



CSIS California School Information Services

Laguna Beach Unified School District

Special Education Review

May 11, 2018



Michael H. Fine
Chief Executive Officer





May 11, 2018

Jason Vilorio, Ed.D., Superintendent
Laguna Beach Unified School District
550 Blumont Street
Laguna Beach, California 92651

Dear Superintendent Vilorio:

In September 2017, the Laguna Beach Unified School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement to provide a review of the district's special education program. Specifically, the agreement states that FCMAT will perform the following:

1. Review the district's implementation of Student Success Teams, Response to Intervention, and Multi-Tiered System of Supports, and make recommendations for improvement, if any.
2. Analyze special education teacher staffing ratios, and class and caseload sizes, using statutory requirements for mandated services and statewide guidelines, and make recommendations for improvement, if any.
3. Review the efficiency of special education paraeducator staffing allocations per education code requirements and/or industry standards, and make recommendations for improvements, if any. Review the procedures for identifying the need for paraeducators, including least restrictive environment and the processes for monitoring the assignment of paraeducators and determining the ongoing need for continued support from year to year. (Include classroom and one-to-one paraeducators.)
4. Analyze staffing and caseloads for related service providers, including but not limited to speech pathologists, psychologists, behavior specialists, adaptive physical education, workability specialist, transition services coordinator, and assistive technology and other staff who are related service providers, and make recommendations for improvement, if any.
5. Determine whether the district overidentifies students for special education services compared to the statewide average, and make recommendations that will reduce over identification, if needed.

FCMAT

Michael H. Fine, Chief Executive Officer

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6. Analyze whether the district provides a continuum of special education and related services from preschool through age 22, including placements in least restrictive environments, and make recommendations for improvement, if any.
7. Review county office of education, nonpublic school and nonpublic agency costs and placements, and make recommendations for improving the placement process and cost efficiencies, if any.
8. Review the organizational structure and staffing of the special education department in the district's central office to determine whether administrator, special education specialist and clerical support positions and overall functionality are aligned with those of districts of comparable size and structure, and make recommendations for greater efficiencies if needed.
9. Review the costs of due process, mediations, and settlements for the past three years, and make recommendations for improvements, if any.
10. Review the district's unrestricted general fund contribution to special education and make recommendations for greater efficiency, if any.

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

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

Sincerely,

A handwritten signature in black ink, reading "Michael H. Fine". The signature is written in a cursive, flowing style.

Michael H. Fine
Chief Executive Officer

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About FCMAT

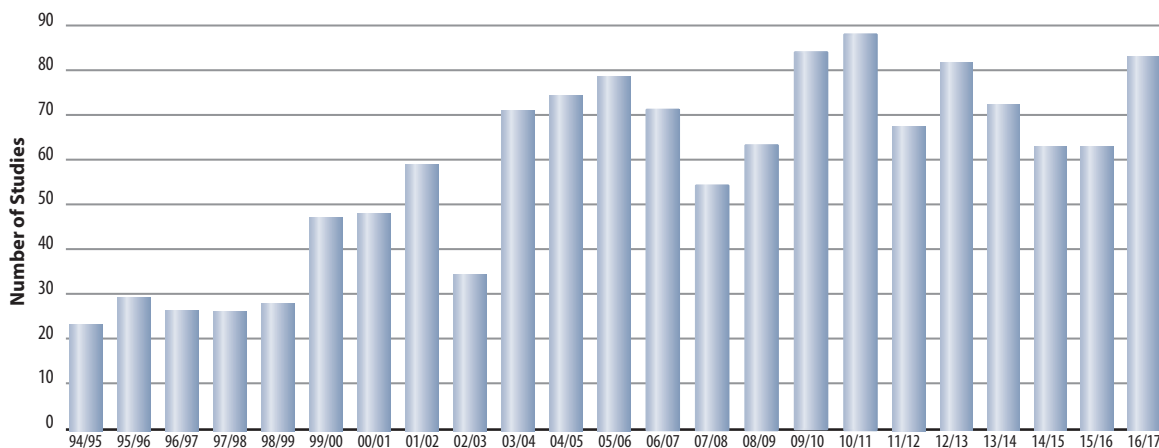
FCMAT's primary mission is to assist California's local K-14 educational agencies to identify, prevent, and resolve financial, human resources and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related 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 southern Orange County, the Laguna Beach Unified School District has a five-member governing board and serves approximately 2,929 students at two elementary, one middle and one comprehensive high school. According to data from the California Department of Education (CDE), student enrollment has slightly declined the last three years.

The district is part of the South Orange County Special Education Local Plan Area (SELPA) and has 364 students from birth through age 22 who are identified as having special needs, according to 2016-17 data from the CDE.

In September 2017, 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 January 23-26, 2018 to conduct interviews, collect data and review documents. Following fieldwork, FCMAT continued to review and analyze documents. This report is the result of those activities and is divided into the following sections:

- Executive Summary
- General Education Academic Support (SST/RtI²/MTSS)
- Special Education Program Staffing
- Paraeducator Staffing (including 1-to-1 support)
- Related Service Provider Staffing
- Identification Rate
- Continuum of Services
- Nonpublic Schools, Agencies and Alternative Placements
- Organizational Structure
- Due Process
- Fiscal Contribution
- Appendix

FCMAT's reports focus on systems and processes that may need improvement. Those that may be functioning well are generally not commented on in FCMAT's reports. 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 accuracy and achieve consensus on the final recommendations.

Executive Summary

Identification of special needs students is influenced by a district's implementation of general education supports such as student study teams (SSTs), Response to Instruction and Intervention (RtI²), and a Multi-Tiered System of Supports (MTSS). The district uses the SST process, although it differs from site to site. It also provides many tier two intervention supports such as pullout reading and math at the elementary level and homework/support classes at the high school level. Implementing a comprehensive RtI² system can ensure all students are supported by defining a process of rigorous instruction, universal screening, timely interventions implemented consistently, progress monitoring, and targeted interventions for students who are not progressing commensurate with their peers. Because RtI² is a general education function, the Instructional Services Department should lead implementation with consultation from the Special Education Department.

FCMAT's analysis of special education teacher caseloads indicates that, based on Education Code and industry standard caseloads, the district is overstaffed in all special education mild/moderate classrooms at every level except middle school. Every district has unique conditions and circumstances that should be considered in determining any adjustment in staffing. A small school district must also determine how best to serve students and build caseload flexibility for its staff in areas where it may lack options sometimes available to larger districts.

According to industry standards, the district is overstaffed in paraeducator staffing. At the elementary level, instructional assistants are grouped in two basic categories of assignment: those assigned to directly support teachers and students in the special education classroom and those who support students in a general education classroom while being supervised by a special education teacher, otherwise referred to in the district as "shared IAs." Records and interviews indicated in the general education classroom, these shared positions usually serve individual students or a small group of two to three students purposefully grouped in a particular class to receive that support.

Interviews indicated that the district does not use a formal procedure, typically known as the special circumstance instructional assistance (SCIA) assessment, to determine if additional classroom or specific student support is needed. The district recently began using a matrix that resembles one component commonly found in SCIA assessments, but interviews indicate it is not consistently used. Interviews also found that goals for independence are not consistently developed in the individualized education programs (IEPs) for students who receive the shared instructional assistance or 1-to-1 instructional assistant support. The district should review the reliance on shared instructional assistants at the elementary level to determine if a center based specialized academic instruction approach that blends RSP and SDC services in the least restrictive environment could more effectively and efficiently serve the mild/moderate student population.

Each school site has one psychologist for a total of four full-time equivalents (FTEs), which is one FTE above the average according to industry standards. However, the psychologists provide more direct supports than typical psychologist assignments. The district contracts all of its occupational therapy (OT) services through a nonpublic agency (NPA). It may want to consider evaluating the cost efficiencies of hiring its own OT staff to provide this service instead. The district hires its own speech and language pathologists (SLPs) in addition to contracting with an NPA; however, because of the difficulty in finding SLPs, it could explore the use of remote video ("telepractice") services.

The district serves students in preschool through 22 years of age. It has declined in total student enrollment while the identification of special education students has steadily increased. The state-wide identification average is 10.7%, and the district's 2017-18 identification rate is 12.3% and rising. The district is over the county and state averages in a few disability categories, but most significantly in other health impairments (OHI) and autism. The root cause of the overidentification of both eligibility areas should be determined.

Through a partnership with the Southern Orange County Special Education Local Plan Area (SELPA) and the Orange County Department of Education, the district offers a complete continuum of services from least to most restrictive environment. This model provides moderate/severe and some low-incidence services outside the district, and parents frequently resist these placements. The resolution for these disagreements can result in students served in district mild/moderate classrooms with significant accommodations and modifications such as additional instructional assistance or placement in costly out-of-district services such as nonpublic schools. Determining the frequency, effect on appropriate student placement and financial impact of these placements would allow consideration of alternative service delivery models.

Although comparative information is useful, it should not be the only measure of appropriate staffing levels. FCMAT compared the Special Education Department's administrative and clerical support staffing with that of two unified school districts of comparable size and demographics. Based on this comparison, the district's Special Education Department is appropriately staffed with one director and one administrative assistant. The district receives additional program specialist support from the SELPA as needed. Directors in the comparable districts have responsibility for special education, student services, including Section 504 and nurses. The district student services functions were reassigned during the 2017-18 school year to allow the director to focus on leadership, building department capacity and strengthening program delivery.

The administrative assistant has additional duties from those in comparable districts, which can affect overall efficiency. Her primary responsibility is support for programs and the director. However, additional duties such as managing the transportation services between parents and two transportation vendors and responsibility for student data and state reporting through the California Special Education Management Information System (CASEMIS) in December and June reduce the ability to provide effective support. Without restructuring duties, clerical support could be increased by 0.5 FTE in special education either on a rotating basis at critical times or as a permanent position.

In the latest reauthorization of the Individuals with Disabilities Education Act (IDEA), districts are required to add resolution meetings as an option to informally resolve disputes once a formal dispute has been established. The district has not developed such a process; therefore, disputes are handled informally with the director, parents and attorneys for both sides prior to a formal dispute being established. Formal settlements are developed and signed by the director and parents. Most disputes in special education are over providing a free appropriate public education (FAPE). Most of the district's settlements reimburse parents for private, sectarian schools and include prospective reimbursement for as much as four years. The district should develop a more formalized process that aligns with the requirements of IDEA for resolving parent disputes and determine the feasibility of creating district programs that meet the FAPE requirements of federal law.

School districts throughout the state face a continuing challenge in funding the costs to serve special education students. Districts have experienced increases in the differences between the federal and state funding received and the mandated costs for these vital student services.

According to district documents provided to FCMAT, the district's unrestricted general fund contribution to special education was \$4,842,723 or 64% of total special education expenditures in 2015-16, \$5,153,947 or 65% in 2016-17, and according to maintenance of effort (MOE) documents is projected to be \$5,985,369, or 68% in 2017-18. The MOE documents do not include the district's unrestricted general fund contribution to the special education transportation program. If transportation were included in the calculation, the district's contribution would increase to 72% in both 2015-16 and 2016-17, and the projected 2017-18 contribution would increase to 76%. Information provided by the California Legislative Analyst's Office in February 2017 indicates that the unrestricted general fund contribution has increased to approximately 60% statewide. The district's contribution is above the statewide average and rising. The district's contribution should be routinely monitored to determine if expenditures can be reduced using any of the exemptions allowed in the special education MOE.

Findings and Recommendations

General Education Academic Support (SST/RtI²/MTSS)

Most special education students come from the general education setting. Identification of special needs is influenced by the district's implementation of student study teams, Response to Instruction and Intervention, and a Multi-Tiered System of Supports.

Student Study Team (SST)

The SST process is a longstanding and widely used method that gathers information from teachers, specialists and parents to give a struggling student additional educational strategies and interventions. All schools should have an SST process. The SST is a group formed at the school to further examine a student's academic, behavioral and social-emotional progress. A staff member or a parent can refer a student to the team. The SST typically consists of a teacher, administrator, support personnel, parent, and student (when appropriate). It is different from a parent-teacher conference, which focuses on improving communication and addressing specific problems in class. The SST meeting gives everyone an opportunity to discuss concerns and develop a plan to address them. The interventions agreed upon will vary depending on the child's educational needs, and the process has proven to be successful if consistently implemented.

Serving a student with an individualized education program (IEP) is more costly than serving one through interventions and general education supports. Identifying a student for special education before general education interventions is not in the student's best interest. At Laguna Beach Unified, each school site has some form of an SST process although this differs from site to site. Even though districtwide forms are established, their use is inconsistent because some sites have developed their own forms. Further, the districtwide forms are outdated and do not reflect current assessment protocols and interventions.

The school sites have complete autonomy to determine how the SST process works at their school, including selecting the SST coordinator, team members, those who attend meetings and the forms that are used. Because the process is inconsistent across the district, the process for referring students to an SST means that some struggling students may receive an SST meeting at one site but not at another. The district office does not track the number of SST meetings per site, interventions offered, progress of students, assessment referrals, or eligibility for special education determination. Tracking this information would allow districtwide analysis of student and site needs, implementation of intervention needs, and accuracy of special education identification through SST referral for assessment.

Response to Instruction and Intervention (RtI²)

In 2004, the reauthorization of the Individuals with Disabilities Education Act (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 in identifying students with learning disabilities. IDEA 2004 also shifted research-based interventions from special education to general education, stressing that these methods would no longer be limited to special education students, but would apply to all students. The law left each individual state to develop its own guidelines and regulations. Response to Intervention (RtI), which the California Department of Education (CDE) now refers to as Response to Instruction and

Intervention (RtI²), provides districts with a method to drive educational decisions and measure academic growth. The CDE information states the following:

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

The CDE further states that RtI² is used in the following three ways:

1. Prevention: All students are screened to determine their level of performance in relation to grade-level benchmarks, standards, and potential indicators of academic and behavioral difficulties. Rather than wait for students to fail, schools provide research-based instruction within general education.
2. Intervention: Based on frequent progress monitoring, interventions are provided for general education students not progressing at a rate or level of achievement commensurate with their peers. These students are then selected to receive more intense interventions.
3. Component of specific learning disability (SLD) determination: The RtI² approach can be one component of the SLD determination as addressed in the Individuals with Disabilities Education Act (IDEA) 2004 statute and regulations. The data from the RtI² process may be used to demonstrate that a student has received research-based instruction and interventions as part of the eligibility determination process.

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

Sources: www.cde.ca.gov/sp/se/sr/documents/sldeligibiltyrti2.doc and <https://www.cde.ca.gov/ci/cr/ri/rtiresources.asp>.

Because RtI² is a general education function, the Instructional Services Department should lead implementation with consultation from the Special Education Department. This is crucial in the implementation process so that the entire staff recognizes and accepts RtI² as a general education function.

The district indicated many staff are dedicated to providing interventions through a tier two model. Intervention teachers, general education intervention instructional assistants, and early learning intervention teachers categorize these interventions as instruction. It is a best practice for a district to have clear, consistent districtwide expectations for and implementation of RtI². The district has developed charts of districtwide interventions called “menus” describing various categories such as social/emotional, reading, math, English learning, and attendance and the interventions used that are aligned to the particular category. Site-level administration determines the level of implementation and the way it is administered. Implementing a comprehensive RtI² system can ensure all students are supported by defining a process of rigorous instruction, universal screening, timely interventions implemented consistently, progress monitoring, and targeted interventions for students who are not progressing commensurate with their peers.

Interviews confirmed the district recently began using some universal screening measures for some students. Elementary sites have recently implemented screening tools to measure and monitor progress through the use of Dynamic Indicators of Basic Early Literacy Skills (DIBELS), classroom instruction differentiation, professional learning communities (PLCs), running records, Wonder

sight word assessments, spelling inventories and observations. Staff also suggested the need for a districtwide assessment tool to use consistently for both English language arts and math.

At the middle school, teams review students' progress and grades every six weeks. The district refers to this as Multi-Tiered System of Supports, and all teachers are invited to participate, but only one general education teacher is required to attend. Staff indicated students receive counseling support through progress reviews, any necessary interventions and social emotional supports, which has resulted in improvement.

The intervention provided at the high school is primarily a support class for general or special education. This class may be specific to either English language arts or math, but it does not have a strong curriculum and is viewed as a homework class. Staff reported that students are resistant to this support class because it replaces an elective and that staff members want these classes to focus on skill building. Staff reported they would like to have a true intervention class in both language arts and math. Staff also expressed the need for teachers to be provided with more professional development in best-first instruction.

Multi-Tiered System of Supports (MTSS)

An article titled "\$10 Million to Design MTSS in California" in *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* article indicates that an MTSS approach can "be used to develop and align resources, programs, supports, and services at all organizational levels to increase positive student outcomes." The March 2015 Report of California's Statewide Task Force on Special Education, titled "One System: Reforming Education to Serve All Students," states the following:

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 MTSS in 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:

- 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.

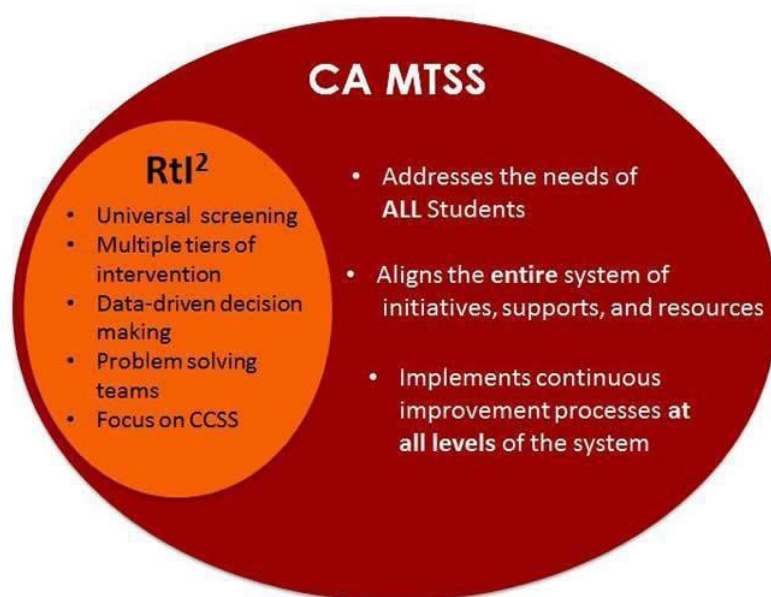
- Using school-wide and classroom research-based positive behavioral supports for achieving important social and learning outcomes.
- Implementing a collaborative approach to analyze student data and working together in the intervention process.

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

- 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 system of interventions and supports for all students. It would be effective for the district to continue prioritizing RtI² and MTSS through a districtwide committee and providing intensive RtI² and MTSS training for all staff, with the training phase outlined in a strategic plan.

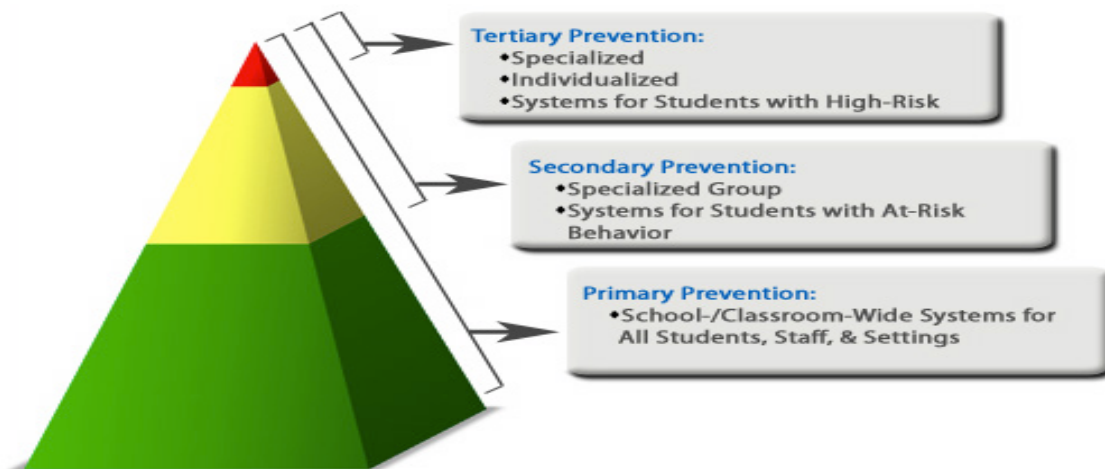
RtI² includes a behavioral component widely known as Positive Behavior Interventions and Supports (PBIS). No single approach or technique can remove the barriers to learning that occur when behaviors disrupt school. The climate of each school is different; therefore, a “one size fits all” approach is less effective than interventions based on the needs of each.

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 to create positive school environments. Instead of using a piecemeal approach of individual behavioral management plans, a continuum of positive behavior support for all students in a school is implemented in areas including classroom and nonclassroom settings such as hallways, buses, and restrooms.

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

The following diagram illustrates the multilevel approach PBIS offers to all students. These group depictions represent systems of support, not children:

Continuum of School-Wide Instructional & Positive Behavior Support



Sources: CDE and http://www.boystowntntraining.org/assets/1201-043-01_education_services_collateral_overview.pdf

Staff indicated the district has various levels of PBIS implementation although neither district nor site staff could articulate the level of implementation for each school site. Teaching staff indicated they lack the resources necessary to support students who exhibit problem behaviors in their classroom. Staff also report a desire for more professional development in PBIS and use of sitewide vocabulary to develop a culture to support student behaviors.

Staff expressed frustration that the teacher on special assignment was structured to be a coach for teachers but is utilized at the district office. Staff requested professional development and in-class coaching for behavior and classroom management techniques.

The staff also requested strategies for how to engage students for learning. Professional development is offered for optional attendance outside the workday, and staff hopes it can be provided during the workday and become mandatory.

The district can evaluate both school and district readiness to implement RtI² and PBIS (or any effective intervention) with measures such as the District Capacity Assessment available through the National Implementation Research Network (<http://implementation.fpg.unc.edu/resources/district-capacity-assessment-dca>).

Recommendations

The district should:

1. Implement a consistent districtwide SST system with the Instructional Services Department leading and monitoring the processes and procedures.
2. Develop and implement an SST handbook, updating it annually.
3. Require the use of district SST forms, revising annually if needed.
4. Ensure site administrators consistently utilize the SST process to provide support for struggling students.
5. Consider tracking the number of SST meetings per site and the number of special education referrals made as a result of SST meetings and eligibility results.
6. Develop a communication plan for all those affected outlining what RtI² is, how it will benefit all students, and how it will be implemented throughout the district.
7. Consider continuing 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.
8. Consider restructuring the high school support classes as an intervention class for language arts and/or math.
9. Define and implement universal screenings and districtwide assessment tools for all sites.
10. Provide professional development in best-first instruction, student engagement, and behavior management, and consider making professional development mandatory.
11. Define and implement a PBIS system across the district.
12. Provide adequate and regular professional development in PBIS for all staff districtwide.
13. Consider having the teacher on special assignment directly support each elementary site and report daily to the site administration.

Special Education Program Staffing

The district provides mild/moderate special education services for students preschool through grade 12, while moderate/severe special education services are made available through a partnership with the SELPA and the Orange County Department of Education.

At Top of the World Elementary School, the district operates one mild/moderate preschool special day class (SDC) for students who are three and four years old. Through a partnership with a local private preschool, the district provides a special education instructional assistant to help support students with IEPs who need primary enrollment in general education.

The director of special education and the preschool SDC teacher supervise the private preschool instructional assistant. The district pays the tuition of students with IEPs in the private preschool as needed. The district provides preschool speech and language services to students who require only these supports via the speech and language pathologist who is assigned to Top of The World Elementary School. An assessment team composed of a school psychologist, a speech and language pathologist, the special education preschool teacher and, if needed, an occupational therapist assesses preschool students for eligibility and transition to kindergarten. The preschool mild/moderate SDC has one preschool SDC teacher, two 5.75-hour instructional assistants and one vacant 3.50-hour instructional assistant providing services to eight students. The instructional assistant who supports students in the private preschool partnership is a 5.75-hour employee, but for purposes of this study, this position's time and private preschool students are not included in the district caseload or staffing data.

At the preschool level, the industry standard is based on an adult-to-student ratio that includes the teacher and instructional assistants. The industry standard is based on six-hour instructional assistants, so for this comparison, the total preschool instructional hours were converted into six-hour equivalents. The industry standard is one adult to seven preschool students. The district ratio is one adult to 2.29 students. In most preschools, it is common for caseloads to be lower at the beginning of the school year and grow as the year progresses. However, the current ratio could be considered low even for the midpoint of the school year. While accepting that the core staffing for a mild/moderate SDC would be one teacher and one six-hour instructional assistant, the district in this instance may want to evaluate the existing preschool SDC instructional assistant staffing to determine appropriate service and staffing efficiency.

The district operates its own mild/moderate resource specialist programs (RSPs) and mild/moderate SDCs for grades K-12. At the elementary K-5 level, the district operates RSP programs that provide both pullout and push-in support to students as well as collaboration between general education and special education teachers. The elementary mild/moderate SDCs operate as a separate class setting with mainstreaming opportunities for students as appropriate per IEPs. For grades 6-12, the middle school and high school provide mild/moderate services through a combined RSP and SDC caseload with special education teachers who may be designated as either RSP or SDC teachers in the district position control system. In many districts, this approach to service is identified as specialized academic instruction (SAI). In this district the combined service model is referred to as RSP/SDC. Education Code 56362(c) defines the maximum caseload for RSP programs as one teacher to 28 students; however, the maximum caseloads for SDCs are not defined. Some districts adopt their own board-approved caseload standards, and others operate with unofficial local caseload practices. The industry standard for a traditional K-12 SDC is 12-15 students per teacher. The district has no board-adopted guideline for SDC caseloads; however, interviews with staff indicate that the district attempts to remain

within an elementary SDC maximum of 12 students per teacher. The Education Code does not provide defined caseloads for combined RSP/SDC services or SAI, but the industry standard for combined RSP/SDC services in a blended model is 24 students per teacher.

In reviewing the tables below on caseloads and staffing, the district should remember that every district has unique conditions and circumstances that should be considered in determining any staffing adjustment. A small school district must also determine how best to serve students and build caseload flexibility for its staff where it lacks options sometimes available to larger districts. The elementary mild/moderate SDCs are an example of this. The district previously operated two elementary SDCs serving grades K-3 in one class and grades 4-5 in the other class. However, it determined the primary grade class needed to be adjusted to better serve the broad age and developmental span represented in the class and therefore recently added a third SDC, which allows for a K-1 class, a 2-3 class and a 4-5 class. The caseload analysis below indicates that the elementary SDCs are overstaffed by 1.60 FTE.

The district could return to a two-class SDC configuration or consider a more progressive center-based specialized academic instruction model. However, senior administrative staff will need to make this decision after considering the benefits of the current three-class alignment.

A similar analysis will need to be applied at each level from preschool to grade 12 because special education teacher overstaffing exists at every level except grades 6-8 as shown below. (Preschool has only one teacher, and the overstaffing reflects the adult-to-student ratio, which includes the classroom instructional assistants.)

Preschool Mild/Moderate Special Day Class

Teacher FTE	Total Caseload	IA FTE*	Industry Standard Adult to Student Ratio	District Adult to Student Ratio*	6-hr. IA Staffing Above (+)/ Below (-) Industry Standard
1.0	8	2.5	1:7	1:2.29	1.5

Source: District data and industry standards

*Based on conversion of district total IA hours to industry standard IA hours (6-hr. per FTE)

Elementary Resource Specialist Caseloads – Grades K-5

Teacher FTE	Total Caseload	Caseload Average	Education Code	Staffing FTE Above (+)/ Below (-) Education Code
3.0	62	1:20.6	1:28	0.79 FTE

Source: District data, EC 56362(c)

Elementary Mild/Moderate Special Day Classes

Teacher FTE	Total Caseload	Caseload Average	Industry Standard	Staffing FTE Above (+)/Below (-) Industry Standard
3.0	21	1:7	1:12-15	1.60 FTE

Source: District data and industry standards

Secondary Mild/Moderate Services (RSP/SDC Combined)

Grade Span	Teacher FTE	Total Caseload	Caseload Average	Industry Standard	Staffing FTE Above (+)/Below (-) Industry Standard
6-8	3.0	81	1:27	1:24	(-) 0.38 FTE
9-12	5.0	111	1:22.2	1:24	(+) 0.38 FTE

Source: District data and industry standards

Recommendations

The district should:

1. Review the staffing levels in all of its special education instructional programs that are overstaffed according to Education Code and industry standards to determine if staffing is consistent with student needs and district priorities.
2. Review the mild/moderate service configuration at the elementary level to determine if a center-based specialized academic instruction approach that blends RSP and SDC services could more effectively and efficiently serve the mild/moderate student population in the least restrictive environment.
3. Analyze the operation of the existing preschool services as represented in one SDC with overstaffing, and partnership with a private preschool in comparison to other special education preschool service models to determine if a more flexible and efficient model can be developed.

Paraeducator Staffing (including 1-to-1 support)

The district employs one classification of paraeducator with the title of instructional assistant, special education. Most instructional assistants under this classification are hired at 5.75 hours. A few positions are six hours or 6.5 hours, but the district is gradually eliminating those positions through attrition. The district-provided records also showed several special education instructional assistant vacancies listed at 3.75 hours. Any instructional assistant working four to six hours per day has the option of purchasing health benefits at 50% of the total premium cost. To compare district instructional assistant staffing to the industry standard, all hours in a particular category were totaled and divided by six hours.

A review of district-provided records and interviews with staff indicated that special education instructional assistants at the elementary level are grouped in two basic categories of assignment: those who provide direct support to teachers and students in the special education classroom setting and those who support students in a general education classroom while being supervised by a special education teacher, otherwise referred to by the district as shared instructional assistants. Education Code and industry standards indicate that all special education teachers who serve students require some instructional support. The amount of support varies with the type of service and the severity of the student's disability. For example, EC section 56362 (f) states that at least 80 percent of the resource specialists within a local plan shall be provided with an instructional aide. This study analyzes the instructional assistant support directly assigned to special

education teachers in the special education class setting based on Education Code and industry standards.

The second group of instructional assistants assigned to general education classrooms falls into the category of extra or additional instructional assistant support such as 1-to-1 instructional assistants. There is no industry standard for this group since the nature of the assignment and the procedures for determining the need for this extra support varies greatly from district to district.

Records and interviews found that the shared instructional assistants in the general education classrooms usually serve individual students or a small group of two to three students purposely grouped in a particular class to receive that support. Based on interviews and a review of IEPs selected by district staff, the shared instructional assistant staff assignment to a student is written into a student's IEP as a related service and titled "intensive individual service." The amount of time for this service found in the IEPs reviewed ranges from 120 to 240 minutes daily. Interviews with staff indicate that some shared instructional assistants may provide 1-to-1 support without the designation of 1-to-1 instructional assistance. The district's Special Education Information System (SEIS) files indicated 65 students receive intensive individual service. Interviews with staff indicate the district has no clear or consistent procedure for making the IEP team decision on the necessity and provision of this additional support. Staff described the decision-making process as subjective.

It has become common statewide practice for a district to base the determination for additional individual student support on a formal process commonly referred to as a special circumstance instructional assistance (SCIA) assessment. The district's school psychologists recently began to use a matrix titled Level for Student Need for Support to help determine individual or additional support. The matrix resembles one component commonly found in SCIA assessments and used in many districts. While the use of the matrix is a new procedure, interviews indicate it is not used to determine shared instructional assistant support.

Another critical component of the widely used SCIA procedures is the development of specific IEP goals for independence for every student who receives individual support. These goals should be reviewed and revised annually to ensure that students actively work on the skills that will help them become independent of specialized individual support. Staff interviews and records indicated that a goal for independence is not consistently developed in the IEPs for students who receive the shared or 1-to-1 instructional assistant support. Documentation provided by the district indicated that if a student receives 1-to-1 instructional assistant support for behavior reasons, the school psychologist monitors the data collected on behalf of the student. The district also indicated the director communicates with certificated staff including school psychologists to discuss aide placements, including changes necessary throughout the school year. Records show that a minimum of 15 instructional assistants provide either 1-to-1 or shared support to students at a cost of \$542,063.

Special Education Department classified staff maintain records of special education instructional assistant assignments. Staff from the Special Education and Human Resources departments meet monthly to review special education staffing and update records. Those departments, along with Business Services, meet each quarter to review the caseloads and assignments of special education staff. If a mid-year need for additional special education staff arises, the director of special education presents these circumstances to the assistant superintendents, and the senior administration ultimately decides whether to approve staffing.

The supervising teacher or other experienced instructional assistants provide new assistants with orientation on their new job duties and procedures. Special education assistants have access to professional development training before the start of the school year, an option offered to all instructional staff. An online professional development option is available to special education instructional assistant staff. Staff also indicated that through all grades in the district, instructional assistants who support general education students have primary responsibility for ensuring the implementation of IEP-based accommodations for students, especially in the area of assessment. Staff stated general education teachers should receive more information and training on implementing IEP-driven accommodations and modifications. The charts below do not include instructional assistants assigned to the general education classroom, unless specified.

Elementary Resource Specialist Program IA Staffing

Teacher FTE	Total IA Hours*	Total IA hrs. converted to 6-hr. Industry Standard FTE	Industry Standard IA per Teacher FTE	6-hr. IA Above (+)/ Below (-) Industry Standard
3.0	20.75	3.46	1 FTE: 6 hrs.	+0.46

Source: District data and industry standards

*Includes one 3.50 hr. IA vacancy

Elementary Special Day Class IA Staffing

Teacher FTE	Total IA Hours	Total IA hrs. converted to 6-hr. Industry Standard FTE	Industry Standard IA per Teacher FTE	6-hr. IA Above (+)/ Below (-) Industry Standard
3.0	29.0	4.83	1 FTE: 6 hrs.	+1.83

Source: District data and industry standards

Middle School (Gr 6-8) Combined RSP/SDC Class IA Staffing

Teacher FTE	Total IA Hours	Total IA hrs. converted to 6-hr. Industry Standard FTE	Industry Standard IA per Teacher FTE	6-hr. IA Above (+)/ Below (-) Industry Standard
3.0	61.5	10.25	1 FTE: 6 hrs.	+7.25

Source: District data and industry standards

High School (Gr 9-12) Combined RSP/SDC Class IA Staffing

Teacher FTE	Total IA Hours	Total IA hrs. converted to 6-hr. Industry Standard FTE	Industry Standard IA per Teacher FTE	6-hr. IA Above (+)/ Below (-) Industry Standard
5.0	41.5	6.92	1 FTE: 6 hrs.	+1.92

Source: District data and industry standards

Additional IA Staffing (including 1-to-1 and shared IAs)

Total Additional IA Hours	Total IA hrs. converted to 5.75-hr. District Standard FTE
87	15.13

Source: District data

Recommendations

The district should:

1. Adopt and implement a comprehensive SCIA procedure that incorporates a formal assessment and the development of annual IEP goals for independence. Provide professional development for its use.
2. Assign its school psychologists as lead staff in using the SCIA procedure to determine the need for shared and 1-to-1 instructional assistance.
3. Assess for current levels of functioning and develop annual goals for independence in the IEPs of all students receiving additional instructional assistant support as a written IEP accommodation or individual service.
4. Review the reliance on shared instructional assistants at the elementary level to determine if a center-based specialized academic instruction approach that blends resource specialist and SDC services in the least restrictive environment could more effectively and efficiently serve the mild/moderate student population.
5. Provide information and training to general education teachers in the implementation of IEP accommodations and modifications for the students in their classes to reduce dependence on SCIA as the primary conduit of that information.
6. Consider requiring the online professional development for instructional assistants as part of their job orientation and training.
7. Review the instructional assistant staffing support compared to Education Code and industry standards. In areas of overstaffing, consider reductions by determining if staffing is consistent with student needs and district priorities.

Related Service Provider Staffing

The district provides many related services according to the student needs outlined in each IEP. It employs a few related service providers such as school psychologists, speech and language pathologists, adaptive physical education teachers and school nurses. The district contracts with nonpublic agencies for occupational therapists (OTs), vision teachers, orientation mobility services, and deaf education services.

The district employed OTs three years ago, but completed an analysis and determined it was less costly to hire a nonpublic agency. The district contracts entirely with nonpublic agencies for OT services and may want to re-evaluate the cost efficiency of hiring OT staff. It is a best practice for district staff to perform student assessments, services and teacher collaboration when possible and feasible.

School Psychologists

The district employs four full-time school psychologists and uses interns at no cost. One psychologist is assigned per school site, with one providing 0.2 FTE preschool support. Interviews and document review indicated the standard role and responsibilities for school psychologists gener-

ally comply with state and professional standards. The psychologists provide many additional supports to the total district population, which include: attending all SST meetings, supporting RtI through a consultation model to general education teachers and serving as administrative designees at IEP meetings when they are not reporting on an assessment they conducted. The psychologists also provide educationally related mental health services. Several years ago, the district employed a behavior specialist for students with social emotional issues and significant behavioral problems. However, the psychologists provide these services at present.

CalEdFacts (www.cde.ca.gov/re/pn/fb/) indicates that the statewide average caseload for K–12 school psychologists is 1,050 students; the study team uses this statewide average as the industry standard caseload guidance. The analysis does not break out specialized assignments from within the K-12 population; accordingly, the 0.2 FTE that serves the preschool population is not included in the following table.

School Psychologist Caseloads

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard	District Staffing Above (+) / Below (-) Industry Standard
Psychologist	3.8	2,929	770.8	1,050	+1.0

Source: District data and CalEdFacts

Speech and Language Pathologists

Documents indicate that the district employs 3.0 FTE speech and language pathologists (SLPs) and a 0.5 FTE contracted SLP. Of the 3.5 total FTE, 0.5 FTE is dedicated to preschool. Caseload maximums are addressed in EC 56363.3 for ages 5-22 and 56441.7(a) for preschool. The table below separates preschool SLP staffing from 5-22 SLP staffing. Documents indicate 15 preschool students are receiving speech services by a 0.5 FTE SLP, and the district is over the Education Code by 0.13 FTE. The district is understaffed 0.25 FTE for serving 5-22 year olds. The district may want to explore the use of remote video (“telepractice”) speech and language services for students who are more independent and focused to fill their staffing need.

Speech and Language Pathologist Caseloads

Provider	No. of FTE	Total Caseload	Caseload Average	Education Code	District Staffing Above (+) / Below (-) Ed Code
Speech and Language Pathologist (ages 5-22)	3.0	179	1:59.6	1:55	-0.25
Speech and Language Pathologist (Preschool)	0.5	15	0.5:15	1:40	+0.13

Source: District data, EC 56441.7(a) and EC 56363.3

Adaptive PE

The district is within industry standards for adaptive physical education.

Adaptive PE Teacher Caseload

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard
Adaptive PE Teacher	.44	18	0.44:18	1:45-55

Source: District data and industry standard

Nurses

The district provides a variety of health-care services to general and special education students. It has 1.45 FTE school nurses, two licensed vocational nurses who provide specific health care to two students, and one six-hour health technician at each school. CalEdFacts (www.cde.ca.gov/re/pn/fb/) indicates that the statewide average caseload for a K-through-age -22 school nurse is 2,368 students; the study team uses this statewide average as the industry standard caseload guidance. The district's nurse has an average caseload of 2,929, which is above the industry standard.

Nurse Caseloads

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard
Nurse	1.0*	2,929	1:2,929	1:2,368

Source: CalEdFacts and district data

*Does not include 0.45 FTE school readiness nurse.

Recommendations

The district should:

1. Consider maintaining the current staffing for school psychologists because of their additional responsibilities.
2. Consider evaluating the cost efficiencies for providing district-employed OTs.
3. Consider increasing speech and language pathologists by .25 or using "telepractice" services to meet Education Code requirements.

Identification Rate

The district serves students with disabilities in preschool through age 22. Staff report that many parents request assessment in hopes students will receive accommodations.

FCMAT can analyze target rates, type of referrals such as parent or district referral, eligibility trends and more if the district tracks referrals and assessments, but this does not occur collectively or consistently. Tracking and analyzing referrals and assessments could help determine the reasons they occur and possibly decrease their number.

The district has declined in total student enrollment while increasing in the number of identified special education students. The statewide identification average is 10.7%, and the district's 2017-18 identification rate is 12.3% and rising.

Identification Rate

School Year	Total Enrollment	Students with IEPs	Percentage
2015-16	3,029	316	10.4
2016-17	3,025	347	11.4
2017 to date	2,929	362	12.3

Source: District data, DataQuest, Ed-Data, CASEMIS - All excludes infants and preschool age

The table below shows the district's identification rate by disability compared to the county and state averages. The district is over the county and state averages in a few disability categories but most significantly in the number of students who have other health impairments (OHI) and autism. The district could review the root cause of the possible overidentification of both eligibility areas. Some questions to ask during the analysis would be as follows:

- OHI - Could the student have been served through a 504 Plan with accommodations and direct specialized services are not required?
- Is the district completing its own ADD/ADHD, anxiety and depression evaluations to determine need?
- Autism - Is the student receiving general education interventions through social skill development before special education assessment?
- Have the staff been thoroughly trained in a variety of assessments specific to autism eligibility?
- Do the psychologists have the appropriate assessments for autism evaluations?

*December 1, 2016 Identification Rate Percentages by Disability**

Disability	District	County	State
Intellectual Disability	1.7	5.1	5.8
Hard of Hearing	1.7	1.5	1.3
Deaf	0.6	0.4	0.4
Speech or Language Impairment	20.7	25.2	21.2
Visual Impairment	0.3	0.4	0.4
Emotional Disturbance	3.4	2.7	3.2
Orthopedic Impairment	1.1	1.4	1.4

Disability	District	County	State
Other Health Impairment	17.1	13.5	12.0
Specific Learning Disability	31.1	29.7	38.8
Deaf-Blindness	0	0	0
Multiple Disability	0.3	1.1	0.9
Autism	21.9	18.8	13.2
Traumatic Brain Injury	0.3	0.2	0.2

Source: CASEMIS 12-1-2016 includes infants and preschool

*FCMAT is using Dec. 1, 2016 data for this comparison because 2017 data for county and state averages has not been released.

The chart below demonstrates the district's increase or decrease of each disability category from 2015-2018. Emotional disturbance and other health impairments are consistently on the rise.

Identification Rate Percentages 2015-16 through 2017-18

Disability	2015-16	2016-17	2017-18
Intellectual Disability	2.7	1.7	1.3
Hard of Hearing	0.9	1.7	1.6
Deaf	0.3	0.6	0.5
Speech or Language Impairment	25.2	20.7	20.1
Visual Impairment	0.3	0.3	0.5
Emotional Disturbance	2.7	3.4	3.6
Orthopedic Impairment	1.2	1.1	1.6
Other Health Impairment	16.4	17.1	20.4
Specific Learning Disability	25.8	31.1	29.9
Deaf-Blindness	0	0	0
Multiple Disability	0.3	0.3	0.8
Autism	24.2	21.9	19.8
Traumatic Brain Injury	0	0.3	0

Source: CASEMIS 12-1-2015, 12-1-2016, 12-1-2017, includes infants and preschool

Recommendations

The district should:

1. Review the assessment requests and determine if general education interventions are appropriate before assessment for special education.
2. Consider tracking types of referrals, assessments and eligibility rates to help monitor various annual trends.
3. Examine the determining factors of eligibility for other health impairments and autism, and consider other supports before special education such as health plans, 504 accommodations plans, and RtI².
4. Investigate ways to serve students before identification or to remediate, support and potentially exit them from special education.

Continuum of Services

The district provided two documents that generally describe the continuum of special education services required per EC 56360 and 56361. One document is from the SELPA plan and the other is from the SELPA Parent Handbook. The SELPA local plan provides assurance of district services in the following settings:

- General education classroom
- Specialized academic instruction
- Nonpublic, nonsectarian school services
- Orange County Department of Education programs
- State special schools
- Placement within other SELPAs
- Instruction in home, hospitals, jails and other institutions
- Extended school year
- Related services

From preschool through grade 12 the district maintains options to serve special education students in the least restrictive environment with nondisabled peers. At the preschool level, this occurs through its partnership with a private preschool in which the district may pay the private school tuition to ensure access to the preschool general population. From grades K through 12 the district offers a variety of push-in and collaboration services with general education staff in partnership with special education teachers and instructional assistants. Interviews indicated special education staff sometimes find it difficult to mainstream students at the level written into IEPs because of a lack of available special education instructional assistants to support students in the least restrictive environment. Interviews and documents reviewed indicate the continuum of services from least to most restrictive is provided through partnership with the SELPA and the county office. The district has options for placement in moderate/severe and low-incidence services through these entities. The moderate/severe services operated by the SELPA and county office are all provided at locations outside the district. The district also utilizes options to place students in nonpublic schools and private schools, and documents indicate 32 students are in alternative placements outside the district.

Interviews with staff indicate that despite the availability of services for moderate/severe students and other alternative placements through the SELPA or county office, some parents reject placement in these classes every year. Through the IEP process, these students are sometimes placed in district mild/moderate services with additional support or in nonpublic school or private schools. Staff interviews indicate concern that moderate/severe students placed in district mild/moderate services with accommodations and additional support may be more appropriately served in a more restrictive setting.

Interviews with both general education staff and special education staff indicate that the district ensures that special education students have complete access to the instructional materials, equipment and activities available to general education classrooms and nondisabled students through the district. The Annual Performance Report Measures for 2014-15 and 2015-16 indicate the

district met targets pertaining to Indicator 5, Least Restrictive Environment, and Indicators 9 and 10, Disproportionality.

Recommendations

The district should:

1. Review the IEPs of district students who receive special education service and have IEP goals that indicate moderate/severe needs to determine if progress has been made toward established goals.
2. Review the cost of out-of-district placements and the incidence of students with moderate/severe needs who are not making adequate progress in district services. Determine if student benefit and potential cost savings could be achieved by developing district moderate/severe services for specific special education populations such as students on the autism spectrum and those with emotional disturbance.
3. Discuss with the SELPA and county office the feasibility of relocating some moderate/severe and low-incidence services to within district attendance boundaries.

Nonpublic Schools, Agencies and Alternative Placements

The district uses a variety of placement options/services to meet the needs of students with disabilities. When the unique needs outlined in an IEP require specialized programs that are unavailable in the district, students receive alternative placements such as nonpublic schools, regional programs in the SELPA, programs and services provided by the county office, state special schools, instruction in home, hospitals and other institutions.

Written procedures are provided by the SELPA for access to regional programs and through a memorandum of understanding between county office and the district for placements in the county programs. Nonpublic school placements are handled by the district contracting directly with state-certified nonpublic, nonsectarian schools and agencies.

Nonpublic Schools (NPS)

Education Code Section 56034 contains the qualification standards required for a NPS to provide services to students with disabilities. It defines an NPS as follows:

A private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the department. It does not include an organization or agency that operates as a public agency ... 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 a placement option for students with an IEP that designates this specialized educational program. The SELPA members negotiate NPS contracts, and each district develops individual service agreements for the students served. Each nonpublic school has a daily rate and the individual service agreement outlines the services and costs per student. These costs will vary based on the services designated on the IEP.

The director of special education has traditionally been the case manager for students in nonpublic schools; however, the SELPA program specialist will assume those duties for the nine students enrolled in NPS for the 2017-18 school year.

The annual costs for nonpublic schools in 2015-16 and 2016-17 in the chart below are actual costs. The annual costs for 2017-18 are projected and may increase with the addition of other students during the year. The number of students enrolled in NPS for 2017-18 has decreased from previous years, yet projected costs anticipate an increase. The annual cost per student has increased from \$56,706 in 2015-16 to a projected cost of \$69,635 in 2017-18. Closely monitoring the provision of services outlined in the service agreements would help the district determine why costs have increased this year. The district should determine if it is more effective to create district programs rather than providing services through nonpublic schools.

Staff reported that greater communication between business services and special education would help increase efficiency. For example, the tracking of NPS/NPA services is not always aligned with the master contract. Both departments meet regularly, and it would be beneficial for this topic to be placed on the agenda to streamline the workflow on nonpublic school contracts.

Nonpublic Schools Enrollment and Costs 2015-16 through 2017-18

School Year	Number of NPS Students	Annual Costs of NPS
2015-16	13	\$737,180
2016-17	11	\$420,625
2017-18	9	\$626,716 (Projected)

Source: District expenditure reports 2015-2018

Nonpublic Agencies (NPAs)

Education Code Section 56035 defines a nonpublic agency as follows:

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

NPA costs include the following:

- The cost to hire certificated replacements to staff open unfilled positions in speech, occupational and physical therapy, nursing, and psychologists.
- The cost of related or compensatory services.
- The cost for individual education evaluations (IEE), which are permitted under the IDEA.

Independent contractors, transportation vendors, legal services, and evaluators should not be included within the NPA costs unless they meet the requirements for NPA under this section. The documents provided to FCMAT listed all of these service providers under NPAs. This makes it difficult to track expenses and those costs are included in the chart below.

Nonpublic Agency Expenditures 2015-2018

School Year	Annual NPA Staffing Costs	Annual NPA IEE and Services	Total Annual NPA Costs
2015-16	\$141,468	\$332,065	\$473,533
2016-17	\$157,872	\$386,982	\$544,854
2017-18	\$197,278	\$465,502	\$662,780

Source: District expenditure report 2015-18

Orange County Special Schools Program

The county office’s Division of Special Education operates the Orange County Special Schools Program to provide programs and services for students with disabilities requiring intensive educational services, including regional deaf and hard of hearing programs.

The district has two students enrolled in these programs, which operate through a memorandum of understanding between the district and county office. Students enrolled in those programs receive necessary related services such as speech and language, occupational therapy and psychologist. The county office provides transportation, and the district is responsible for the cost. The annual cost for these students is \$11,655 each, and if an SCIA is needed, the district is responsible for the full cost of staffing that position.

It is not feasible for the district to create programs to meet the intensive needs of this student population.

Shared SELPA Programs

The district accesses a range of programs offered in Saddleback and Capistrano Unified school districts as part of the SELPA. Fifteen students are enrolled in these programs for those with autism spectrum disorders and emotional disturbance as well as the FUTURES program, which serves students between the ages of 18-22. The annual cost of placements for 2017-18 is \$21,050 per student, and the district of residence provides transportation. FCMAT did not find any documentation for SCIA cost responsibility; however, if the district of residence is responsible for additional costs, the individual student expenses could be higher. All costs for students in these placements should be documented.

Home/Hospital and Tutoring

EC 48206.3 allows school districts to serve students with temporary disabilities through home/hospital instruction when attendance in regular classes or alternative education programs is impossible or inadvisable. The option for home/hospital instruction also applies to students with disabilities, and the district is accessing that service for students when the IEP designates the need.

A long-standing district practice is for students with disabilities who do not meet the criteria outlined in EC 48206.3 to attend the traditional school day program and receive after school home tutoring for additional support in academic subjects through home/hospital instruction. The district should review the services for any special education students receiving home/hospital tutoring with full-time enrollment in school programs and make necessary adjustments to ensure compliance with the Education Code requirements.

Recommendations

The district should:

1. Follow through with the transition of NPS case management from the director of special education to the SELPA program specialist. Ensure that parents are informed of this change.
2. Develop a collaborative plan with the business office to improve the workflow for contract services and payment.
3. Analyze projected NPS costs for 2017-18 and determine why they have increased over the previous year even though fewer students are served.
4. Develop strategies to decrease NPS costs through the provision of services in district programs.

5. Improve efficiency and accountability by tracking NPA services and other independent contractors and vendors separately.
6. Work collaboratively with the business office to ensure that the tracking of all NPA/NPS services are aligned with master contracts for services.
7. Review all costs associated with the shared SELPA program placements and include costs for SCIA's if these services are charged back to the district of residence in addition to the base rate.
8. Identify any students with disabilities receiving services of home/hospital instruction and full-day enrollment in district programs.
9. Work closely with the director of student services and ensure that students receiving tutoring through home/hospital instruction are charged to the appropriate funding source.
10. Assign the director of student services to create and monitor written protocols to ensure that the district is in compliance with EC 48206.3 concerning home/hospital instruction.

Organizational Structure

FCMAT reviewed the Special Education Department's organizational structure and clerical support staffing to determine whether clerical and administrative support, programs and overall functionality are aligned with those of comparable-size districts.

The Coronado and Carmel Unified school districts were used for comparison. These are similar K-12 unified districts based on enrollment size, identified students with disabilities, students eligible for free and reduced-price meals and English learner population.

Comparison District Information

	Total Enrollment	English Learners	Free/Reduced Meals	Students with Disabilities
Laguna Beach USD	3,025	4.4%	9%	364
Carmel USD	2,509	5.8%	16%	202
Coronado USD	3,064	3.2%	8%	375

Source: DataQuest December 1, 2016 District of Residence, California School Dashboard, Fall 2017

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

Administrative Management/Clerical Support Positions

	Laguna Beach	Carmel	Coronado
Director	1.0 Special Education	1.0 Special Education Student Services	1.0 Special Education Student Services
Administrative Assistant	1.0	1.0	1.0

Source: District reported data 2018

The findings indicate that comparable-size districts have one director and one administrative assistant, the only difference being that directors in Carmel and Coronado have responsibility for special education and student services. The Laguna Beach Unified director of special education previously had responsibility for student services, but those functions were reassigned during 2017-18, and the director is now responsible for only special education.

SELPA program specialist services are available to the district for the 2017-18 school year, which could be a valuable resource for teacher training and support. There is no designation on how much program specialist time is allotted to each district in the SELPA. Interviews with the SELPA program specialist indicated that the district could get whatever services it needs from program specialist support. This program specialist has a background in behavior intervention as well as special education methodology, which could be beneficial for the district. She will be assuming responsibility for the case-management of students placed outside the district in alternative settings.

Clerical support levels are similar in comparable size districts, but the range of duties at Laguna Beach Unified is broader than the others. Some duties currently assigned to special education in this district are assigned to other departments in the comparable districts. For example, coordination of transportation services is typically not a function of the special education department. The reporting of the pupil count for special education through the California Special Education

Management Information System (CASEMIS) requires extensive effort twice per year and impacts the current workload of the administrative secretary. Some elements of the master contracts and Individual Service Agreements are cumbersome and require continual monitoring. Staff reported that there has been no increase in staffing since 2002.

Functionality

School site administrators, special education teachers, psychologists, counselors and related service providers lack professional development. Staff report that school site administrators have not had any special education training in 10 years.

Special education teachers have professional learning communities (PLCs) but it is unclear if they follow the same structure as school site PLCs. Staff reported that these meetings are focused on special education rather than on school-level information and priorities.

Special education lacks a procedural handbook. The requirements for the implementation of IDEA require the staff to have access to a procedural manual that provides necessary guidance on the compliance issues related to the IEP process. In most districts, this manual is updated periodically to reflect changes in the law and provided to each new special education teacher. The district reportedly lacks the resources to check on procedures and ensure continuity across the district; however, it may be able to use the SELPA program specialist to assist in this effort.

In the special education structure, the early intervention specialist (School Readiness) and nurses provide services for infants through age 2 years 11 months. This is not a special education service and is funded by the general fund. The district should determine if this service is better supervised under a department other than special education.

As explained below, the current model in the department could be more efficient:

- The director case manages 16 students, and even though they are on settlement agreements, this is not the director's role and limits her ability to focus on departmental leadership.
- Most of the director's time is spent attending IEP meetings. The director should focus on department leadership and only attend IEP meetings that will be contentious or involve possible litigation.
- Records were moved from the special education office to the school sites, a practice that is similar to other districts. The secretary spends 1.5 hours per week working at school sites to file records and check files when this should not be necessary. Once files are moved to the schools, that responsibility belongs to the site. More training is needed for school sites in this area.
- Articulation meetings are set up monthly between the Human Resources and Special Education departments. Business Services meets quarterly. Greater articulation is needed regarding the invoices and payments for NPS/NPA and legal settlements.

Recommendations

The district should:

1. Take advantage of the program specialist services available from the SELPA by creating the procedural handbook for special education and providing professional development for teachers, administrators and classified support staff.
2. If there is no restructuring of duties, consider increasing the clerical support in special education by 0.5 FTE either on a rotating basis at critical times or as a permanent position.
3. Design a sequence of professional development activities for site administrators and special education certificated and classified staff.
4. Examine the structure for PLCs in the district. Talk to principals and determine the best way to incorporate special education into the discussions at school sites.
5. Create opportunities for special education staff to meet in job-alike meetings at least quarterly to ensure there is procedural continuity in the department.
6. Create a procedural handbook and explore developing an online version that is easily accessible to all staff.
7. Provide training for principals to serve as administrative designees at IEP meetings.
8. Reduce the director's time spent in IEP meetings and focus on department leadership.
9. Eliminate the need for the administrative secretary to visit school sites to review special education records.
10. Ensure that principals and office staff have the necessary training to maintain special education files in a confidential manner on school sites.
11. Continue the articulation meetings with special education, business and human resources. Work to improve the efficiency related to invoicing and payments for NPS and NPA.

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 free appropriate public education (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 has a high number of disputes with parents over FAPE but only one due process filing initiated by parents in the last three years. The district has no history of filing against parents in due process and has not developed a formal resolution process.

The district has created the Laguna Beach Parent Mentor Program to support parents of students with disabilities in situations such as: a newly diagnosed disability, transitioning between special education programs, guidance in the IEP process and parenting issues.

The most effective way to contain due process costs is preparing and acting beforehand by providing the opportunity for the district and parents to resolve issues at an informal level. The district had identified the parent mentor program as its attempt at early resolution; however, many cases are resolved through an informal meeting with the district's attorney, director, parent and parent attorney.

The district reported that the disputes with parents over placement and services are increasing each year despite efforts to provide a parent mentor program. The cost of parent legal settlements for the first five months of the 2017-18 school year represents 12 cases.

A review of 12 settlement agreements indicated an increasing concern from parents over FAPE, whether the district is providing an appropriate program and services through the IEP. To quickly resolve issues, the district has created an informal procedure where attorneys assist the district in developing a settlement agreement when parents request reimbursement for tuition costs for students in private uncertified and sectarian schools.

Parent Legal Settlements 2015-2018

School Year	Parent Settlement Costs
2015-16	\$240,351
2016-17	\$541,212
2017-18	\$428,050 (September 2017 to January 2018)

Source: Settlement agreements and district data 2015-2018

Settlement agreements contain language that carries the reimbursement forward from two to four years. The cost of those settlements is reflective of the reimbursement costs for private school placements as far ahead as 2020.

In addition, the district has budgeted \$92,000 to cover its attorney fees for 2017-18. During the first six months, the district has paid \$30,397 in attorney fees.

Some staff report they do not believe the shared SELPA programs are defensible and cannot offer FAPE. This is a significant issue that can affect the district's increasing settlement costs to parents requesting that the district pay private school tuition. The district should meet with the

SELPA governance council and outline the specific concerns that affect the defensibility of the shared SELPA programs.

The district should evaluate its current alternative placement continuum using the elements of the federal regulations listed below.

300.115 Continuum of alternative placements.

(a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in paragraph (a) of this section must—

(1) Include the alternative placements listed in the definition of special education under §300.39 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and

(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

(34 CFR 300.115)

Recommendations

The district should:

1. Consider developing a more formalized process that aligns with the requirements of IDEA for resolving parent disputes.
2. Determine the feasibility of creating district programs that meet the FAPE requirements of federal law.
3. Meet with the SELPA governance council to raise concerns over the ability to provide FAPE in current shared SELPA programs.

Fiscal Contribution

Districts have little control over special education revenues. California distributes funds to special education local plan areas (SELPA) based on their member districts' total average daily attendance (ADA), not identified special education students.

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

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

1. 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 unrestricted general fund contribution to special education was \$4,842,723 or 64% of total special education expenditures in 2015-16 and \$5,153,947, or 65% in 2016-17. Based on the MOE documents the district's 2017-18 approved budget for special education is \$8,766,156, and the district's unrestricted general fund contribution is projected to be \$5,985,369, or 68%. The MOE documents do not include the district's unrestricted general fund contribution to the special education transportation program because of a state accounting change. However, the district's unrestricted general fund contribution for the transportation program would increase the contribution to 72% in both 2015-16 and 2016-17, and the projected 2017-18 contribution would increase to 76%. The special education transportation program contribution was \$613,981 in 2015-16 and \$599,343 in 2016-17. The district's 2017-18 special education transportation contribution is projected to be \$647,800.

According to the March 2015 Special Education Task Force Report on the general fund contribution percentage to special education, the statewide average was 43%. The California Legislative

Analyst's Office 2017-18 Budget: Proposition 98 Education Analysis dated February 9, 2017, states that in 2014-15 "state and federal categorical funding covers about 40 percent of special education costs in California. Schools cover remaining special education costs with unrestricted funding (mostly from LCFF)." This information indicates that the unrestricted general fund contribution statewide has increased to approximately 60%.

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

The LCFF was enacted with the passage of the 2013-14 Budget Act, replacing the previous K-12 finance system with a new funding formula. The new formula for school districts and charter schools is composed of uniform base grants by grade spans (K-3, 4-6, 7-8, and 9-12) and includes additional funding for targeted students. The previous K-12 finance system included a transfer of revenue limit funding generated by SDC attendance from the unrestricted general fund to the special education program. SDC ADA is no longer reported separately, and the CDE determined that this transfer will no longer take place. Therefore, the implementation of the LCFF has automatically increased the amount of many districts' unrestricted general fund contribution to special education because of this accounting change, but the accounting change itself does not adversely impact a district's overall resources.

Effective in 2013-14, special education transportation revenue became an add-on to the LCFF and therefore is no longer restricted special education revenue.

The district's special education contribution is projected to increase by \$1,142,646 since 2015-16 or 23.6%. The district's special education transportation contribution is projected to increase by \$33,819 since 2015-16 or 5.5%.

The table below shows the special education revenue the district receives from state, federal, and local resources. The revenue data is based on district financial system reports provided to FCMAT. Since 2015-16 the district's revenue received to operate special education programs has increased by \$17,649 or 0.8%.

Special Education Revenues from 2015-16 to Projected 2017-18

Description	2015-16	2016-17	Projected 2017-18	Difference from 2015-16 to projected 2017-18
IDEA Entitlement	\$411,705	\$424,279	\$424,279	+\$12,574
IDEA Preschool	\$36,888	\$61,630	\$61,630	+\$24,742
Federal Mental Health	\$28,475	\$30,159	\$30,992	+\$2,517
Alternative Dispute Resolution Grant	\$0	\$3,524	\$1,430	+\$1,430
Federal Workability	\$3,348	\$2,973	\$0	-\$3,348
AB602 State Apportionment	\$1,528,522	\$1,475,237	\$1,500,055	-\$28,467
State Local Assistance Grant	\$786	\$0	\$0	-\$786
State Mental Health	\$174,810	\$174,416	\$171,871	-\$2,939
State Workability	\$ 47,038	\$58,964	\$58,964	+\$11,926
Total Revenues	\$2,231,572	\$2,231,182	\$2,249,221	+\$17,649

Source: District financial system data

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 mounting increases in the differences between the federal and state government funding received and the mandated costs for these vital student services. Special education funding is based on total districtwide ADA rather than only that of identified students or SDC attendance. It is important to monitor attendance and attendance rates districtwide, including those of SDCs. Every school day results in either revenue earned or lost based on the attendance of each student.

The table below shows the district's special education program expenditures. The special education expenditure data is based on the MOE documents and district financial system data provided to FCMAT. Since 2015-16, the district's expenditures to operate special education programs, including transportation, are projected to increase by \$1,229,904 or 16.3%. Salaries and employer paid benefits is the largest component of the expenditure increase. Since 2015-16, certificated salaries have increased by 13.3%, classified salaries have increased by 18.9%, and employer-paid benefits have increased by 19.7%. A portion of this cost increase has been imposed due to the increases in the California State Teachers' Retirement System (STRS) and California Public Employees' Retirement System (PERS) employer contribution rates. Since 2015-16, contracted services, which includes nonpublic agencies and nonpublic school placements have increased by 20.0%.

Special Education Expenditures from 2015-16 to Projected 2017-18*

Description	2015-16	2016-17	Projected 2017-18	Difference from 2015-16 to projected 2017-18
Certificated Salaries	\$2,401,935	\$2,521,291	\$2,722,458	+\$320,523 (+13.3%)
Classified Salaries	\$1,346,364	\$1,482,301	\$1,601,169	+\$254,805 (+18.9%)
Benefits	\$1,136,767	\$1,186,031	\$1,360,605	+\$223,838 (+19.7%)
Materials and Supplies	\$24,109	\$21,260	\$47,540	+\$23,431 (+97.2%)
Contracted Services and Operating	\$1,980,624	\$2,057,649	\$2,376,944	+\$396,320 (+20.0%)
Transportation	\$613,981	\$599,343	\$647,800	+\$33,819 (+5.5%)
Capital Outlay	\$0	\$20,883	\$0	+\$0 (+0.0%)
Sub-Total Direct Costs	\$7,503,780	\$7,888,758	\$8,756,516	+\$1,252,736 (+16.7%)
Indirect Charges	\$32,472	\$47,550	\$9,640	-\$22,832 (-70.3%)
Total Expenditures	\$7,536,252	\$7,936,308	\$8,766,156	+\$1,229,904 (+16.3%)

Source: MOE documents and district financial system data

Rounding used in calculations

*Excludes the Program Cost Report Allocation

The table below shows the district's county office of education (COE) special education program expenditures. COE special education program expenditures are not reflected in the district's MOE document. Since 2015-16, the district's expenditures for COE special education operated programs is projected to decrease by \$24,465 or -10.4%.

COE Special Education Expenditures

Description	2015-16	2016-17	Projected 2017-18	Difference from 2015-16 to projected 2017-18
COE Program Expenditures	\$234,465	\$130,256	\$210,000	-\$24,465 (-10.4%)

Source: District financial system data

The table below shows the district's December 1 special education pupil count and the expenditures per identified pupil count. Since 2015-16 the district's special education pupil count is projected to increase by 27 pupils, or +8.4%, and the expenditures per special education pupil is projected to increase by \$1,713, or +7.3%.

December 1 Special Education Pupil Count and Cost Per Pupil

Description	2015-16	2016-17	Projected 2017-18	Difference from 2015-16 to projected 2017-18
December 1 Identified Pupil Count	322	349	349	+27 (+8.4%)
Expenditures per Pupil	\$23,405	\$22,740	\$25,118	+\$1,713 (+7.3%)

Source: DataQuest (district of service) and MOE documents

Staff reported that the Special Education and Human Resources departments meet monthly to discuss staffing. Business Services meets with these departments quarterly.

Recommendations

The district should:

1. Monitor its unrestricted general fund contribution through the annual MOE and determine if expenditures can be reduced using any of the exemptions allowed.
2. Monitor attendance rates, including attendance rates in SDCs.
3. Review all of the contracted services charged to the special education budget and determine if it would be more cost-efficient to hire staff to provide these services.
4. Establish monthly meetings with the special education director, the business services administrator, and the human resources administrator that include the following topics:
 - a. Budget development
 - b. Budget monitoring
 - c. Maintenance of effort requirements
 - d. Positions charged to special education in position control

- e. Additional staff requests or change in assignments
- f. Nonpublic school and nonpublic agency contracts, invoices and new placements
- g. Due process or complaint issues
- h. Staff caseloads
- i. Identified student counts
- j. Identified needs

Appendix

Appendix A - Study Agreement



CSIS California School Information Services

**FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM
STUDY AGREEMENT
September 8, 2017**

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the Laguna Beach Unified School District, hereinafter referred to as the district, mutually agree as follows:

1. BASIS OF AGREEMENT

The team provides a variety of services to local education agencies (LEAs). The district has requested that the team assign professionals to study specific aspects of the district's operations. These professionals may include staff of the team, county offices of education, the California State Department of Education, school districts, or private contractors. All work shall be performed in accordance with the terms and conditions of this agreement.

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

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

1. Review the district's implementation of Student Success Teams, Response to Intervention, and Multi-Tiered System of Supports, and make recommendations for improvement, if any.
2. Analyze special education teacher staffing ratios, and class and caseload sizes, using statutory requirements for mandated services and statewide guidelines, and make recommendations for improvement, if any.
3. Review the efficiency of special education paraeducator staffing allocations per education code requirements and/or industry standards, and make recommendations for improvements, if any. Review the procedures for identifying the need for paraeducators, including least restrictive environment and the processes for monitoring the assignment of paraeducators and

determining the ongoing need for continued support from year to year.
(Include classroom and one-to-one paraeducators.)

4. Analyze staffing and caseloads for related service providers, including but not limited to speech pathologists, psychologists, behavior specialists, adaptive physical education, workability specialist, transition services coordinator, and assistive technology and other staff who are related service providers, and make recommendations for improvement, if any.
5. Determine whether the district overidentifies students for special education services compared to the statewide average, and make recommendations that will reduce over identification, if needed.
6. Analyze whether the district provides a continuum of special education and related services from preschool through age 22, including placements in least restrictive environments, and make recommendations for improvement, if any.
7. Review county office of education, nonpublic school and nonpublic agency costs and placements, and make recommendations for improving the placement process and cost efficiencies, if any.
8. Review the organizational structure and staffing of the special education department in the district's central office to determine whether administrator, special education specialist and clerical support positions and overall functionality are aligned with those of districts of comparable size and structure, and make recommendations for greater efficiencies if needed.
9. Review the costs of due process, mediations, and settlements for the past three years, and make recommendations for improvements, if any.
10. Review the district's unrestricted general fund contribution to special education and make recommendations for greater efficiency, if any.

B. Services and Products to be Provided

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

4. Exit Letter – Approximately 10 days after the exit meeting, the team will issue an exit letter briefly memorializing the topics discussed in the exit meeting.
5. Draft Report - Electronic copies of a preliminary draft report will be delivered to the district's administration for review and comment.
6. Final Report - Electronic copies of the final report will be delivered to the district's administration and to the county superintendent following completion of the review. Printed copies are available from FCMAT upon request.
7. Follow-Up Support – If requested by the district within six to 12 months after completion of the study, FCMAT will return to the district at no cost to assess the district's progress in implementing the recommendations included in the report. Progress in implementing the recommendations will be documented to the district in a FCMAT management letter. FCMAT will work with the district on a mutually convenient time to return for follow-up support that is no sooner than eight months and no later than 18 months after completion of the study.

3. **PROJECT PERSONNEL**

The FCMAT study team may also include:

<i>A. To be determined</i>	<i>FCMAT Staff</i>
<i>B. To be determined</i>	<i>FCMAT Consultant</i>
<i>C. To be determined</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. \$650 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 \$37,800.

- 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 fieldwork; any delay in the receipt of the requested documents may affect the start date and/or completion date of the project. Upon approval of the signed study agreement, access will be provided to FCMAT's online SharePoint document repository, where the district will upload all requested documents.
- C. The district's administration will review a preliminary draft copy of the report resulting from the study. Any comments regarding the accuracy of the data presented in the report or the practicability of the recommendations will be reviewed with the team prior to completion of the final report.

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

6. PROJECT SCHEDULE

The following schedule outlines the planned completion dates for different phases of the study and will be established upon the receipt of a signed study agreement:

Orientation:	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 Laguna Beach Unified School District named as additional insured, indicating applicable insurance coverages upon request prior to the commencement of on-site work.

10. HOLD HARMLESS

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

11. CONTACT PERSON

Name: Jeff Dixon
Telephone: (949) 497-7700
E-mail: jdixon@lbusd.org



Jason Vilorio, Superintendent
Laguna Beach Unified School District

9/20/17

Date



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

September 8, 2017

Date