

May 17, 2018

John A. Garcia, Jr., Ph.D., Superintendent  
Downey Unified School District  
11627 Brookshire Ave.  
Downey, CA 90241

Dear Superintendent Garcia:

The purpose of this letter is to provide the Downey Unified School District with an update regarding progress made implementing the recommendations identified by the Fiscal Crisis and Management Assistance Team (FCMAT) in its final report dated August 27, 2015.

In January 2015, the Downey Unified School District and FCMAT entered into an agreement for a review of the district's special education programs and services. The scope of work specified that FCMAT would do the following:

1. Analyze current special education program and services preschool through 12th grade and determine if a full range of services is provided consistent with state and federal guidelines.
2. Analyze special education teacher staffing ratios and class and caseload size using the statutory requirements for mandated services and statewide guidelines.
3. Review the efficiency of paraeducator staffing, including 1-to-1 paraeducators. Analyze the procedures for identifying the need for instructional aides, and the process for monitoring the resources for allocating paraeducators and determining the need for continuing support from year to year. Make recommendations to improve efficiency of staffing.
4. Analyze all other staffing and caseloads of designated instruction providers, including psychologists, occupational and physical therapists, behavior specialists, and others.
5. Review the use of resources allocated for nonpublic schools and agencies, mental health services and alternative programs, and make recommendations for greater efficiency.

**FCMAT**

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6. Review the costs of due process and mediations for the past three years, and make recommendations.
7. Review the revenues and allocations for Medi-Cal LEA and determine areas for greater efficiencies.
8. Review the district's implementation of Response to Intervention (RtI) and make recommendations as needed.
9. Determine whether the district overidentifies students for special education services compared to the statewide average, and make recommendations that will reduce overidentification, if needed.
10. Determine how the district can reduce deficit spending in special education and remain in compliance with the requirement to meet students' needs.

The report issued in August 2015 provided a number of recommendations for the special education program.

FCMAT visited the district again on November 13-15, 2017 to collect data, conduct interviews and review supporting documentation to evaluate the district's progress on implementing recommendations contained in the August 2015 report. The following comments summarize the district's progress.

The FCMAT follow-up study team consisted of the following members:

Shayleen Harte  
FCMAT Deputy Executive Officer  
Bakersfield, CA

Jackie Kirk-Martinez, Ed.D.  
FCMAT Consultant  
Pismo Beach, CA

John Lotze  
FCMAT Technical Writer  
Bakersfield, CA

JoAnn Murphy  
FCMAT Consultant  
Santee, CA

Jackie Martin\*  
Assistant Superintendent, Business Services  
Atascadero Unified School District  
Atascadero, CA

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

# Special Education Programs and Services

## Original Recommendations and Status of Implementation

1. Continue to maintain the appropriate infrastructure with an emphasis on program support.

### **Status: In Progress**

Since the 2015 FCMAT report, special education certificated administrative staffing has changed: the director and three program administrators in place at that time have left the district, and the district has hired replacements for these positions. The coordination and management of Section 504 compliance has been removed from the special education program administrators and transferred to the Student Services Department. Under the current clerical support structure, the senior secretary's main assignment is to manage contracts with nonpublic schools (NPSs) and nonpublic agencies (NPAs); the director and program administrators have no clerical support and thus are not able to effectively focus on program support.

It would benefit the district to review special education clerical support duties and consider changing them to include direct support for the director of special education and program administrators. It would also be a benefit to redistribute clerical resources and create a budget analyst position to take over the NPS and NPA duties and provide options for increased administrative support to the director.

2. Analyze the duties of the director of special education and the program directors to promote direct service to programs and services by program administrators while administrative functions are handled by the director of special education.

### **Status: In Progress**

The coordination and management of Section 504 compliance has been removed from the special education program administrators and transferred to the Student Services Department. The director now attends litigious individualized education program (IEP) meetings and manages mediations, due process cases and settlements. These changes give program administrators the opportunity to train and support special education staff.

3. Develop district procedures to ensure compliance with federal laws for disabled students in transition when students reach the age of 16.

**Status: Implemented**

The district developed written procedures in its special education handbook, and in August and October of 2016 it provided secondary teachers with compliance training on the new procedures.

4. Update and revise the procedural handbook to align with the requirements of state and federal laws in providing special education programs and services for disabled students.

**Status: Implemented**

The procedural handbook has been completed. At the time of FCMAT's follow-up visit, there was no link to the handbook in the DUSD toolbox, an internal page on the district's website that houses resources for staff. In interviews, employees indicated that the distribution of and training on the handbook has not been consistent. For example, principals and psychologists have not received a copy of the handbook and have not been trained on the procedures in the handbook. New teachers received a copy of the handbook and some training on its procedures; however, most of the veteran teachers have not been trained.

5. Provide training and support to secondary teachers in transition planning and development.

**Status: Implemented**

The district provided evidence that this training and support was provided to secondary teachers in August and October 2016.

6. Ensure that the procedural manual for special education clearly outlines the steps for compliance in transition planning and service delivery.

**Status: Not Implemented**

The procedural handbook states only the legal requirement for transition services. It is important that teachers and service providers have procedures that clearly outline the steps for compliance in transition planning and delivery.

7. Develop monitoring systems in the department to ensure compliance with transition planning and service delivery.

**Status: Not Implemented**

No evidence was provided in the handbook or FCMAT interviews to indicate that this recommendation has been implemented or is in progress.

8. Develop moderate to severe programs around the access to state standards while maintaining areas of functional skill development.

**Status: In Progress**

The district purchased a program called Unique Learning Systems, which is geared for English learner adults in the transition program for moderately to severely disabled students. It has also purchased a computer-based curriculum that addresses this recommendation. In November 2015, all teachers of moderately to severely disabled students received training focused on state standards and strategies for accessing those standards. The Special Education Department is developing a plan to provide ongoing professional development in this area.

9. Provide training for principals to ensure compliance with the access to programming that aligns with the state standards.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

10. Access the alignment of moderate to severe programs aligned with state standards through CDE.

**Status: In Progress**

The district has purchased some materials and provided some training, as mentioned above, but no evidence was provided to indicate that programs have been aligned with state standards.

11. Redesign the program delivery of moderate to severe programs to align with state standards.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

12. Train and support teachers of the severely handicapped to sustain the use of standards-based programs.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

13. Provide training for all special education teachers and site principals on the special education procedures required to ensure consistency in programs and services.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

14. Evaluate the technology needs of special education classrooms and ensure that technology is commensurate with general education across the district.

**Status: In Progress**

Staff report that technology access at the middle schools and high schools has improved significantly and that all special education classrooms have access to technology commensurate with access provided in general education. However, special education technology in elementary schools is inconsistent from school to school.

15. Ensure that special education students have access to the core curriculum and teachers are held accountable for attendance at the core curriculum training offered in the district.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

16. Ensure that the distribution of core curriculum books and materials incorporates special education teachers and classes.

**Status: Implemented**

Staff report that special education has access to the core curriculum at all levels (elementary, middle and high school). Staff report that training is needed at all levels on ways to differentiate instruction using the core curriculum.

17. Develop extended school year procedures that ensure that eligibility for extended school year is determined by the students' needs outlined in state and federal law.

**Status: In Progress**

The district has created a one-page document for use by individualized education program (IEP) teams to establish eligibility for extended school year (ESY) services; however, the handbook does not provide procedural guidance to enable staff to complete the eligibility process. There was no evidence that district staff are trained in using the one-page document for determining ESY services.

18. Develop a comprehensive strategic special education plan that redefines the delivery system for programs and services in alignment with state and federal requirements for least restrictive environment.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

19. Analyze the results on the "F" lists in both high schools, and develop a sequence of follow-up activities that include case managers and general education teachers to ensure students complete graduation coursework.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

20. Develop a scope and sequence of mental health services that ensure all options are available to ensure the least restrictive environment for students with mental health issues.

**Status: Not Implemented**

The district provides educationally-related mental health services (ERMHS) counseling for special education students as well as a comprehensive range of mental health services for general education. However, no evidence was provided in documents or interviews to indicate the development of a scope and sequence of mental health services to ensure the least restrictive environment.

# Staffing and Caseloads

## Original Recommendations and Status of Implementation

1. Conduct regular meetings between the Business Services, Human Resource and Special Education Services departments on position control and budget coding and resources.

### **Status: Not Implemented**

Although staff acknowledge that this would be beneficial, no evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

2. Develop an automated system to monitor and track special education staffing and caseloads for certificated and classified staff.

### **Status: Not Implemented**

No automated system has been implemented, though the Special Education Department has developed an Excel spreadsheet and shared it with the special education administration, whose goal is to update it every two weeks. However, the Business Services and Human Resources (HR) departments do not have read-only access to this document.

The district needs to ensure that the Business Services and HR departments have read-only access to the Excel staffing and caseload spreadsheet used by the Special Education Department.

3. Align the automated staffing and caseload system with the information maintained in multiple databases across departments (Special Services, Human Resources, Business Services).

### **Status: Not Implemented**

As mentioned above, the district has not implemented an automated staffing and caseload system. The Special Education Department has created an Excel spreadsheet and shared it with the special education administration, with the goal of updating it every two weeks; however, the Business Services and HR departments need read-only access to this document.

4. Develop program descriptions and caseload guidelines and ensure they are communicated districtwide.



**Status: In Progress**

The district provided documents that included program descriptions; however, staff indicated that only some staff are aware of these program descriptions. There is an internal caseload guideline used by special education administrators; however, other district administrative staff and departments are unaware of the guideline so are not using it to help determine class sizes and staffing needs.

5. Consider reducing the number of RSP positions for a potential total savings of \$1,087,997.20 per year.

**Status: Implemented**

FCMAT's 2015 report recommended that the district decrease resource specialist program (RSP) teachers by 10.0 full-time equivalent (FTE) positions. At that time the district had 44.4 FTE RSP teachers, and it now has 47 FTE. The district's special education population has increased by 83 students since 2015, which would indicate a need for 2.96 FTE additional RSP teacher positions if all 83 students receive RSP services. The district has taken appropriate steps to optimize RSP staffing so class sizes are at or near the Education Code maximum of 28 students per teacher.

6. Conduct a self-review of secondary mild to moderate special day class service delivery to determine overall compliance and effectiveness and consider standardization of delivery models within grade levels.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

7. Reduce costs by reallocating \$138,656 of special education funding to the general education fund based on 2.2 high school FTE funded from special education who coach high school sports and other general education sections.

**Status: In Progress**

At the time of FCMAT's 2015 visit, the district had 2.2 FTE RSP teacher positions that were coded entirely to special education even though they were coaching an athletic sport to regular education students for one period per day. FCMAT's follow-up review found 0.2 FTE RSP positions incorrectly funded from special education. Although it has reduced the amount of positions that are incorrectly coded, the district still needs to review all special education positions involved in coaching sports to ensure that no coaching time is coded to special education.

# Instructional Assistants

## Original Recommendations and Status of Implementation

1. Develop a rigorous special circumstance instructional assistant assessment process, and consult with the district special education attorney on making it a formal assessment.

### **Status: In Progress**

The district adopted a special circumstances instructional assistant (SCIA) rubric used by many districts throughout the state. Interviews indicate that some staff are aware of the rubric. No evidence was provided of an assessment plan or of consultation with a special education attorney about making it a formal process.

2. With the exception of 1-to-1 physical/medical instructional assistants, ensure that the SCIA forms and process are consistently used to determine the need for 1-to-1 instructional assistants.

### **Status: In Progress**

As mentioned above, the district has adopted an SCIA rubric used by many districts throughout the state. Interviews indicate that some staff are aware of the rubric. No evidence was provided of other commonly-used written SCIA forms and processes having been implemented with consistency and fidelity.

3. When the IEP team determines the need for a 1-1 instructional assistant, ensure that the IEP also contains an individual annual “fade” plan for the student to decrease and eventually eliminate the need for 1-1 assistance.

### **Status: Not Implemented**

In interviews, employees indicated that the current SCIA process, which consists only of a rubric, does not include a fade plan and that staff do not include fade plans in the IEP.

4. Develop a process that documents when short term 1-to-1 instructional assistants are assigned, the length of the assignment, and where these positions are assigned once the student no longer needs this service.

### **Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

5. With the exception of physical 1-to-1 instructional assistants, ensure that the relevant SCIA forms are completed at each annual IEP for students who have intensive intervention services on their IEP.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

6. Develop a district tracking form that clarifies why a student receives 1-to-1 instructional assistant services, when that position is reduced or eliminated, and the status of the reassigned instructional assistant.

**Status: In Progress**

Special education program administrators have developed an Excel spreadsheet to track instructional assistant staffing by name and location. It does not record why a student receives 1-to-1 support, when that position is reduced or eliminated, or the status of the reassigned instructional assistant. Staff report the administration's goal is to have it updated every two weeks.

7. Determine the changes required within Human Resources policies, procedures and staffing to expedite the common timeline for hiring new instructional assistants.

**Status: In Progress**

Staff report that the process for hiring instructional assistants has improved since the last review, though there is still a concern about the significant time between the determination of need for an instructional assistant and when that person actually reports for duty. Staff also report ongoing interviews and monthly testing for instructional assistant openings.

8. Ensure that Human Resources develops plans to increase community outreach to recruit applicants for instructional assistant vacancies and instructional assistant substitutes. Outreach to professional resources such as community job fairs and community college job postings should be considered.

**Status: Implemented**

Staff report increased community outreach efforts to recruit applicants for instructional assistant vacancies and substitutes.

9. Develop a procedure in which instructional assistant assignments are changed with collaboration between site administration and special education administration. The goal should be to agree on these decisions, but special education administration should be the default decision-maker.

**Status: In Progress**

Staff indicate there is more collective conversation regarding instructional assistant assignments, and special education administrators take the lead for assignments or movement. School site administrators report being frustrated frequently when they are not made aware in advance of changes to instructional assistant assignments made by special education administrators.

10. Consider making the common instructional assignment a 6-hour FTE position (state-wide standard) rather than 6.5 hours.

**Status: Not Implemented**

Documents provided to FCMAT indicate the district has 38 five- to six-hour instructional assistants, 16 six-hour instructional assistants, 292 6.5-6.75 hour instructional assistants, three seven-hour instructional assistants, and 48 eight-hour instructional assistants. District documents list all 48 eight-hour instructional assistants as substitutes.

11. Develop and follow Human Resources protocol for informing new instructional assistants when they are hired that their assignment may be changed at any time.

**Status: In Progress**

In interviews, employees indicated that new hires are informed that their site assignment may change at any time; however, no documentation was provided showing this. It would benefit the district to develop as part of its employment packet a document that informs instructional assistants of this possibility and that requires their signature.

12. Establish a standard procedure that the special education program administrators will consult together and with the special education director to determine if an instructional assistant can be reassigned to cover a new need before initiating the request procedure for posting a new position.

**Status: In Progress**

Staff report that the special education administrative team discusses potential movement of existing instructional assistant staff when a new position is needed. Administrators indicate that they work to continually update the instructional assistant staffing Excel

spreadsheet so they will be able to discuss whether existing staff may cover another needed position.

13. Encumber open positions into the budget and into a common spreadsheet to project needs and costs accurately.

**Status: In Progress**

Documents provided show that the district creates and budgets for open instructional assistant positions when needed and places a substitute in the position until it can be filled permanently. FCMAT could not determine from the documents provided whether all staffing positions are encumbered when positions are opened.

## Related Service Provider Caseloads

### Original Recommendations and Status of Implementation

1. Consider reducing OT staffing by 4.48 FTE using the district's salary and benefits for a cost savings of at least \$546,138.88.

**Status: Implemented**

The 2015 FCMAT study recommended reducing occupational therapist (OT) staff by 4.48 FTE to be within industry standards for OT caseloads. The district currently employs 6.8 FTE OTs for an average caseload of 46.17 students, which is within industry standards.

2. Contract locally with certified NPAs.

**Status: Implemented**

The NPA documents provided show that the district is using NPAs certified by the California Department of Education (CDE), though some providers had conditional status at the time of the follow-up review.

3. Utilize nonpublic contracts and individual service agreements specific to IEPs per student to establish the actual costs per student and monitor the accuracy of expenses.

**Status: In Progress**

Program administrators are working toward completing all NPS and NPA contracts specific to students' IEPs. No evidence was provided that the district is establishing the actual cost per student or monitoring these contracts.

4. Consider the collective bargaining agreement regarding APE teacher caseload averages and possibly increase staff or analyze the services required.

**Status: Implemented**

The collective bargaining agreement states:

Individual APE caseloads shall not exceed 15% of the maximum caseload of 55. APE teachers may voluntarily agree to increase his/her individual caseload to 20% of his/her maximum 55 caseload; no APE teacher shall have his/her assignment altered as a direct result of his/her choice not to volunteer.

5. Consider maintaining the current caseloads for psychologists when psychology interns are hired.

**Status: Implemented**

The district has continued staffing for psychologists and has maintained caseloads within industry standards.

6. Consider removing 504 accommodation plans and development from the psychologists' primary duties.

**Status: In Progress**

The psychologists in secondary schools do not have management of 504 accommodation plans as a main duty; however, for psychologists at elementary schools this continues to be a significant duty.

7. Continue the behavior specialist positions.

**Status: Implemented**

The district continues to employ behavior specialists.

8. Continue using the current speech pathologist caseload averages according to the Education Code.

**Status: Implemented**

The district continues to maintain speech pathologist caseloads commensurate with Education Code requirements.

9. Continue to work with Diagnostic Center to develop districtwide criteria for speech and language services.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

10. Immediately replace contracted speech therapists with district employees for an approximate savings of \$249,899 per year.

**Status: Implemented**

The district replaced contracted speech therapists with district-employed speech therapists. Currently the district contracts with agencies only when there are temporary openings, such as when an employee is on leave.

## **Nonpublic Schools and Agencies**

### **Original Recommendations and Status of Implementation**

1. Separate the NPS and NPA budget to increase greater efficiency in evaluating program and student needs for these services.

**Status: Implemented**

District records indicate that NPA and NPS costs have been separated in the budget.

2. Conduct a more thorough analysis of projected NPS/NPA costs in 2014-15 to determine the causes of the significant increase in the budget by separating the budgets and providing an in-depth review of costs per student.

**Status: In Progress**

District records indicate that NPA and NPS costs have been separated in the budget. No evidence was provided in documents or interviews to indicate that an in-depth review of costs per student has occurred.

3. Establish Special Education Department procedures that ensure that all current IEPs designating nonpublic school placements are entered into the SEIS system before submission to the Business Services Department for contract development.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

4. Ensure that all students enrolled in special education are entered into the SEIS, including those who are new to the district.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

5. Create opportunities for ongoing verification and discussion between finance and special education to increase the accuracy of contract amounts initiated on behalf of students attending nonpublic schools through the IEP process.

**Status: In Progress**

Staff report that discussions take place between business services and special education concerning contracts for NPS and NPA, but not regularly. There are delays in completing the individual service agreements that document the contracted programs, services and related costs. FCMAT found some instances in which students were placed in an NPS or received NPA services before the contracted amounts were finalized with the special education and business services departments.

6. Develop procedures for the nonpublic school and agency master contract that address extended school year days beyond June 30 of each year to ensure that appropriate costs are counted in the appropriate school year.



**Status: Implemented**

The district provided documents showing that extended school year costs are counted in the appropriate school year.

7. Monitor and adjust the district special education budget to reflect when students enter or exit an NPS placement.

**Status Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

8. Explore options to create district programs to serve students with intensive behavioral needs and/or autism at either elementary, middle or high school.

**Status: In Progress**

During the past three years the district has created district NPS programs and services in cooperation with the contractor Spectrum. In 2015-16 and 2016-17, 36 district students and 12 out-of-district students attended this collaborative program. The costs are monitored through a collaborative effort between business services and the superintendent.

9. Monitor NPA costs to make budget adjustments as appropriate.

**Status: In Progress**

The district has begun having special education and business services review the budget for mental health expenditures and all NPA costs. Any requests for additional NPA staffing are reviewed by the cabinet prior to approval.

10. Review each NPA and independent contract to determine if the services are required and if the NPA/independent contract is the most cost efficient way to provide service.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress. Three new special education program administrators began working for the district during the 2017-18 school year. The district needs to provide training to program administrators so they can implement this recommendation.

11. Consider hiring a board-certified behavior analyst to provide services to autistic students rather than continue using costly NPA vendors.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

12. Include a discussion ensuring that all NPA and NPS providers are certified by the CDE before entering into a master contract to provide services to students.

**Status: Implemented**

A review of the NPS and NPA files indicates that all providers are on the CDE certified list, though several of the providers had conditional status at the time of the follow-up review.

## **Due Process/Mediation and Litigation**

### **Original Recommendations and Status of Implementation**

1. Ensure the Special Education and Business Services departments meet regularly to charge legal expenses to the appropriate resource and goal.

**Status: Implemented**

Staff report that charges for special education legal expenses are placed on the monthly cabinet meeting agendas, and the district now requires that a table of all legal expenditures be submitted to the superintendent prior to the meeting.

2. Assign the special education director to focus on special education programs and compliance. The director should create a professional development plan focused on writing and implementing effective and legally defensible IEPs, conducting legally defensible assessments, service documentation, and assessing the need for additional instructional aide support. The program administrators should be trained and supported to implement this plan across all special education settings.

**Status: In Progress**

Interviews indicate this was implemented in 2016-17. However, because of changes in special education administrative staff, more training is needed. Principals reported that they would like training in this area.

3. Assign the special education director to attend all litigious IEPs, all mediations, and be closely involved in the settlement process.

**Status: Implemented**

The district hired a new special education director in 2017. Interviews with employees indicate she attends mediations and litigious IEPs and is closely involved in the settlement process.

4. Utilize the special education director in resolving disputes.

**Status: Implemented**

The new special education director hired in 2017 attends resolution meetings to help the team resolve disputes.

5. Assign all special education management to meet regularly with Human Resources and the Business Services Department to review position control, salaries, and benefits.

**Status: Not Implemented**

Although staff acknowledged this would be beneficial, no evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress. Although no regular meetings have been scheduled to discuss the items in the recommendation, special education administrators report meeting regularly with district administrators to discuss issues related to due process.

6. Assign the Business Services Department to meet regularly with the special education director to review the special education budget and track expenses.

**Status: Not Implemented**

Although staff acknowledge that this would be beneficial, no evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress. It would benefit the district to have these meetings and to use them to establish a protocol for closing contracts and notifying the Business Services Department when a contract is canceled or adjusted.

7. Evaluate the organizational structure and consider assigning Section 504 oversight to student services or the support programs director.

**Status: Implemented**

The district has assigned Section 504 oversight to student services.

8. Assign Section 504 coordinators at every site under the direction of the district Section 504 coordinator. The district coordinator should work with the site coordinator and case managers to coordinate Section 504 plans in general education.

**Status: In Progress**

The district has reassigned responsibilities for Section 504 to the administrator of student services. The psychologists at the elementary schools still oversee Section 504 assessment and scheduling.

9. Provide training focused on consistent procedures to ensure appropriate accommodations are implemented and maintained to ensure access and compliance.

**Status: Not Implemented**

Section 504 coordination has been transferred to student services; however, no evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

10. Designate significant professional development time for general education teachers and administrators as a priority since Section 504 supports and services must be covered from the general fund.

**Status: In Progress**

Although the district provides some professional development for teachers during staff meetings and for school site administrators during principals' meetings, no evidence was provided in documents or interviews to indicate that the district has trained general education teachers and administrators in Section 504 supports and procedures since the 2015 review. This professional development is the responsibility of student services.

# Medi-Cal LEA

## Original Recommendations and Status of Implementation

1. Assign the director of special education to develop an implementation plan and timeline to request that Paradigm HealthCare Services begin submitting for and following up on all activities eligible under the LEA Medi-Cal Billing Option Program. Paradigm HealthCare Systems should be included as part of this timeline and should assist with the recommended transition.

### **Status: Implemented**

Staff indicated in interviews that the special education director and support staff worked with Paradigm Healthcare Services to include and document additional eligible activities under the LEA Medi-Cal Billing Option Program.

2. Assign the special education director to develop a timeline to start submitting for LEA-covered medical transportation reimbursement and request Paradigm HealthCare Systems to support the transition with training, oversight and support.

### **Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

3. Consider notifying Paradigm HealthCare Services that it intends to open the LEA Medi-Cal Billing Option Program for RFPs. The RFP should focus on cost, history of maximizing reimbursable activities, and customer service.

### **Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

4. Develop an annual budget for the Medi-Cal resource 5640 so the director of special education, in collaboration with the assistant superintendent of business, can ensure comprehensive services, efficiently allocate funds to offset special education expenses, and allocate an appropriate carryover.

### **Status: In Progress**

The district reports an annual budget is developed with the Medi-Cal committee. This can help the district offset other special education costs and allocate an appropriate

carryover. At the time of FCMAT's follow-up visit, the district had an interim assistant superintendent of business services. No evidence was provided in documents or interviews to indicate that the director works in collaboration with the interim or former assistant superintendent of business on the items listed in the recommendation.

5. Consider reviewing the assignment of school nurses from student services to special education to align reimbursement practices.

**Status: Not Implemented**

The nurses are assigned to student services. No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

6. Assign the assistant superintendent to work with this director to develop an operating budget for resource 5640, which includes staffing, LEA Medi-Cal collaborative grants, transportation costs, and an appropriate carryover.

**Status: Not Implemented**

At the time of FCMAT's follow-up visit, the district had an interim assistant superintendent of business services. No evidence was provided in documents or interviews to indicate that the interim or former assistant superintendent works with the director on the items in this recommendation.

## Response to Intervention

### Original Recommendations and Status of Implementation

1. Clearly define a districtwide SST process to help students at the school site succeed without special education interventions.

**Status: In Progress**

The district has defined the student study team (SST) process districtwide; however, employees indicated in interviews that school sites use the process inconsistently and with different degrees of success.

2. Consider implementing universal screening to identify at-risk students.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

3. Develop a districtwide system of data collection and progress monitoring.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

4. Develop clear criteria for a prereferral system.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

5. Plan regular collaboration time with curriculum and instruction, site administrators and special education administrators to develop research-based interventions and materials districtwide.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

6. Plan regular collaboration time with curriculum and instruction, site administrators and special education administrators to develop a districtwide data collection and progress monitoring system.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

7. With all site principals, develop and document a plan to begin implementing a comprehensive RtI model.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

8. Establish a district-level leadership team to guide the implementation of RtI.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

9. Develop a process to allow SST members and psychologists to use RtI as part of the decision-making process for referral to special education.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

10. Evaluate the effectiveness of the current RtI strategies that affect the identification rate for special education.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

## Special Education Identification

### Original Recommendations and Status of Implementation

1. Evaluate the identification procedures for speech and language impairment and specific learning disability to more closely align the percentages to the statewide average in these areas and decrease the district overidentification rate.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

2. Focus on redeveloping speech and language interventions.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.



3. Focus on developing exit criteria for speech and language.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

## **Fiscal/Deficit Spending**

### **Original Recommendations and Status of Implementation**

1. Monitor its general fund contribution through the annual MOE and determine if the district can reduce expenditures using any of the exemptions allowed.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

2. Monitor attendance rates, including attendance rates in special day classes. Special education funding is based on total district ADA.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

3. Establish monthly meetings with the special education director and the assistant superintendent of business services that include the following topics:
  - a. Budget development
  - b. Budget monitoring
  - c. Maintenance-of-effort requirements
  - d. Additional staff requests or change in assignments
  - e. Nonpublic school and/or agency contracts and invoices and new placements
  - f. Due process or complaint issues

- g. Staff caseload
- h. Identified student counts
- i. Identified needs

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

- 4. Consider creating a new fiscal position that reports to the Business Services Department to provide special education budget and accounting support services. Place the position in the Special Education Department.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

- 5. Develop a budget plan for Medi-Cal LEA funding; this could potentially offset increases to the special education contribution. As part of development of the budget plan, review with staff the most effective use of these supplemental dollars.

**Status: In Progress**

Although the district reports an annual budget plan is developed with the Medi-Cal committee, no evidence was provided in documents or interviews to indicate that there is any review with staff of the most effective use of these supplemental dollars.

- 6. Assign the Business Services Department to implement zero-based budgeting. Each department should build and propose its 2015-16 budget including staffing. The Special Education, the Business and Human Resources departments should review all the staffing and assignments through this process. Staff should review how positions are used and charged to the district budget. Adjusting the coding for any position that provides services to identified and nonidentified pupils will not reduce the total budget, but will ensure that the special education budget is accurate.

**Status: Not Implemented**

No evidence was provided in documents or interviews to indicate that this recommendation has been implemented or is in progress.

7. The district should evaluate and consider reassigning the Section 504 function. If this function remains with the Special Education Department, staff should be coded appropriately in the system to reflect how much time is spent on special education functions compared to general education functions.

**Status: Implemented**

Coordination and management of Section 504 compliance has been moved from the special education program administrators to the student services department.

## Summary

Following FCMAT's 2015 study and report, the superintendent worked with the cabinet and identified 34 of the original 98 recommendations as priority items to implement over three years. A committee was formed to develop a plan and implement those 34 recommendations. A spreadsheet was developed and progress was monitored several times as the committee met. During this follow-up review in November 2017, FCMAT reviewed documents and interviewed staff to determine the progress made toward implementing the FCMAT recommendations from 2015. Currently the district has implemented 22 recommendations, has made progress implementing 28 recommendations, and has not implemented 48 recommendations. FCMAT found many instances in which the district's spreadsheet indicated a recommendation's implementation was in progress or complete, but could not confirm this through document review or interviews. At the time of this follow-up review, the district had new special education administrators. FCMAT recommends that the district reconvene the above-mentioned committee, ensure that it includes current special education administrators, and work to prioritize implementation of recommendations based on FCMAT's current implementation ratings.

This management letter contains the study team's evaluation of the district's status on implementing FCMAT's recommendations from the August 2015 report.

FCMAT appreciates the opportunity to serve you and extends thanks to all the staff of the Downey Unified School District for their assistance and cooperation during this follow-up review.

Sincerely,



Shayleen Harte  
FCMAT Deputy Executive Officer