programs has provided the CDE Special Education Division with guidance and instructions on developing calculations to measure progress toward meeting the LRE provision plan for IDEA 2004 at both the preschool and K-12 areas.

Preschool

CDE establishes targets for each district in all areas identified on the Annual Performance Report. Indicator 6 on the district's 2016 Annual Performance Report includes the following two preschool measures.

1. A regular early childhood program and receives most special education and related services in the regular program.
2. A separate special education class, separate school or residential facility.

For 2015-16, the district has exceeded targets for access to LRE with 47.26% of students receiving special education in a regular program of the required target of more than 41.8%. Exceeding this target is positive, with more preschool students receiving services in the LRE. However, the district is above target in students who are in separate programs with 42.83% compared to the required target of less than 34.4%. In this case, exceeding this target is negative. A review of the 2014-15 Annual Performance Report Measure found that a year earlier, the district was at 55.2% of students in separate programs, which demonstrates progress.

2015-16 District Level Special Education Annual Performance Report Measure for Poway Unified District Preschool

Measure	Total Number of Students Receiving Special Education Ages 3-5	Number of Students in the Environment	Percent of Students in Environment Receiving Special Education	Target This Year	Target Met
Regular Program	474	224	47.26%	>41.8%	Yes
Separate Program		203	42.83%	<34.4%	No

Data Source: December 2015 CASEMIS

Note: The column labeled total number of students also includes those students that receive speech only which are not calculated into the programmatic measures for least restrictive environment.

K-12 Least Restrictive Environment

Indicator 5 on the District Level Special Education Annual Performance Report measures the district's efforts to decrease the average amount of time that students age six through 22 receive special education apart from nondisabled peers.

The K-12 areas have the following three measures:

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

The CDE table below indicates that the district has met LRE goals for K-12 students.

2015-16 District Level Special Education Annual Performance Report Measure for Poway Unified School District K-12

Measure	Total Number of Students Receiving Special Education Ages 6-22	Number of Students in the Environment	Percent of Students in the Environment Receiving Special Education	Target This Year	Target Met
>80%	3678	1861	50.60%	>49.2%	Yes
B.<40%		700	19.03%	<24.6%	Yes
C. Separate Schools		85	2.31%	<4.4%	Yes

Data Source: December 2015 CASEMIS

Note: Separate Schools includes students in separate schools, residential facilities and homebound/hospital. It does not include students in Correctional Facilities or those that are parentally placed in private school.

Note: The column labeled total number of students also includes those students that receive speech only which are not calculated into the programmatic measures for least restrictive environment.

The district has met the target for decreasing the percentage of time students receive special education services apart from their nondisabled peers, achieving 50.60% compared to the target of more than 49.2% in 2015-16. However, this percentage is slightly less than that of the 2014-15 school year at 50.9%. The district met the target to significantly reduce the number of students in separate schools.

Recommendations

The district should:

1. Continue to adhere to district procedures for the transition of students receiving services under Part C and eligible for services under Part B of IDEA.
2. Continue efforts and the ability to meet LRE targets by maintaining students in programs with general education students instead of restrictive placements.
3. Focus on options for increasing the percentage of disabled students that access general education programs and receive special education services.

Program Delivery

The district has a strong continuum of service options for disabled students from birth through age 22 that include related services and special education programs divided into two categories: mild/moderate and moderate/severe. However, the service delivery model is traditional. Compliance requirements driven by IDEA mandate that districts increase participation in general education, which requires it to formulate service delivery plans that achieve that goal.

The district has made minimal progress in compliance with federal requirements to increase LRE for K-12 students. Two factors impede the district's conformance:

- The lack of strategic planning with school site and district staff (general and special education) to redesign the program delivery model
- The decision-making process for special education programs and services are within the structures of Learning Support Services (LSS).

IDEA 2004 mandates LRE provisions that increase the participation of special education students in the general education environment. In 2014-15 the district convened a study group composed of the labor team and LSS administration. Special education stakeholders and principals were not included in this study group. The outcome of the study group was the development of a multiyear timeline leading to a strategic plan and implementation of the 2004 mandates regarding LRE in 2019-20.

Special education is supervised by LSS and is required to follow the decision-making matrix of that department for all programmatic, staffing and/or compliance driven changes. LSS decision-making is essentially in two steps. Issues, program requirements, and system changes require a presentation to the LSS Steering Committee. Membership includes the assistant superintendent of learning support, the executive directors of learning support, alternative programs and special education. Decisions are not made by the LSS Steering Committee, but instead by a more select committee which is composed of the associate superintendent of learning support and executive directors of learning support. This committee is referred to as the MECK team based on the initials of the individuals involved. Special Education cannot proceed on issues without the final approval of the assistant superintendent of learning support services, including approval for decisions on program change required by IDEA. The district should determine if the current decision-making process should be adjusted to meet compliance requirements that are mandated in federal law.

In 2014-15, discussions began with the special education labor team regarding the district service delivery model. The team is composed of the assistant superintendent of learning support services, president of the Poway Federation of Teachers, director of human resources, and director of special education; however, the executive director of special education was excluded from this group in 2016-17. The group's purpose is discussing issues with certificated staff that may affect special education. It is unclear why a major initiative such as the alignment of LRE within the program delivery of special education would be addressed by the special education labor team instead of through Learning Support Services, and even more troubling is that the executive director of special education does not participate in the discussion.

The team had discussions about whether there were benefits in moving from a traditional RSP/SDC model for serving disabled students to a specialized academic instruction model. An action plan was developed that outlined a minimum of six years for full implementation.

The district does not have a strategic special education plan that addresses program delivery and least restrictive environment. Effective program and service delivery in special education requires strategic planning that includes all those affected in special education (principals, general and special education teachers, parents and special education administrative staff). Program changes of this magnitude require the involvement of representatives that have a working knowledge of the complexities of service delivery. The adoption of inclusive practices will take thorough planning, preparation and training; however, it must also be timely. The district must move forward with this LRE requirement to remain in compliance with federal law.

The oversight for this initiative should be initiated and centered in special education and should be supported by Learning Support Services. A plan should be formulated and implemented within the next two years.

Recommendations

The district should:

1. Explore options that increase students' access in general education settings.
2. Ensure that general and special education teachers are involved in program development.
3. Use a strategic planning process to develop a comprehensive vision and plan for special education with input from all those involved including parents, principals, general and special education teachers and administrators.
4. Review the matrix for decision-making in LSS related to federal and state mandates in special education and adjust if necessary.
5. Ensure that full training and support is provided to general and special education teachers once program changes are finalized.

Special Education Caseloads

The district operates a continuum of special education services that reflect a traditional resource specialist program (RSP) and a range of mild/moderate and moderate/severe SDCs. As with all California school districts, the maximum caseload for RSP programs is defined by Education Code 56362(c) as one teacher to 28 students. The maximum caseloads for SDCs are not defined in Education Code; however, some districts adopt their own board-approved caseload standards or collectively bargained caseloads, and others operate with unofficial local caseload practices. Poway Unified has no board or collectively bargained adopted guidelines for SDC caseloads, but an unofficial document titled “Class Size and IA Staffing for Programs” which has been widely circulated throughout the district. Interviews with staff indicate some interpret this document as an official guide to staffing levels for SDCs, while others do not. Interviews also reflect no official source for this document has been identified. The district should clarify the status of these unofficial guidelines.

The district operates a range of SDCs from preschool to adult services, with a heavy emphasis on SDC services to students on the autism spectrum. The range of SDCs is not operated on all campuses, and district transportation may be required for students receiving SDC service outside their school of residence. The classification of SDCs available in the district are nonseverely handicapped (NSH), autism support class (ASC), autism spectrum disorder (ASD), critical skills (CS), behavioral academic social emotional support (BASES) (commonly known as emotional disturbance [ED]) and Poway Academy of Learning (PAL).

The district administration responds to instances in which RSP caseloads exceed 28 students by placing part-time resource specialists at the sites to maintain the appropriate caseload. Interviews with staff indicate the district has no department or district guidelines for school sites where RSP caseloads and duties must be divided between the full- and part-time RSP teachers. The choice on the division of resource specialist students and RSP duties is left to the individual sites. The site-based reorganization of RSP services that is necessitated when additional RSP staff time is added varies greatly across the district, according to interviews.

Interviews and records indicate the district has several RSP teachers fulfilling related duties as follows:

- 1.0 RSP FTE is assigned to the preschool assessment team
- 1.0 RSP FTE is assigned to provide administrative designee support to site principals and assessment support to elementary RSP teachers
- .60 RSP FTE is assigned as case manager support for students in private school
- .50 RSP FTE is assigned to provide small group instruction to Pre-Kindergarten who require mild/moderate (Non-SDC) services

These special RSP assignments (total of 3.1 FTE) are not included in the calculation of K-12 RSP caseloads. Using the district average cost for a special education teacher including salary and benefits, the 3.1 FTE of RSP teachers on special assignment reflects an annual cost of \$277,221.

In reviewing the FCMAT report regarding caseloads and staffing, Poway Unified should remember that every district has unique factors to consider in determining staffing adjustments. The caseload analysis in the tables below generally indicates that the district is not understaffed in RSP services, mild/moderate and moderate/severe special day class services.

The tables show potential RSP overstaffing of 10.92 FTE in combined elementary, middle and high school. Based on an analysis of the salary and benefits information provided by the district, an average cost of one FTE special education teacher including salary and benefits is \$89,426. Therefore, the estimated cost of 10.92 RSP teachers FTE is \$976,532. This analysis of RSP case-loads excludes the 3.1 RSP FTE identified above in unique assignments.

Interviews with staff indicate the mild/moderate ASC special day classes are under review for potential reassignment of instructional staff and student caseloads. For the current school year, three ASC special day classes remain in operation 12-15 for NSH. The caseload analysis for those three ASC classes indicates that compared to industry standards for mild/moderate special day classes the three remaining ASC SDCs are overstaffed by one FTE, representing an annual cost of \$89,426.

Further analysis of documentation indicates the CS moderate/severe SDCs at the elementary and middle school levels represent a potential overstaffing of 3.42 FTE for an annual cost of \$305,837.

Preschool special education services are provided at multiple sites throughout the district. A preschool assessment team (PAT) staffed by full-time specialists provides assessment and eligibility recommendations for all students referred from infant services at age 2.5 to students referred prior to their fifth birthday. The PAT is staffed by the following:

- .6 FTE program specialist
- 1.0 FTE early childhood educator
- .5 FTE early childhood educator
- 1.0 FTE speech and language pathologist
- 1.0 FTE school psychologist
- .4 FTE school psychologist
- Instructional assistant (15 hours per week)

The preschool special education services are provided by the following:

- Resource specialist services at a .50 FTE for a caseload of 16 students.
- One mild/moderate nonseverely handicapped special day class.
- Two integrated autism service special day classes.
- Twelve moderate/severe autism spectrum disorder special day classes.
- Three moderate/severe critical skills special day classes.
- Service to speech for four SLPs at .60 FTE each. Mild speech-only students are served at their home schools.

Interviews with staff indicate that next school year, all speech-only preschool students will be served at their school of residence. District-employed behavior intervention instructional assistants (BIAs) provide instructional assistant services to students in the autism-specific preschool special day classes. An NPA employee whose supervisory service is written into students' IEPs as

a related service provides the BIIA supervision. The BIIAs are discussed below. Other preschool instructional assistant support is provided by instructional assistant IIs.

Despite the fact that the district operates all general education and special education preschool services at several schools, interviews with staff indicate it has difficulty in mainstreaming students from the preschool SDCs into district-operated general education preschool programs. This limits the district's compliance with LRE regulations.

The tables below provide current snapshots of staffing levels for the major categories of services.

Resource Specialist Caseloads

Grade Span	No. of FTE	Total Caseload	District Caseload Average	Education Code	Staffing FTE Above (+) or Below (-) EC
Elementary	34.5	871	25.25	1:28	-3.40 FTE
Middle	23.46	584	24.89	1:28	-2.60 FTE
High	31.57	748	23.69	1:28	-4.86 FTE

Non-Severely Handicapped Special Day Class (Mild/Moderate)

Grade Span	No. of FTE	Total Caseload	District Caseload Average	Industry Standard	Staffing FTE Above (+) or Below (-) Industry Standard
Elementary	17.0	201	1:11.82	1:12-15	(+) 0.25
Middle	11.0	134	1:12.18	1:12-15	Within
High	14.0	214	1:15.29	1:12-15	(-) 0.27

Autism Support Special Day Class (Mild/Moderate)

Grade Span	No. of FTE	Total Caseload	District Caseload Average	Industry Standard	Staffing FTE Above (+) or Below (-) Industry Standard
Elementary	3.0	24	1:8.0	1:12-15	(+) 1.00

Autism Spectrum Disorder Special Day Class (Moderate/Severe)

Grade Span	No. of FTE	Total Caseload	District Caseload Average	Industry Standard	Staffing FTE Above (+) or Below (-) Industry Standard
Elementary	24.0	234	1:9.75	1:8-10	Within
Middle	4.0	40	1:10	1:8-10	Within
High	2.0	20	1:10	1:8-10	Within

Critical Skills Special Day Class (Moderate/Severe)

Grade Span	No. of FTE	Total Caseload	District Caseload Average	Industry Standard	Staffing FTE Above (+) or Below (-) Industry Standard
Elementary	7.0	51	1:7.29	1:10-12	(+) 2.75
Middle	2.0	16	1:8.0	1:10-12	(+) 0.67
High	12.0	123	1:10.25	1:10-12	Within

Emotional Disturbed Special Day Class (Moderate/Severe)

Grade Span	No. of FTE	Total Caseload	District Caseload Average	Industry Standard	Staffing FTE Above (+) or Below (-) Industry Standard
Elementary	1.0	5	1:5.0	1:8-10	(+) 0.50
Middle	1.0	9	1:9.0	1:8-10	Within
High	1.0	8	1:8.0	1:8-10	Within

Preschool Caseload and Instructional Assistants

Class Type: M/M or M/S	Teacher FTE	Total Students	IA II by 3 Hr FTE	IA II by 6 Hr FTE	IA BIIA by 6 Hr FTE	Industry standard: M/M or M/S Adult to Student Ratio	District Adult to Student Ratio
Autism Spectrum Disorder M/S (Includes Integrated Autism Classes)	14.0	120	N/A	29.5	36.0	1:3	1:1.5
Critical Skills M/S (AM/PM = 6 classes)	3.0	43(22 AM, 21 PM)	15.0 (8 AM, 7 PM)*	N/A	N/A	1:7	1:2.0 AM & 1:2.1 PM*
Non-Severely Handicapped M/M (AM/PM) (Does not include new NSH class)	1.0	20 (10 AM, 10 PM)	4.0 (2 AM, 2 PM)*	N/A	N/A	1:7	1:3.3 AM & 1:3.3 PM *

*Estimate

Recommendations

The district should:

1. Review the status of the document titled, "Class Size and IA Staffing for Programs" to determine the formality and/or official status of these guidelines.
2. Consider developing a recommended range of options for implementing the division of students and duties when adding a part-time resource specialist teacher for caseload support at any school site.
3. Review the assignment of RSP teaching to nonteaching responsibilities without a student caseload to determine if that is the best use of district special education instructional resources.
4. Review the staffing levels of RSP service providers to determine if potential staffing adjustment may be warranted, including the use of alternative staffing models when caseloads are exceeded.
5. Review staffing levels of ASCs to determine if potential staffing adjustments may be warranted.
6. Review the staffing levels of elementary and middle school critical skills SDCs to determine if staffing adjustments are warranted.
7. Develop an interdepartmental work group to review and determine efficient and viable options for consistent mainstream opportunities available to special education students in preschool.

Paraeducator Staffing

The district maintains two categories of special education instructional assistants, IA I and IA II. The primary difference between the two job descriptions is that the IA II job description includes knowledge of specialized equipment such as braces and other orthopedic equipment and knowledge of specialized physical health care services. Most IA positions in moderate/severe SDCs are filled by IA II assignments. The district also maintains a large contingent of special education instructional assistants as either three-hour or six-hour positions. Interviews of staff indicate the use of three-hour IA positions results in a cost savings in the reduction of both salary and benefits. FCMAT could not obtain accurate documentation of the breakdown in salary and benefits between the IA I and IA II positions. Accordingly, the team established an average salary/benefits for a three-hour IA position and a six-hour IA position; therefore all costs associated with IA staffing should be considered estimates. As indicated earlier, the district also utilizes a category of IA identified as BIAs. Thirty-five six-hour BIIA positions are hired by the district for a total cost of \$411,303, which is added into the total IA cost. Please see the section in this report on NPS and NPA costs and placements for further analysis of the BIIA position. The district also employs 23.61 six-hour FTE bus transportation aides, which represents a cost of \$837,801 that is not included in the total special education instructional assistant costs since they do not perform a classroom instructional function. Interviews with staff indicate IAs receive little or no orientation and training at the point of hire and get limited or repetitive professional development while on the job.

The California Education Code has no specific requirements for IA staffing other than Section 56362(6)(f), which states, “At least 80% of the resource specialists within a local plan shall be provided with an instructional assistant.” Established industry standards for IA support to special education teachers and students are based primarily on the intensity of service. These standards are as follows:

- Full-time resource specialist: one six-hour (.75 FTE) IA.
- Full-time learning handicap (mild/moderate) SDC teachers with a caseload of 12-15 students: one six-hour (.75 FTE) IA.
- Full-time severe handicap (moderate/severe) SDC teachers with a caseload of 10-12 (SH) or 8-10 (ED, ASD or DHH) students: two six-hour (1.5 FTE) IA.

No industry standards have been established for one-on-one (1-to-1) instructional assistant staffing regardless of job title. All 1-to-1 IA staffing is considered extra, beyond the standard support levels described above for the basic provision of special education service.

Staff interviews indicated that some staff refer to the guidelines in “Class Size and IA Staffing for Programs” in their requests to the Special Education Department for additional IA support. Full-time RSP programs are most frequently staffed with both a three-hour and two-hour IA I. Students who require six hours of 1-to-1 IA support are frequently staffed with two three-hour IAs instead of one-six hour IA. ASD SDCs are more frequently staffed with four six-hour IA IIs. The IA staffing tables below tend to indicate that in comparison to industry standards for IA staffing, the district’s mild/moderate classes tend to be understaffed. The autism moderate/severe classes are significantly overstaffed in IA support across the district. The highest level of IA staffing is concentrated in the elementary autism special day classes and is in excess of industry standards.

Based on staff interviews and document analysis, the district is staffed at a high level in 1-to-1 IA support for individual students. Using district-provided documentation, the total cost for special education instructional assistant support is estimated at \$16,585,067, and the cost of all 1-to-1 instructional assistant support is approximately \$4,761,776, which represents 28.71% of the total cost of special education IAs. A review of district-provided documentation and staff interviews indicates the district has an SCIA process initiated with a formal assessment involving the development of IEP goals to facilitate student independence (fade) from individual adult support. This is provided for every student who receives 1-to-1 IA support. Based on interviews, the district is reasonably consistent in using the SCIA assessment process to determine the need for 1-to-1 IA support, but once that determination is made, it is inconsistent in establishing and annually reviewing goals for independence that would lead to fading.

The prevalence of 1-to-1 IAs is the result of several factors. According to staff interviews and documentation, this includes the districtwide absence of consistent general education behavior intervention strategies, breakdowns in the integrity and consistency of the SCIA process, special education eligibility determinations and IEP team placement decisions. Documentation and interviews indicate most 1-to-1 IA requests are related to behavior instead of specific health needs. Staff interviews suggest that the request for 1-to-1 IA support is as likely to come from district school site staff as from a student's parents. The common school site staff response to behavior disorder students at the site level is to request either a change of placement or additional support staff. Poway Unified does not have a consistent districtwide initiative to implement a positive behavior intervention system. The Special Education Department works to consistently use the SCIA process. However, other district staff attempt to find ways to gain IA support for chronic student behavior issues without using an SCIA assessment or obtaining district leadership support to circumvent the SCIA assessment when 1-to-1 IA support is not the recommended result of the assessment process, according to staff. Interviews with staff also indicate a school site may access substitute 1-to-1 IAs that become long-term and ultimately permanent without the knowledge of special education administration. Eligibility decisions affect the assignment of 1-to-1 support when an IEP team makes a determination of student eligibility as OHI instead of ED, often at a parent's request. Staff interviews indicate there is a trend to identify students as OHI instead of ED. If not identified appropriately as ED, a student with emotional and behavioral issues who is not served in an ED classroom may require 1-to-1 IA support in general education. A review of district documentation found that 49 students with OHI eligibility receive 1-to-1 support; 33% for health-related reasons and 77% for behavioral reasons. District-provided documentation and staff interview indicate the district has implemented a policy for full inclusion of special education students. The policy promotes the education of students with moderate/severe disabilities in age-appropriate general education classrooms at their neighborhood schools with necessary supports and service. Moderate/severe students who are included in the general education setting often require additional 1-to-1 IA support. These are contributing factors in the number and cost of 1-to-1 IA support provided in the RSP setting as reported in the costs chart below.

Instructional Assistants

Resource Specialist Services (not including 1:1)

Grade Span	Teacher FTE	IA Total Hours (All IA I hours)	Industry Standard per Teacher FTE/Class	IA Hours Over (+) or Under (-) Industry Standard
Elementary	34.5	140.0	1:6 hrs	(-) 67.0 hrs
Middle	23.4	114.0	1:6 hrs	(-) 26.4 hrs
High	31.57	145.5	1:6 hrs	(-) 43.92 hrs

Mild/Moderate Special Day Class (NSH and Elementary ASC) (not including 1:1)

Grade Span	Teacher FTE	IA I Total Hours	IA II Total Hours	Industry Standard per Teacher/Class	IA Hours Over (+) or Under (-) Industry Standard
Elementary	20.0	114.0	60.0	1:6 hrs	(+) 54.0 hrs
Middle	11.0	111.0	N/A	1:6 hrs	(-) 45.0 hrs
High	14.0	76.0	N/A	1:6 hrs	(-) 8.0 hrs

Moderate/Severe Special Day Class (CS and ED) (not including 1:1)

Grade Span	Teacher FTE	IA Total Hours (All IA II)	Industry Standard per Teacher/Class	IA Hours Over (+) or Under (-) Industry Standard
Elementary	8.0	87.0	1:12 hrs	(-) 9.0 hrs
Middle	3.0	48.0	1:12 hrs	(+) 12.0 hrs
High	13.0	120.0	1:12 hrs	(-) 36.0 hrs

Moderate/Severe Special Day Class (Autism Spectrum Disorder) (not including 1:1)

Grade Span	Teacher FTE	IA Total Hours (All IA II)	Industry Standard per Teacher/Class	IA hours Over (+) or Under (-) Industry Standard
Elementary	24.0	561.0	1:12 hrs	(+) 273.0 hrs
Middle	4.0	66.0	1:12 hrs	(+) 18.0 hrs
High	2.0	78.0	1:12 hrs	(+) 54.0 hrs

*Poway USD Instructional Assistant Costs (*Position Control Estimate)*

IA Type	Total FTE	Total Cost
3 hour IA positions	165.83 3 hour FTE	\$1,731,015
6 hour IA positions	407.01 6 hour FTE	\$14,442,749
6 hour BIIA positions	36.00 6 hour FTE	\$411,303
Total IA Cost All positions	N/A	\$16,585,067
3 hour 1:1 IA Positions	112.70 3 hour 1:1 FTE	\$1,182,336
6 hour 1:1 IA Positions	101.0 6 hour 1:1 FTE	\$3,579,440
Total Cost 1:1 IA All Positions	N/A	\$4,761,776
1:1 RSP IA 3 hour positions	79.04 3 hour RSP 1:1 positions	\$829,209
1:1 RSP IA 6 hour positions	53.00 6 hour RSP 1:1 positions	\$1,878,320
Total Cost All RSP 1:1 IA positions	N/A	\$2,707,529

*Due to incomplete financial information provided to FCMAT, the district classifications of IA-I and IA-II are combined for the purpose of this analysis. Separate average rates including salary and benefits were calculated at a three-hour rate for IA assignments at or below three hours and at six-hour rate for IA assignments above three hours.

Recommendations

The district should:

1. Analyze IA staff costs based on salary and benefits for IA Is and IIs including three-hour and six-hour positions.
2. Ensure the consistent implementation of the SCIA process in all decisions on providing 1-to-1 IA support.
3. Ensure that all facets of district and school site administration fully support established procedures for determining the need for additional IA support.
4. Ensure that goals and objectives for student independence from 1-to-1 adult support are developed in the IEP of every student receiving 1-to-1 IA support and reviewed/modified at each annual IEP.
5. Provide professional development to all district members of the IEP team that make decisions on the appropriateness of full inclusion for students with moderate/severe disabilities.
6. Provide parents with information as appropriate to assist their participation in IEP team decision-making regarding possible full inclusion of their child.
7. Provide professional development to all district members of the IEP team that make decisions on eligibility for students under other health impaired vs. emotional disturbance.
8. Examine the ASD and ASC special day class staffing and service delivery to determine an efficient level of staffing that provides a consistent and defensible level of FAPE for all students served in that setting.
9. Provide various training modules representing the essential skills expected of instructional assistants prior to placement in a classroom.
10. Develop a procedure for annual input from instructional assistants on the topics of interest/need for ongoing professional development.

Related Service Provider Staffing

School Psychologists

District position control documents provided to FCMAT show the district employs 32.9 school psychologists. Interviews with staff and a review of district documents indicate that the standard role and responsibilities for school psychologists generally comply with state and professional standards. Several school psychologist maintain assignments that do not apply to the typical K-12 caseload. Those unique assignments include the following:

- .20 FTE lead psychologist
- 1.4 FTE assigned to the preschool assessment team
- 2.9 FTE assigned to educationally related mental health services (ERMHS)
- 1.0 FTE assigned to behavior support team
- .20 FTE assigned to site support

This represents a total of 5.70 FTE school psychologists that are not assigned to typical K-12 school psychology duties. Because of the the nature of these assignments, 5.70 FTE is not included in the calculation of average school psychology caseloads for the K-12 district population. The 1.4 FTE assigned to preschool assessment is a school-psychology-related duty, but it is not represented in the K-12 caseload analysis. Another 1.5 FTE is assigned to NPS support; however, these psychologists provide typical school psychology services for district students enrolled in NPSs. Therefore, this portion of school psychologist FTE is included in calculations of the K-12 district average school psychology caseload. Based on district-provided documentation, the average cost of 1 FTE of school psychologist is \$129,313. Therefore, the 4.30 (5.7 less the 1.4 related duty for preschool) assignment of school psychologists to nontraditional school psychology duties represents an annual cost of \$556,046.

To provide an accurate representation of average school psychology caseloads in California public education, the section below includes two comparisons from respected independent sources that analyze current data on support services in public education. One is from KIDSData.org and one from CalEdFacts. KIDSData indicates that the district school psychology caseload average is equal to the state average. However, CalEdFacts (www.cde.ca.gov/re/pn/fb/, then under Education Statistics select Pupil Services Staff in California Public Schools) indicates that when compared to the 2015-16 K-12 school psychologist-to-student ratio, the district caseload average is over the state average, necessitating the addition of school psychologists to approximate the state average.

School Psychologist Caseload Comparison

Provider	No. of FTE	Total Caseload	KIDSData for students per provider FTE	CalEdFacts for students per provider FTE	District Caseload Average
Psychologist	27.2	35,965	1:1,321	1:1,100	1:1,322

Source: District documents, KIDSData, CalEdFacts 2015-16

Speech and Language Pathologist

District position control documents indicate it employs 51.80 FTE speech language pathologists (SLPs). Like all public school districts, Poway Unified attempts to employ district SLPs before contracting with NPAs for SLP services. More information on this area is in the section of this report addressing NPAs and NPSs. The district has a .20 FTE SLP serving as a lead and .20 FTE listed as district support. The total .40 FTE are not included in the calculation of K-12 SLP average caseloads. Education Code Section 56563.3 addresses SLP caseload guidelines for K-12 and Section 56441.7(a) covers preschool. The table below breaks out K-12 from preschool SLP staffing. As with psychologists, preschool SLP services include the assignment of 1.0 FTE of SLP to the preschool Assessment team (PAT). Four SLPs at .60 FTE each provide preschool SLP direct service for a total of 2.4 FTE.

Therefore, a total of 3.8 FTE of SLP is removed from the K-12 SLP caseload calculation (.40 FTE for general K-12 SLP support and 3.4 FTE for preschool). When analyzing preschool SLP services the 1.0 FTE for the PAT assignment is eliminated from the 2.4 SLP preschool direct support. As noted elsewhere in this report, precision position control and detailed staffing information was not readily available. The caseload counts for preschool speech service that reflect speech-only students is one example of this, and it is unclear whether duplicated speech students that are not included in this caseload analysis receive speech service in the SDC setting. The preschool SLP caseloads appear low compared to the Education Code standard.

The documentation on SLP caseloads provided to FCMAT indicate a significant number of SLP students are carried on consultation. Staff indicated the primary grades do not have a SLP-specific RtI² program for students with mild articulation only. Many districts in the state have developed such an early intervention support that can operate independently of any other RtI² initiative in the district. Staff stated that the SLPs provide a significant level of individual and small group service to students in moderate/severe SDCs throughout the K-12 system. These SDCs should have a language-rich environment because virtually all students in such classes work on strengthening social communication. SLPs may need support from administration to begin emphasizing a push-in service model for moderate/severe SDCs that will benefit all students and strengthen the skills of the classroom support staff. Staff also expressed concern over the high level of support required for autism spectrum disorder SDCs. The district employs one full-time speech language pathologist assistant (SLPA) to provide compensatory SLP service across the district and interim assistance as needed. The SLPA position does not carry an assigned caseload.

Speech and Language Pathologist Caseload Comparison

Provider	Total SLP FTE	Total Caseload	District Average Caseload Ratio	Ed Code Maximum FTE to Caseload Ratio*
Speech Language Pathologist K-12	48.0	2,418	1 to 50.38	1 to 55
Speech Language Pathologist Preschool Speech Only	2.4	56	1 to 23.33	1 to 40

*Source: Education Code 56441.7(a), 56563.3 and district data

Other Related Service Providers

The tables below show caseload comparisons for other related service providers. Based on documentation provided by the district, most providers tend to carry caseloads slightly higher than the industry standard. Staff did not indicate significant concerns with caseload size, but stated that some related services such as OT and APE may be added to assessment plans with minimal discussion by

the team on the scope of student need for related service. District documents show that most related service providers, other than those for physical therapy, carry a portion of their caseload on consult.

School nurse caseloads are significantly above industry standards. The district employs 7.0 FTE credentialed nurses supported by licensed vocational nurses or registered nurses. Each school site also has a health technician. The district also has student health care specialists. The school nurses develop all individual student health care plans and supervise and train others to provide specialized health care procedures.

Occupational Therapist Caseload Comparison

Provider	No. of FTE	Total Caseload	District OT FTE to Student Ratio	Industry Standard (OT FTE to Student Ratio)
Occupational Therapist	7.8	384	1:49.23	1:45-55

Adaptive PE Teacher Caseload Comparison

Provider	No. of FTE	Total Caseload	District APE FTE to Student Ratio	Industry Standard (APE FTE to Student Ratio)
Adaptive PE Teacher	6.5	377	1:58	1:45-55

Deaf Hard of Hearing Caseload Comparison

Provider	No. of FTE	Total Caseload	District DHH FTE to Student Ratio	Industry Standard (DHH FTE to Student Ratio)
Deaf Hard of Hearing Teacher	4.0	144	1:36	1:20-30

Vision Impaired Caseload Comparison

Provider	No. of FTE	Total Caseload	District VI FTE to Student Ratio	Industry Standard (VI FTE to Student Ratio)
Vision Impaired Teacher	1.6	31	1:19.3	1:10-30

Physical Therapist Caseload Comparison

Provider	No. of FTE	Total Caseload	District PT FTE to Student Ratio	Industry Standard (PT FTE to Student Ratio)
Physical Therapist	1.0	39	1:39	N/A

School Nurse Caseload Comparison

Provider	No. of FTE	No. of Student Health Care Specialists (6 hr. FTE)	Total Caseload	District School Nurse FTE to Student Ratio	Industry Standard (School Nurse FTE to Student Ratio)
School Nurse	7.0	39.63	35,965	1:5138	1:2784

Recommendations

The district should:

1. Review preschool SLP caseloads over the school year to determine an appropriate staffing level for speech services at the preschool level.

2. Consider the benefit of an SLP RTI procedure for primary grade students with mild-articulation-only speech delays.
3. Increase the use of a push-in model for SLP service provision in moderate/severe SDC settings.
4. Establish accurate SLP direct service caseloads that reflect both duplicated and unduplicated student services for preschool.
5. Review the procedures used by staff for consistency in considering and identifying all suspected areas of need when developing assessment plans that address the possible need for related services.
6. Develop a process for Special Education Department administration to annually review related service provider caseloads to monitor the number of students being carried on consultation.
7. Review related service provider nondirect service assignments for district-level support (such as the annual cost of 4.3 FTE school psychologists at \$556,046.00 for nondirect duties) to ensure the effective and appropriate use of available staff resources.

Nonpublic Schools and Agencies

Nonpublic Schools

Education Code 56034 defines a nonpublic school (NPS) as:

a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individual education program and is certified by the department. It does not include an organization or agency that operates as a public 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.

NPS is considered to be an option in the continuum of service for disabled students. Students are placed in an NPS when their unique needs outlined in an IEP require specialized programs that are unavailable in the district. NPS usage will be higher in San Diego County than other regions throughout the state because the San Diego County Office of Education does not operate programs for the moderate to severe populations, so districts must rely on NPS for more intensive services.

The district negotiates NPS contracts and develops individual service agreements for the students served. The district has established adequate procedures for processing and reviewing invoices for these students.

Total Enrollment in Nonpublic Schools 2014-17

School Year	Number of NPS students	Annual Costs of NPS
2014-15	95	\$3,311,522
2015-16	100	3,338,440
2016-17	72	Current Expenditures as of 2/28/17 = \$1,842,937

Source: District tracking sheets

Note: The current numbers in 2016-17 do not reflect the number of students who are on a waiting list for specific nonpublic schools. It is estimated that two to three students may be on the waiting list. On a temporary basis, the district is meeting these students' needs through a combination of additional support services.

The district has made great progress in reducing the number of students placed in nonpublic schools through the development of alternative program options.

Nonpublic Agencies

NPA Education Code requirements are the same as those for NPSs. Education Code 56365(a) requires an NPA to be "under contract with the local educational agency to provide the appropriate special education facilities, special education, or designated instruction and services required by the individual with exceptional needs if no appropriate public education program is available."

For budget and financial reporting purposes, the business office combines the NPS and NPA expenses. Separating these costs would help special education monitor and track expenditures, particularly in NPA contracts. This can be easily accomplished with the use of separate Standardized Account Code Structure object or goal codes.

Nonpublic agency includes the following three main expenditures:

- The cost to hire certificated replacements to staff open unfilled positions in speech, occupational and physical therapy, nursing and autism support. This is category of expenditures is the largest of the three listed and reflected in the chart below.
- The cost of related or compensatory services.
- The cost for individual education evaluations (IEE), which are permitted under the IDEA.

Total Annual Cost for NPA Services

School Year	Annual Cost	Certificated Replacement Costs
2014-15	\$5,570,542	\$4,755,514
2015-16	\$4,541,940	\$4,111,070
2016-17	\$3,518,966	\$2,829,631

The district has decreased the usage of NPAs. Staffing shortages for speech and language pathologists is a nationwide problem. Many districts have offered stipends and other incentives to attract qualified candidates to their districts. The district should consider some type of incentive to improve access to qualified applicants in this area.

The projected budget for 2016-17 also includes the use of supervisors for the district-employed behavioral support aides who support autism programs. The district has qualified staff, or the ability to hire such staff, to supervise the behavior support aides and diminish or eliminate its reliance on the use of costly NPA staffing for this purpose.

Recommendations

The district should:

1. Continue successful efforts to return students enrolled in NPSs to district programs and supports.
2. Develop strategies to decrease NPA costs and reliance on costly service providers instead of district staff such as speech and language therapists, occupational therapists, nurses and supervisors of behavioral support aides.

Mental Health

On June 30, 2012, Assembly Bill 114, Statutes of 2011 was signed into law. Under AB 114, several sections of Chapter 26.5 of the California Government Code were amended or rendered inoperative, ending the state mandate on county mental health agencies to provide mental health services to disabled students. The law shifted the mandate so that local education agencies (LEAs) are solely responsible for ensuring disabled students receive mental health and related services referred to as Educationally Related Mental Health Services (ERMHS). This includes but is not limited to psychological, counseling and social work services and parent training.

The district has developed a comprehensive system of support for social emotional and behavioral needs that is a model for all districts in California. Using the allotted federal and state mental health dollars, the district has established a sequence of services and programs for students with disabilities that have mental health needs. The program does not rely on a general fund contribution.

The Poway Unified system of care has the following five tiers:

Tier 1	Pre-referral	Additional school-based counseling
Tier 2	ERMHS	School based individual/group counseling; parent training or counseling at the school of attendance
Tier 3	Specialized Program Alternative Placement	
Tier 4	Specialized Program on a Separate Site	
Tier 5	Residential Placement	

The district has set up a referral and assessment system using district psychologists as assessors and counselors. More intensive counseling services are provided through collaborative staffing with NPA mental health staff.

The mental health team meets regularly to ensure that system is effective and students are placed in the least restrictive environment.

Recommendations

The district should:

1. Continue to maintain the comprehensive mental health plan it developed.
2. Continue to ensure that students are placed in the least restrictive environment and are provided opportunities to return to general education whenever possible.
3. Consider sharing strategies for developing an effective mental health program with other districts.

Due Process

The IDEA requires school districts to implement all procedural safeguards for children with exceptional needs. When disputes arise over the identification, assessment, educational placement or the provision of a FAPE, steps are outlined in the procedural safeguards regarding efforts to resolve disagreements at the lowest level (EC 56500.3). Special education is a highly litigated area of federal law, with the primary basis of litigation on disputes over providing a FAPE. The district is consistent in this area with the highest number of due process filings by parents involving disputes over FAPE. Based on other districts reviewed by FCMAT, the number of filings for due process is not excessive.

The first level of this process is to hold a resolution session with members of the IEP team, district staff and parents. The most effective way to contain due process costs is preparing and taking action beforehand by providing the executive director and resolution team with direct access to specialized legal counsel. Working closely with legal counsel, the special education administration will be prepared to resolve issues at the lowest level and cost. Rising costs in the district's attorney fees eliminated the executive director's routine access to legal counsel for special education issues and required that she get permission through the Learning Support Services. Such a restriction can increase due process costs by delaying resolution. The limitation on access created delays and uncertainty in the staff's ability to resolve issues at the lowest level. Fortunately, that decision was rescinded later in the year and the executive director is again permitted to contact specialized legal counsel when necessary.

Number of Due Process Filings by Year

School Year	Due Process Filings	Issues
2014-15	24	FAPE 100%
2015-16	39	FAPE 95% / Assessment 5%
2016-17	21	FAPE 100%

Source: District data

The Special Education Department uses an internal tracking document that provides detail on filings and whether they were filed by the parent or district. Further details include the school site attended by the student, the outcome and documentation of all costs. The school board would benefit from reviewing this internal document to gain a better understanding of the due process cases under IDEA.

The Special Education Department also uses this document with school sites. Multiple filings sometimes come from a site or grade level, and the staff will use the due process information as an opportunity to provide training and follow up with school staff. Efforts are made to include principals in the mediation process to enhance their understanding for the implementation process at the site. These are considered proactive measures in due process cases.

Recommendations

The district should:

1. Continue to ensure that the executive director has routine and direct access to specialized legal counsel for special education matters.
2. Consider expanding the level of information received by board members concerning special education due process filings, issues and outcomes.

Organizational Structure

FCMAT reviewed the Special Education Department's organizational structure and staffing in the district's central office and determined whether clerical and administrative support, programs, and overall functionality are aligned with those of single-district SELPAs of comparable size and structure and made for greater efficiencies.

Used for comparison districts with Poway Unified were the Mt. Diablo, Irvine and San Ramon Valley unified school districts. These districts are similar K-12 unified school districts based on enrollment size, free and reduced meal counts and the English learner population in addition to being a single-district SELPA.

Comparison of K-12 Single-District SELPAs

	Total Enrollment	English Learners	Free/Reduced Meals
Poway USD	35,771	12%	51.4%
Irvine USD	32,319	17.6%	48.3%
Mt. Diablo USD	32,000	23%	40%
San Ramon Valley USD	32,255	5.2%	67.6%

Source: Ed-Data for 2015-16

FCMAT contacted each of the districts to confirm special education administrative and clerical positions. The results are reported in the table below.

Administrative Management Positions

	Poway	Mt. Diablo	Irvine	San Ramon Valley	Total Average*
Executive Director	1	1	1	1	1
Director of Special Education	2	3	3	1	2.3
Assistant Director	1	0	2	1	1
Program Specialist	10	7	10.5	5.5	7.6
Total	14	11	16.5	8.5	12

Source: District provided data

*Total average does not include Poway.

Clerical Positions

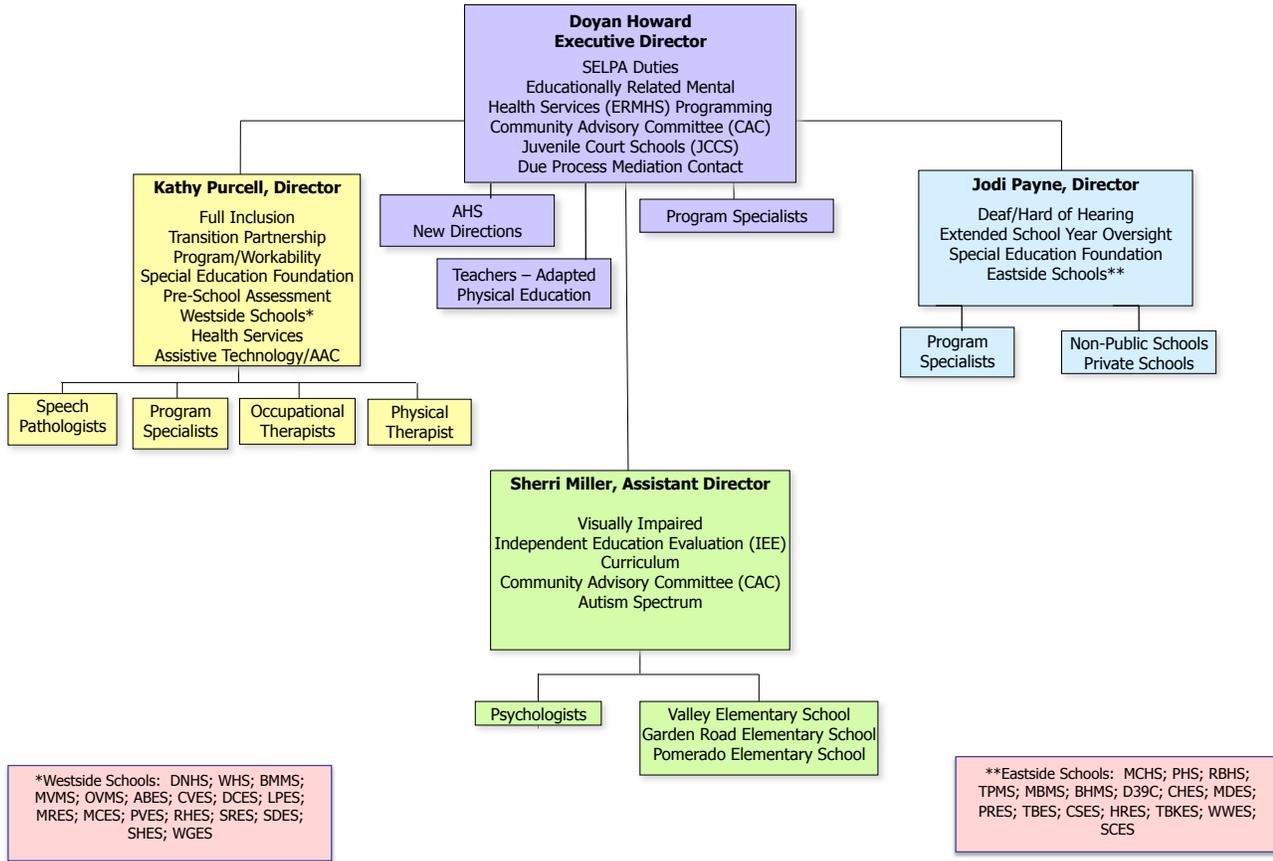
	Poway	Mt Diablo	Irvine	San Ramon Valley	Total Average*
Administrative Assistant I	.75	2.7	3	4	3.23
Administrative Assistant II	3	1	1	1	1
Office Assistant II	1.69	2	1	1	1.33
Senior Information System Analyst	1	1	1	1	1
Operations Tech I	1	1	1	1	1
Total	7.44	7.7	7	8	7.56

Source: District provided data

*Total average does not include Poway.

Special Education Organizational Chart

Poway Unified School District – Special Education Dept.
2016-2017 School Year



Updated February 2017/SPED

SELPA Director/ Executive Director

Poway Unified had no executive director from the 2011-2012 school year until the 2016-17 school year. This resulted in one of the two directors assuming responsibility for the district’s SELPA duties, which represents approximately 50% of a position. The SELPA position is out of the district at statewide and countywide meetings approximately four to five days per month. Restoring the executive director position was critical to ensuring that the district’s special education program can appropriately meet student needs. The executive director is the district’s special education leader and should be treated as an important joint decision-maker at the district office level.

SELPA duties ensure the following:

- All individuals receive FAPE in the LRE.
- All general education resources are considered and used locally to meet the needs of disabled students.
- A system exists for identifying, assessing and placing disabled students.
- A system that functions to support the community, parents and other agencies serving children and young adults.
- Annual compliance monitoring SELPA-wide with compliance assurances.
- Development of system monitoring and implementation of IEPs.

Other duties may include the following:

- Procedural safeguards
- Data collection/management
- Fiscal management
- Staff development
- Community awareness
- Community advisory committee (CAC) support
- Program evaluation/review
- Curriculum/program development
- Program coordination
- Alternative dispute resolution

In addition to reinstating the executive director position this year, an administrative assistant and one other clerical position in the Special Education Department was restored or added. With these changes, the comparison table above demonstrates that the district is appropriately staffed with administrative and clerical positions.

The special education organizational chart above depicts the organizational structure and key responsibilities for special education leadership. Through interviews and analysis of various other districts, the organizational structure should continue to evolve and be refined relative to primary responsibilities. One important example is the executive director. Because this position must travel several days per month to local and state SELPA meetings, the SELPA director/executive director should not be the primary manager assigned to specific programs or school oversight.

The district hired a new superintendent shortly after FCMAT's fieldwork, and some aspects of the district's leadership organization may have changed. At the time of fieldwork, the superintendent's cabinet included the superintendent, three associate superintendents, and the director of communications. The interim superintendent also had an extended cabinet that included all of the positions above, the three executive directors in LSS, two directors of human resources, director of finance, director of technology, director of transportation, director of facilities, and chief technology officer. The SELPA director/executive director of special education is not a member of the superintendent's extended cabinet. This position is necessary in joint decision-making in the expanded cabinet and should be a standing member. Because the SELPA director/executive director is the expert in special education, the executive director should be the primary spokesperson when special education presentations or closed session special education agenda items are before the board. The executive director should consider providing the board with reports throughout the school year on service delivery models, numbers of students, progress, and other topics of need or choice.

Directors/Assistant Director

Directors provide administrative oversight for day-to-day special education responsibilities including supporting all sites in the district's programs for students from preschool through age 22. The directors evaluate special education staff who are located at the district office, an isolated special education site, or who are not at a particular school site more than 50% of the week. The directors meet with related service providers such as psychologists and speech and language

pathologists. The directors should ensure the program specialists meet in a job-alike meeting monthly at a minimum. It was also reported that program specialists are responsible to write legal letters such as prior written notices, ready, able and willing to serve letters as an example. The special education directors should be completing legal letters, which would also facilitate getting the program specialists to be more available to support special education classrooms and provide guidance to special education teachers and principals.

Program Specialists

The district underutilizes program specialists' duties given their expertise. Program specialists are to support students with an IEP by providing consultation to teachers and other service providers. They are specialists in program delivery, methodologies, teaching strategies, behavioral intervention strategies, professional development for instructional assistants and special education and general education teachers and much more. The district's program specialists are primarily utilized to attend and facilitate and act as administrative designees in IEP meetings at school sites. Staff indicated on several occasions that it would be valuable for program specialists to support teachers and students in the classroom, but these specialists have insufficient time to attend all IEP meetings and spend the needed time in classrooms. Principals and assistant principals should have sufficient knowledge to carry out the administrative duties of an IEP meeting or receive professional development to increase their knowledge. This would also allow the site administration to better know the needs of students on their campus and how to best meet the needs, like including special needs students in general activities and classes. A special education director or program specialist should attend challenging IEP meetings where additional expertise is necessary. Program specialist duties as of 2016-17 are listed below. The district should review these duties and determine if the directors and site administrators can absorb some of these duties, allowing the program specialists to spend more time in special education classrooms.

Program Specialists 2016-17

- Technical support to school sites/district
- Problematic IEP situations
- Provide professional development throughout the district
- Liaisons with outside agencies, parents and parent advocates/attorneys
- Manage requests for IAs
- Consultants for costly services and programs
- Changes in placements within and outside the district
- Formal and informal staff and parent training
- Manage requests for materials and equipment
- New student enrollments – SDC
- ERMHS
- Adjunct duties
- Support/training to new staff
- Attend meetings with directors to review cases
- Biweekly program specialist/director meetings

Recommendations

The district should:

1. Continue with the current administrative and clerical special education positions at the district office.
2. Review the organizational structure and possibly alter job duties of the special education administration.
3. Include the executive director of special education on the superintendent's extended cabinet.
4. Include the executive director in other district office level organizational meetings.
5. Include the executive director in closed session board meetings when discussing special education potential litigation and other complex special education issues.
6. Assign the special education administrative team to present the board of education with a semiannual special education update.
7. Ensure the program specialists meet monthly in a job-alike meetings.
8. Alter job duties and have the directors develop the legal letters.
9. Train the site administration to carry out the administrative duties of an IEP meeting instead of having the program specialist retain these as a primary responsibility.
10. Modify the duties of the program specialists to ensure the positions are supporting staff and students in the classroom.

Appendix

Appendix A - Study Agreement

FCMAT

FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

CSIS California School Information Services

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM STUDY AGREEMENT November 29, 2016

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the Poway 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 2016-17 projected unrestricted general fund contribution to special education, including transportation; analyze the factors contributing to the escalating costs in 2014-15, 2015-16 and 2016-17 and make recommendations for greater efficiency, if any.
2. Review the district's implementation of Student Success Team, Response to Intervention, and Multi-Tiered System of Supports, and make recommendations for improvement, if any.
3. Determine whether the district is overidentifying students for special education services compared to the statewide average, and make recommendations that will reduce overidentification, if needed.

4. Analyze whether the district provides a continuum of special education and related services from preschool through 22 years of age, including student placements in the least restrictive environments, and make recommendations for improvement, if any.
5. Review special education teacher staffing ratios, class and caseload size using the statutory requirements for mandated services and statewide guidelines and make recommendations for improvement, if any.
6. Review the efficiency of staffing allocations of special education paraeducators and make recommendations for improvement, if any. This will include reviewing the procedures for identifying the need for paraeducators and the processes for monitoring the assignment of paraeducators and determining the ongoing need for continued support from year to year (including classroom and 1:1 paraeducators).
7. Analyze staffing and caseloads for related service providers, such as: speech therapists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education teachers, credentialed nurses and others, and make recommendations for improvement, if any.
8. Review nonpublic school and nonpublic agency costs and placements and make recommendations for improving the process for placement and cost efficiencies, if any.
9. Review the mental health plan and service delivery, revenues and expenditures and make recommendations for efficiencies, if any.
10. Review the costs of due process, mediations, and settlements for 2014-15, 2015-16 and 2016-17 and make recommendations for efficiencies, if any.
11. Review the organizational structure and staffing of the special education department in the district's central office to determine whether clerical and administrative support, programs, and overall functionality are aligned with those of single-district SELPAs of comparable size and structure and make recommendations for greater efficiencies, if needed.

B. Services and Products to be Provided

1. Orientation Meeting - The team will conduct an orientation session at the district to brief district management and supervisory personnel on the team's procedures and the purpose and schedule of the study.
2. On-site Review - The team will conduct an on-site review at the district office and at school sites if necessary.
3. Exit 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 FCMAT study team may also include:

<i>A. To be determined</i>	<i>FCMAT Staff</i>
<i>B. Jackie Kirk-Martinez, Ed.D.</i>	<i>FCMAT Consultant</i>
<i>C. JoAnn Murphy</i>	<i>FCMAT Consultant</i>
<i>D. To be determined</i>	<i>FCMAT Consultant</i>
<i>E. To be determined</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 \$41,000.

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 located at 1300 17th Street, City Centre, Bakersfield, CA 93301.

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 field work; 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:	to be determined
Staff Interviews:	to be determined
Exit Meeting:	to be determined
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 fieldwork, the district may terminate its request for service and will be responsible for all costs incurred by FCMAT to the date of termination under Section 4 (Project Costs). If the district does not provide written notice of termination prior to completion of fieldwork, the team will complete its work and deliver its report and the district will be responsible for the full costs. The district understands and agrees that FCMAT is a state agency and all FCMAT reports are published on the FCMAT website and made available to interested parties in state government. In the absence of extraordinary circumstances, FCMAT will not withhold preparation, publication and distribution of a report once fieldwork has been completed, and the district shall not request that it do so.

8. INDEPENDENT CONTRACTOR

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

9. INSURANCE

During the term of this agreement, FCMAT shall maintain liability insurance 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 Poway 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: Tim Purvis, Director of Transportation
Telephone: (858) 748-0010, extension 2043
E-mail: tpurvis@powayusd.com



12/14/16

Kamran Azimzadeh Date
Interim Associate Superintendent, Business Support Services
Poway Unified School District



November 29, 2016

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