

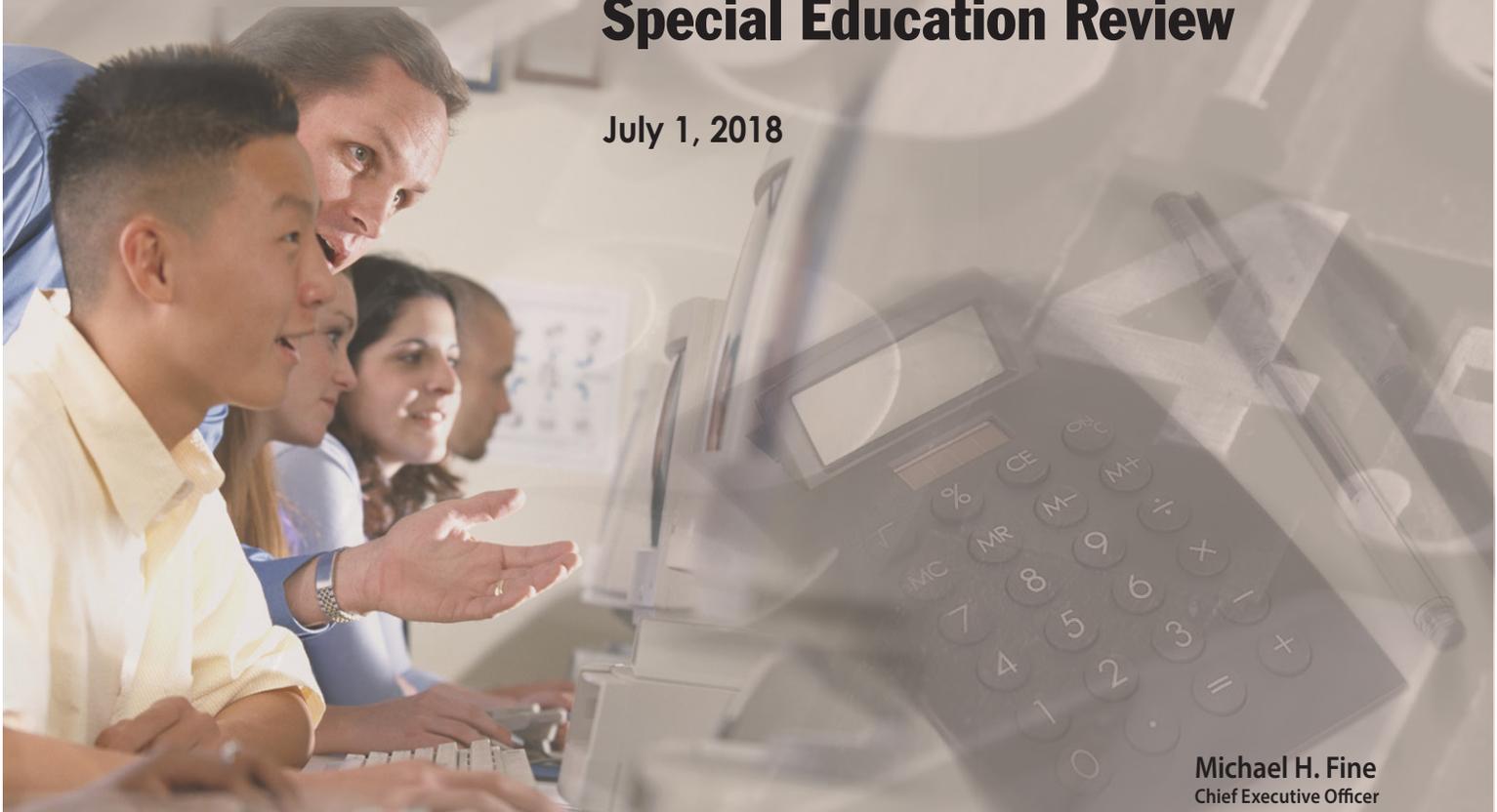


CSIS California School Information Services

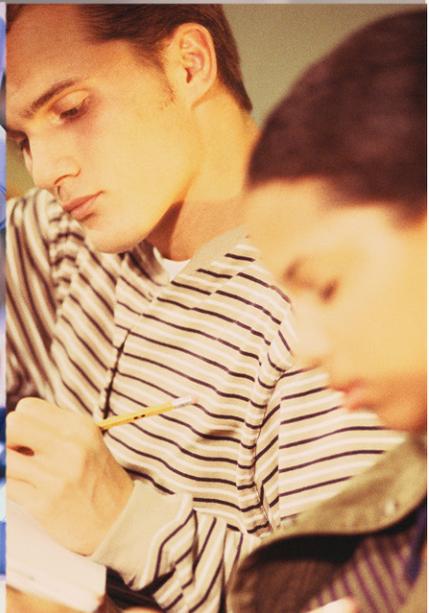
Victor Valley Union High School District

Special Education Review

July 1, 2018



Michael H. Fine
Chief Executive Officer







CSIS California School Information Services

July 1, 2018

Ron Williams, Ed.D, Superintendent
Victor Valley Union High School District
16350 Mojave Drive
Victorville, CA 92395

Dear Superintendent Williams:

In January 2018, the Victor Valley Union High School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to review 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, class and caseload size using statutory requirements for mandated services and statewide guidelines, and make recommendations for improvement, if any.
3. Review the efficiency of staffing allocations of special education paraeducators, 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 1:1 paraeducators.)
4. Analyze staffing and caseloads for related service providers, including but not limited to: speech pathologists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education, and other staff who may be 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 overidentification, 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.

FCMAT

Michael H. Fine, Chief Executive Officer

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7. Review COE, NPS and NPA costs and placements, and make recommendations for improving the process for placement 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 administration, clerical and administrative support, program specialists, teachers on special assignments 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 extend thanks to all the staff of the Victor Valley Union High School District for their cooperation and assistance during fieldwork.

Sincerely,

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

Michael H. Fine
Chief Executive Officer

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About FCMAT

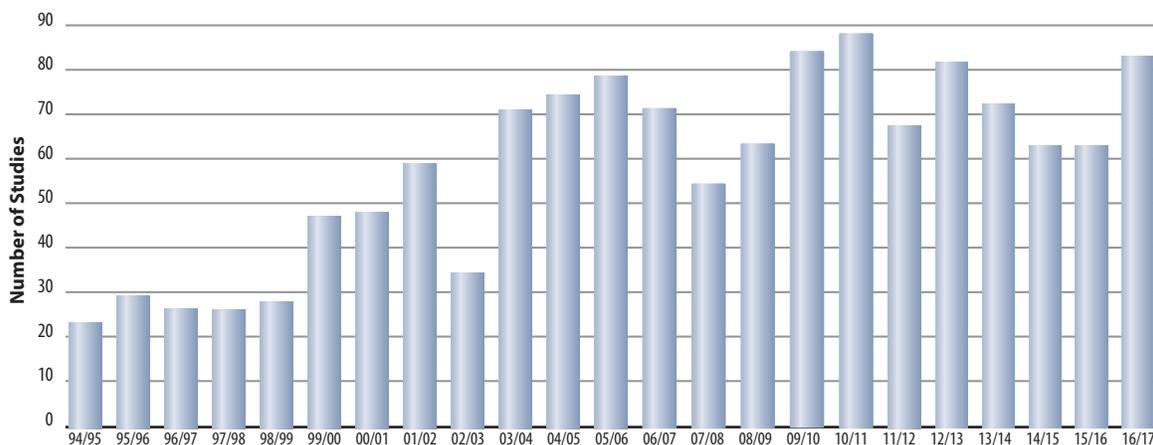
FCMAT's primary mission is to assist California's local K-14 educational agencies to identify, prevent, and resolve financial, human resources and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related 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

The Victor Valley Union High School District is located in the high desert communities of Victorville and Adelanto and consists of eight schools serving students in grades 7-12. The district has three comprehensive high schools, two comprehensive middle schools, two schools of choice and one continuation school. Both schools of choice offer a comprehensive academic program in a smaller learning environment that promotes student achievement. The district covers 536 square miles and has approximately 9,887 students.

The district is part of the Desert/Mountain Special Education Local Plan Area (SELPA). According to 2017-18 data from the California Department of Education (CDE), 1,294 students in grade 7 through age 22 who live in the district are identified as having special education needs.

Study and Report Guidelines

In January 2018, the district and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to review the district's special education program.

FCMAT visited the district on March 12-15, 2018 to conduct interviews, collect data and review documents. This report is the result of those activities and is divided into the following sections:

- Executive Summary
- General Education Academic Support (SST/RtI2/MTSS)
- Special Education Staffing and Caseloads
- Paraeducator Staffing (including 1-to-1 support)
- Related Service Provider Staffing and Caseloads
- Identification Rate
- Continuum of Services
- Nonpublic Schools and Agencies
- Due Process
- Organizational Structure
- Fiscal Considerations
- 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 students with special needs is influenced by a district's implementation of general education processes and interventions, such as student study teams (SSTs), Response to Intervention and Instruction (RtI²), and Multi-Tiered System of Supports (MTSS).

The district does not have a districtwide SST process to determine interventions for struggling students in grades 7-12. Staff rely on qualitative information in a narrative form rather than quantitative and formative assessments. The conclusions of student meetings do not help inform staff whether a student has made measurable gains after the interventions have been used. Because the SST process is site-based, the use of general education strategies and interventions prior to and/or rather than assessment for special education varies across the district.

Staff indicated that the Education Services, Curriculum and Instruction, and Special Education departments approach RtI² collaboratively. However, as with SST, RtI² lacks a clear process and guidelines in the overall MTSS. Because RtI² is a general education function, it would be best practice for the Education Services Department to lead the implementation of RtI² with consultation from the Special Education Department, and with a clear delineation of roles and expectations.

The district has established guidelines for special education teacher caseloads through Article 16 of its collective bargaining agreement with certificated employees. Although no state or federal education code guidelines exist for special day class (SDC) caseloads as they do for resource specialist programs, the SDC guidelines in Article 16 of the district's collective bargaining agreement are significantly higher for all types of SDCs than what is common in the majority of districts across the state.

The district's tracking of teacher caseloads is lacking in both regularity and in agreement and accuracy between various district sources of this information. Because of this, it was extremely difficult for FCMAT to obtain accurate teacher caseload data for this study.

Communication about teacher caseloads largely flows between schools and the Human Resources Department, with limited involvement of the Special Education Department. The district will need to focus on cooperation and communication internally and with its two elementary feeder districts regarding transitioning special education students.

The district's staffing of instructional assistants in special day classes is lower than industry standards, especially in classes for severely disabled students. However, overall the district spends almost \$1 million annually on 1-to-1 instructional assistant staffing, much of which is due to unchanged individualized education programs (IEPs) of students who transition from elementary feeder districts. The district needs to be more rigorous and consistent in its efforts to move students who receive these services to greater independence prior to graduation. Interdepartmental consistency and communication in tracking special education instructional assistant assignments and their current status should be reviewed and strengthened.

The district contracts with outside agencies to provide speech and language services, including assessment. The district should consider hiring a speech pathologist to assess students and determine the level of service they need so that agencies who provide speech services are not also assessing students' need for these services. The district should review and routinely monitor their psychologists caseloads to determine if staffing is adequate for its needs and increase or decrease staff accordingly. With full staffing, the district could use these professionals for special education and for positive behavioral intervention and supports (PBIS), RtI², and MTSS.

The district receives many students from its feeder elementary and middle school districts who have IEPs, and continues to identify students requiring special education services. This has resulted in an identification rate of 17.8%, which is much higher than the statewide average of 10.7%. In addition, the district's identification rate has increased by approximately 1% in the past year. The district has been under review by the California Department of Education for several years, due in part to its low graduation rate and low exit rate for students with special needs.

The district has decreased the number of its students enrolled in nonpublic schools (NPSs) by providing district programs; however, the annual cost of NPS and nonpublic agency (NPA) placements has not changed. The district uses NPAs to provide services for autism and related services. However, because the number of students who require intensive services is increasing, it may be more cost effective to use district-operated or regional programs to serve these students.

The number of due process requests has increased in the last two years. Most of these requests come from parents and are related to the provision of a free, appropriate public education.

FCMAT reviewed the organizational structure and staffing of the Special Education Department in the district's central office and found that the department's administrative and clerical support staffing do not align with those of three districts of comparable size and structure. Specifically, the district is understaffed by 1.00 FTE program specialists, and its clerical support staffing is slightly lower than the average of the three comparison districts. The administrative structure at the director and coordinator level is consistent with that of the comparison districts.

The function of the special education department is hampered by fragmented and ineffective communication. The district faces significant challenges in compliance with the Individuals with Disabilities Education Act (IDEA), Part B. The CDE has designated four critical areas that must be addressed: significant disproportionality; data identified noncompliance; performance indicators; and comprehensive review.

It is rare for a district to be identified in all four of these areas at one time. The CDE will require that this become a priority area of correction for the district during the current year.

The district is currently out of compliance based on the performance Indicator Review (PIR), the CDE 2016-17 Special Education Compliance Review (SECR), and the Data Identified Noncompliance Process (DINC). Throughout this study, FCMAT consistently confirmed the district's self-identified causes of these compliance findings. The district has been out of compliance for multiple years. It is of the utmost importance that all levels of the district, from senior administrators to district departments to school staff, clearly establish special education compliance as a districtwide initiative and ensure the full commitment of district resources to this goal.

School districts throughout the state face an ongoing challenge in funding special education as the difference between federal and state funding provided and the mandated costs for essential services continues to increase. The district's unrestricted general fund contribution to special education was 69% of total special education expenditures in 2015-16 and 70% in 2016-17. The district's contribution is expected to increase to 84% for the 2017-18 school year.

Findings and Recommendations

General Education Academic Support (SST, RtI², MTSS)

Identification of special needs is influenced by the district's implementation of student study teams (SSTs), Response to Instruction and Intervention (RtI²), and a Multi-Tiered System of Supports (MTSS).

Student Study Teams (SST)

The SST process is a longstanding and widely-used method that gathers information from teachers, specialists and parents to determine which additional educational strategies and interventions will be used to help a struggling student. The SST is formed at a student's school to further examine a student's academic, behavioral and social-emotional progress. All schools should have an SST process. A staff member or a parent can refer a student to the SST. The SST typically consists of a teacher, an administrator, support personnel, a parent or parents, and the student (when appropriate). It is different from a parent-teacher conference, which focuses on improving communication and addressing specific problems in class. The SST meetings give all team members 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.

Although the district revised its SST forms and procedures during the summer of 2017, many of the school site and district staff invited to a form and procedures workshop did not attend, and when the presentation was given at another meeting it was not well received. FCMAT found that the district does not have a uniform SST process or handbook used districtwide. The district has adopted board policies and administrative regulations regarding SSTs; however, the staff members FCMAT interviewed were not aware of them.

Some schools indicated they have their own forms, and some do not consistently use the districtwide SST process. During interviews employees regularly reported that staff rely on qualitative information in a narrative form rather than quantitative and formative assessments. Without measurable data, student meetings will not help staff determine whether a student has made measurable gains after the interventions have been used.

Because the current SST process varies from one school site to another, one school may assess a struggling student as needing special education services before general education strategies and interventions are tried, while another school would have implemented general education interventions for that same student that resulted in the student not needing to be assessed for special education. District staff stated that the school sites that lack a strong SST process or RtI² implementation have a higher rate of referrals to and assessments for special education. Students whom these schools qualify as having a specific learning disability (SLD) may not have qualified if they received reading or math interventions.

FCMAT reviewed a document that indicates the number of students assessed for special education so far this school year. The document shows that seven students were not determined to be eligible for special education, eight were determined as eligible, and four are currently undergoing assessment.

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

Response to Instruction and Intervention (RtI²)

In 2004, the reauthorization of IDEA provided support for methods that include a response to scientific, researched-based interventions. The law states that these methods may be used as alternatives to the discrepancy model (which measures and compares a student's intellectual ability and his/her academic achievement using scores on different types of tests) to identify students with learning disabilities. IDEA 2004 also shifted researched-based interventions from special education to general education, stressing that these methods would no longer be limited to special education students; they would apply to all students. The law left each 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), gives districts a method to use when making educational decisions and measuring 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.

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

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

Staff indicated that the Education Services, Curriculum and Instruction, and Special Education departments take a collaborative approach to RtI². However, under the current collaborative process, which the district calls teaming, there is much confusion regarding who is responsible for various actions, and as a result processes are not followed and progress is not made.

It would be a best practice for the Education Services Department to lead the implementation of RtI² with consultation from the Special Education Department and with a clear delineation of roles and expectations. Clarity about roles and functions is crucial to successful implementation of RtI² because it is a general education function and thus acceptance should be sought from the entire staff.

Although FCMAT requested interviews with general education teachers regarding RtI², MTSS and PBIS, the district did not make these staff members available. Other staff interviewed, including administrators, counselors, psychologists and others, indicated that RtI², MTSS and PBIS are expected districtwide but that individual school sites have autonomy; therefore, implementation varies significantly from school to school.

Interventions used at various schools may include check in/ check out, tutoring, Read 180, double-block English language arts, Language 1, Saturday support, Apex credit recovery, Brightfish, academic success periods, FLEX literacy, Voyager math, and disciplinary actions for tardiness, noncompliance and other behaviors. It is best practice for a district to have clear, consistent districtwide expectations for and implementation of RtI². Staff indicated there is a need for more math interventions and for more use of various strategies.

Individuals interviewed confirmed the district uses few to no universal screening tools for students and does not follow up to determine additional needs for intervention or progress in responding to intervention. The district also collects little data.

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 same *Special EDge* issue states 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 the MTSS structure.”

(<http://www.smcoe.org/assets/files/about-smcoe/superintendents-office/statewide-special-education-task-force/Executive%20Summary%20W.%20CONTACTS.pdf>)

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 system 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.

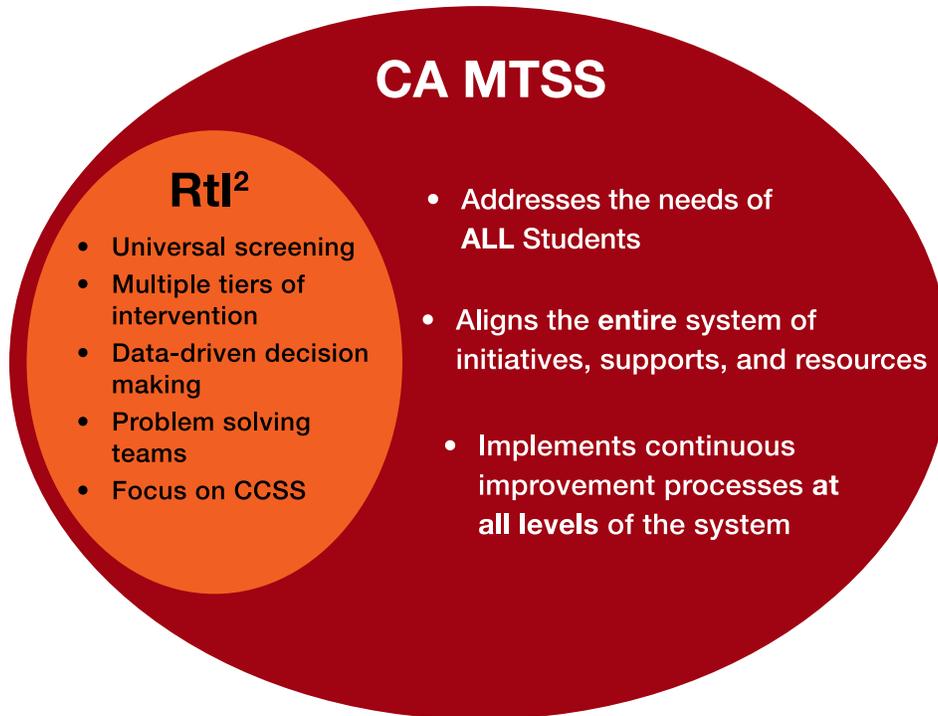
MTSS has a broader scope than does RtI². MTSS also includes:

- 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 RtI² 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 use when making special education placement decisions, such as determining 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 a focus on the Common Core State Standards (CCSS). However, MTSS has a broader approach: it addresses the needs of all students by aligning the entire system of initiatives, supports, and resources, and by implementing continual improvement processes at all levels.



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 Behavioral Intervention and Supports (PBIS). No one support or intervention alone removes 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 student.

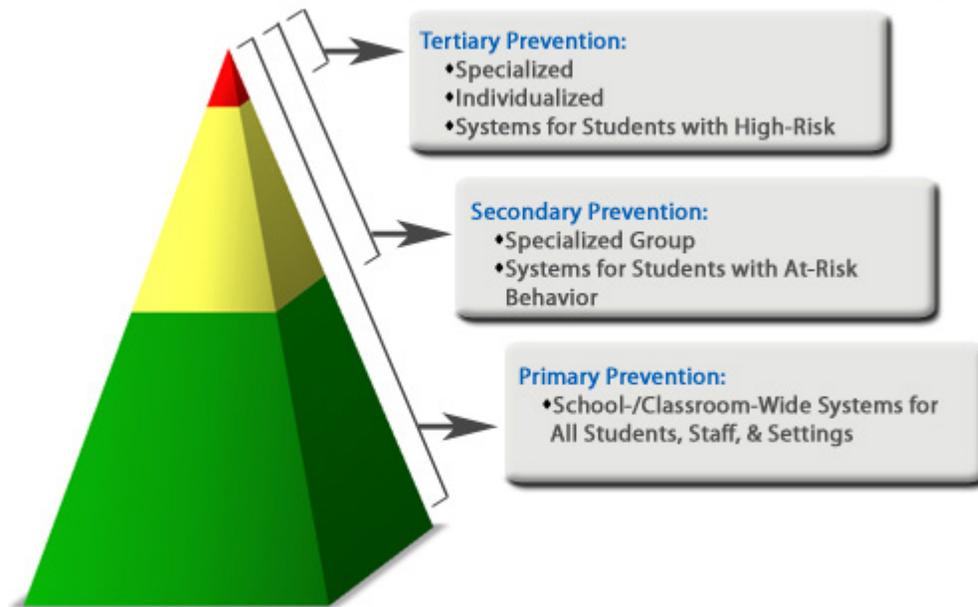
One of the foremost advances in schoolwide discipline is the emphasis on schoolwide systems of support that include strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments. Instead of using a piecemeal approach of individual behavioral management plans, a continuum of positive behavior support for all students in a school is implemented in both classrooms and in 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 (e.g., 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.

Continuum of Schoolwide Instructional and Positive Behavior Support



Source: : http://www.boystowntntraining.org/assets/1201-043-01_education_services_collateral_overview.pdf

Staff indicate the district has various levels of PBIS implementation. Neither district nor school site staff could describe the level of implementation provided. The district has invested in on-campus intervention (OCI) teachers and counselors, and employees indicated these teachers provide behavioral and disciplinary interventions; however, no clear curriculum is used, and the OCI teachers and counselors do not have consistent roles, responsibilities and functions.

Staff reported that some special education teachers are used for general education interventions such as in-house suspensions and that their special education duties are performed by a substitute teacher when this occurs. This is not a best practice and should be reviewed. OCI counselors are the main SST coordinators and connect families to resources. Participation in PBIS is voluntary for the district's teachers and classified instructional staff other than OCI teachers and counselors. PBIS is most effective when all instructional staff participate in the process.

For several years the district has had significant and ongoing disproportionality in its services for special education students, including a disproportionately high number of suspensions, identifications and assessments. The most recent document reviewed, titled *Significant Disproportionality Coordinated Early Intervening Service (CEIS) Plan 2017*, describes the areas in which the district has disproportionality, including the percentage of African American students suspended or expelled. The plan describes actions the district will take to reduce disproportionality in various areas, including but not limited to increasing the behavioral processes, PBIS and interventions

at the schools. Because Coordinated Early Intervening Services (CEIS) funds are intended to be used to help implement the changes needed to correct significant disproportionality, the district needs to systematically implement its CEIS plan.

Recommendations

The district should:

1. Implement a consistent districtwide SST system, with the Education Services Department leading and monitoring the processes and procedures.
2. Develop and implement a districtwide SST handbook, and update it at least annually.
3. Ensure that school administrators consistently use the SST process to provide support for struggling students.
4. Develop a communication plan for all those who will be involved in or affect by RtI². Ensure that the plan describes what RtI² is, how it will benefit all students, and how it will be implemented throughout the district.
5. Consider forming a districtwide committee to help focus on RtI² and MTSS, and provide intensive RtI² and MTSS training for all staff. Ensure that the training and other elements are outlined in a strategic implementation plan.
6. Consider using OCI teachers for academic intervention rather than for discipline.
7. Define and implement universal screenings and districtwide assessments for all schools.
8. Consider implementing additional math interventions.
9. Consider implementing data collection for use in SST meetings and to help determine RtI² interventions and measure their success.
10. Define and implement a systematic PBIS system districtwide.
11. Provide adequate and regular professional development in PBIS for all staff districtwide.
12. Implement its CEIS plan systematically and thoroughly.

Special Education Staffing and Caseloads

The district's incoming students come mainly from two elementary feeder districts: Adelanto Elementary School District and Victor Elementary School District. The majority of special education students come to the district with active IEPs.

Staff indicated they have a perception that IEP services may be intensified by the elementary feeder district team during the IEP transition. The scope of FCMAT's study did not allow for the in-depth analysis that would be needed to confirm or disprove this using data. A special education department chairperson from the district's receiving secondary school attends the IEP team transition meetings for the elementary students coming to their school.

The special education directors from the elementary feeder districts and from Victor Valley UHSD meet frequently and report positive communication between the districts. Interviews with staff indicate that the elementary feeder districts have a high identification rate for special education, which affects the receiving district. Staff also stated it would be helpful to have staff from the two feeder districts and Victor Valley UHSD meet as needed to discuss potentially complicated transitioning cases.

The district monitors teachers' caseloads using two measures: the number of student cases managed, and the number of students served. The district's collective bargaining agreement with certificated staff addresses special education caseloads in Article 16, pages 41 and 42. The agreement establishes a limit on the number of students served by a special education teacher in a school day and in any single class period, as well as the number of students for whom the teacher is a case manager. Article 16 also provides an option for the district to pay a stipend to a special education teacher who voluntarily agrees to exceed the maximum caseload. FCMAT requested documents showing the number of teachers that receive stipends under this option, but the district did not make these documents available. In interviews, staff indicated the number of teachers who agree to serve more students than the maximum caseload size remains small.

In interviews with staff and reviews of documents, FCMAT found indications that the district's internal procedures for tracking teacher caseloads produce inconsistent and conflicting information. The difficulties encountered in attempting to obtain accurate documents for this study on the number of teacher FTEs, their assignments and their caseloads reflect the inefficiency of the district's tracking of this data.

FCMAT received multiple documents from multiple sources; however, the documents were rarely in agreement with one another: school site lists, Special Education Department lists, Aeries student information system lists and position control lists all contained different teacher names, assignments and caseload numbers. During interviews, staff confirmed these variances and expressed concern about them and the processes that allow this to occur.

Ultimately, a process of reconciling the lists produced by school sites and comparing them to the Aeries lists used by the Human Resources Department appeared to produce the most reliable data. FCMAT used this combination of school site data and Aeries data for this study's analysis of caseloads provided below.

At best one can assume this data is a reasonable estimate of staff assignments and teacher caseloads. Regarding midyear request for additional teaching staff based on caseloads and staffing planning for the coming year, staff indicated a process that includes teachers communicating with school administrators and school administrators communicating with the assistant superintendent for human resources. The assistant superintendent reviews the school site data and

compares it to Aeries data. Finally, a decision is made in cooperation with the Human Resources Department about whether to move forward with a personnel action request for additional staff. Through interviews for this study, FCMAT confirmed that a new special education teacher can be added to a school site without directly informing the special education director, and that staff are not satisfied with the current process.

Resource Specialist Services (Grades 7-12)

The district operates special education classes using a traditional service model, with some variation from school to school.

Resource specialist services are provided in general education classrooms (known as the push-in model) in core curriculum classes and via a special education support class. Resource Specialist teachers have service caseloads of students they see daily as well as case management student caseloads, for whom they review and prepare IEPs. For resource specialist teachers the district's maximum caseload is 28, which is consistent with Education Code 56362(c). The special education teacher caseload estimates below indicate that the district's resource specialists have caseloads significantly lower than the maximum and as a result the district is overstaffed in resource specialist teachers.

Resource Specialist Services (Grades 7-12)

Teacher FTE*	Total Caseload	Caseload Average per Teacher FTE	District Caseload Maximum**	Education Code Caseload Maximum	Staffing FTE In Excess of (+) Ed Code Max	Estimated Annual Cost (including benefits) of Overstaffing
17.0	367	21.6	28	28	3.89	\$391,813

Source: District data, EC 56362(c) and industry standards

*Includes 2 FTE vacant teacher positions for which the district is currently using substitute teachers.

**Source: Article 16 Class Size, district certificated bargaining agreement, pp.41-42.

Special Day Classes

Teachers of special day classes for students with mild to moderate disabilities serve a large number of students in content-specific special education classes and in addition manage designated special education caseloads.

Teachers of special day classes for students with severe handicaps and emotional disturbances serve these students in more separate class environments. Under Article 16 of the collective bargaining agreement, the caseload maximum for all special day class teachers is 20, regardless of whether the students served have mild to moderate or severe disabilities.

This caseload maximum is significantly higher than the industry-standard maximums for special day class teacher caseloads, as shown in the table below. Specifically, 20 students per class is five students more per class than the industry standard for students in grades 7 and 8 with mild to moderate disabilities, three students more per class than the industry standard for students in grades 9-12 with mild to moderate disabilities, eight students more per class than the industry standard for severely handicapped students, and 10 students more per class than the industry standard for students with emotional disturbance.

These numbers, as shown in the table below, indicate that the district is significantly understaffed compared to industry standards. Unlike resource specialist caseload maximums, which are mandated by Education Code 56362(c), special day class maximums are not statutory and a

school district may adopt its own special day class standards based on the unique needs of its population and its own internal processes.

Special Day Class Caseloads and Staffing

Special Day Class Services	Teacher FTE	Total Caseload	Caseload Average per Teacher FTE	Staffing FTE at Maximum District Standard**	Industry Standard Caseload	District's Staffing FTE Below Maximum Industry Standard	Estimated Annual District Savings of Staffing (includes benefits)
Mild Moderate (Grades 7-8)	4.0*	79	19.75	3.95 (-0.05)	12-15	1.27	(\$127,918)
Mild Moderate (Grades 9-12)	28.0	591	21.11	29.55 (+1.55)	12-17	6.76	(\$680,887)
Severely Handicapped	13.0	257	19.77	12.85 (-0.15)	10-12	8.42	(\$848,088)
Emotional Disturbed	5.0	94	18.80	4.70 (-0.30)	8-10	4.40	(\$443,181)

Source: District data and industry standards

*Includes 1 FTE vacant teacher position, for which the district is currently using a substitute teacher.

**20 students per FTE. Source: Article 16 Class Size, District Certificated Bargaining Agreement pp.41-42

Recommendations

The district should:

1. Review with its senior administrators the staffing levels for all district special education instruction programs in which over- or understaffing in comparison to Education Code or industry standards is indicated to determine whether staffing is consistent with both student need and district priorities.
2. Ensure that information about special education teacher assignments is communicated among all departments and school sites, and cross-validated with the Human Resources and Business departments on a mutually agreed upon schedule.
3. Develop an effective and consistent tracking system for special education teacher assignments, and ensure that caseload tracking is updated monthly.
4. Ensure that its tracking of special education teacher assignments and caseloads is accurate and matches in all recording systems including Aeries, position control, school site records and Special Education Department records. Implement and follow an inclusive and consistent procedure to improve the accuracy of staffing data.
5. Ensure that the director of special education is fully informed and participates in the review and adjustment of special education teacher caseloads.
6. Develop and implement strategies to improve communication, trust and facilitation of the transition process for students entering the district from elementary feeder districts.

7. Convene a short-term working group of staff from the district and its two elementary feeder districts (including providers of services to severely handicapped students) to clarify service delivery models, answer questions, build trust and understanding, and develop procedures for effective transitions that include staffing in advance for high-profile and challenging cases.
8. Review staffing levels in its resource specialist program to determine if staffing adjustments may be warranted.

Paraeducator Staffing (including 1-to-1 support)

Most of the district's special education instructional assistants (IAs) are hired for 6.5 hours per day to support teachers and students; this is consistent with industry standards. The 6.5-hour assignments include a half-hour lunch. Special education IAs with shorter or longer assignments are hired as needed. To establish the total number of IA positions at six hours per day, FCMAT totaled individual hours and divided by 6.0. The staffing analysis required collecting data from a variety of sources with differing data. The process of reconciling the differing data from these sources resulted in an estimate of IA staffing as shown in the tables below.

District-provided records and interviews with staff indicate that special education IAs have two main categories of assignments: direct support to teachers and students in classrooms, and 1-to-1 student support.

The only requirement in the California Education Code for IA staffing is in section 56362(6)(f), which states, "At least 80% of the resource specialists within a local plan shall be provided with an instructional aide." However, there are industry standards for IA support to special education teachers and students, based primarily on the intensity of service. The industry standards are that a full-time resource specialist, a full-time teacher of students with mild to moderate learning handicaps, and special day class teachers with 12-15 students should each receive one six-hour per day (0.75 FTE) IA; and a full-time teacher of students with moderate to severe handicaps with 10-12 severely handicapped students or 8-10 students with emotional disturbance should receive two six-hour per day (1.5 FTE total) IAs.

The second group of IAs, for moderate to severely disabled students or students with emotional disturbance, are in the category of those assigned to provide extra support or 1-to-1 support. There is no industry standard for this group of IAs; the nature of their assignment and the procedure for determining the need for extra IA support vary greatly from district to district. Because of this, no 1-to-1 IAs are included in the IA staffing by category, except where noted. In the Victor Valley UHSD, classified personnel matters are addressed through the district's personnel commission.

Interviews with staff and a review of district-provided documents and comparison to industry standards indicate that the district is slightly overstaffed in IAs for resource specialist services but understaffed in IAs for special day classes, especially special day classes for severely handicapped students, in which the district is understaffed by almost 13 six-hour per day IA positions compared to the industry standard.

Any potential cost savings the district may be realizing as a result of this low IA staffing in special day classes is offset by the employment of 1-to-1 IAs. In interviews, staff indicated that district administrators at all levels and in all departments are concerned about the increase in 1-to-1 special education IAs. According to district-provided data, the district has an estimated 28.8 six-hour per day special education 1-to-1 IA positions at an estimated annual cost of \$927,303.00; this figure is for salary only due to incomplete district data.

Staff confirmed that the majority of students with 1-to-1 support transition from the elementary feeder districts with that level of service. It is a common and best practice for secondary school district staff to continue building independence prior to graduation for students who receive designated individual support. The district does implement a standard special circumstances individual assistant (SCIA) assessment process; staff indicated that the district conducts a full SCIA assessment prior to the annual IEP meeting for any student who has 1-to-1 support in their IEP, but that this procedure is applied inconsistently. One component of the SCIA process

is to develop and review annual goals for independence for any student with designated 1-to-1 support in their IEP; however, staff indicated that this is not done consistently.

Other districts effectively limit increases in 1-to-1 IAs by serving students who need individual support with IAs who can serve several similar students in the same setting rather than assigning an IA to each individual student.

It would benefit the district to begin a coordinated effort to move from using IAs for individual support to providing additional IA support in the classroom when appropriate. This can be accomplished by consistently performing the established annual SCIA assessment just prior to the annual IEP review. When the SCIA assessment indicates it is warranted, the IEP team may consider revising the level and location of individual support under the Other Supports section of the IEP to state “access to aide support” and specify the duration and frequency (e.g., two hours daily) as well as the location (e.g., regular classroom).

The staffing data provided for this study was developed by reconciling differing data from several sources and should be considered an estimate of actual staffing levels. FCMAT was not able to determine an average cost of salary and benefits for a 6.5-hour per day IA position because the data provided was incomplete. Therefore, the salary costs in the IA staffing calculations below are based solely on average salary.

Special Education Instructional Assistant Staffing (Grades 7-12)

Type of Service	Teacher FTE	District Total 6 Hr. IA Equivalents	Industry Standard Total 6 Hr. IA FTE/ Class	District IA above (+z) or below (-) Industry Standard	District estimated cost* in excess of Industry Standard
Resource Specialist	17	19.33	17.00	+2.33	\$75,021
SDC M/M	32	28.66	32.00	-3.34	\$107,541
SDC S/H	15	17.16	30.00	-12.84	\$413,422
SDC ED	5	7.00	10.00	-3.00	\$96,594

Source: District data and industry standards

*Due limited district data, estimated cost is calculated for annual salary only.

1-to-1 Special Education Instructional Assistant staffing (Grades 7-12)

Type of Service	Total IA Hours	District Total 6 Hr. IA Equivalents	District estimated cost *
Resource Specialist	20	3.33	\$107,219
SDC M/M	54	9.00	\$289,782
SDC SH	93	15.50	\$499,069
SDC ED	6	1.00	\$32,198
Total	173	28.80	\$927,303

Source: District data and industry standards

*Due limited district data, estimated cost is calculated for annual salary only

Regarding midyear requests for additional IA staff, FCMAT found little evidence that current procedures include a thorough review of existing IA assignments to determine whether existing staff can be used to meet a new need.

Staff indicated that tracking of IA assignments and status is conducted by school site administrators, and that transfer of that data from school sites to the Special Education Department is inconsistent. School sites generate requests for additional IA staff and send them to district administrators, which bypasses the Special Education Department. Although district administrators attempt to correct this gap in procedures, it still occurs.

Recommendations

The district should:

1. Conduct an accurate analysis of IA staffing costs that includes both salary and benefits.
2. Ensure that goals and objectives for student independence from 1-to-1 IA support are developed in the IEP of every student who receives 1-to-1 IA support, and that these goals are reviewed and modified as needed at each annual IEP.
3. Consistently implement its existing procedure for conducting a full SCIA assessment prior to the annual IEP for any student who receives 1-to-1 IA support.
4. As part of the annual IEP process, determine whether any student who receives 1-to-1 IA support can transition to a less restrictive environment with a lower level of individual support as described above.
5. Develop a monthly internal procedure to monitor the status of existing IA assignments based on direct, accurate and current information from all school sites. Determine which department staff will gather or receive the school sites' IA status information, and assign these department staff to communicate the information to the department administrator monthly. The responsible administrator should prepare thorough and accurate reports on IA status for review at monthly administrative Special Education Department meetings.
6. Ensure that the Special Education, Human Resources and Business departments meet regularly to review and confirm all IA positions and data.

Related Service Provider Staffing and Caseloads

Related services are the developmental, corrective and other supportive services required to allow a disabled child to benefit from special education (34 CFR 300.34).

School Psychologists

The district employs seven full-time school psychologists and uses interns at no cost. Staff reported the psychologists perform duties such as assessment, attend SST and IEP meetings, and support school sites as needed. They do not provide any direct services such as mental health counseling to students.

CalEdFacts (www.cde.ca.gov/re/pn/fb/) indicates the statewide average caseload for K-12 school psychologists is 1,050 students; FCMAT uses this statewide average as the industry standard. The district should use the industry standard to review and routinely monitor the psychologists caseloads to determine if staffing is adequate for its needs and increase or decrease accordingly. School psychologists are valuable to the district because they help determine initial eligibility for special education, exit eligibility, and preintervention suggestions for behaviors for all students under general education RtI2, MTSS and PBIS.

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School Psychologist Staffing and Caseloads

Program	No. of FTE	Enrollment	Industry Standard Caseload	District Caseload Average
Psychologist	7	9,887	1,050	1,412

Source: District data and CalEdFacts

The district also recruits unpaid psychology interns, which allows the interns to earn practicum hours while learning alongside school psychologists. Although this may be perceived as a workload release for the psychologists, the interns are trained by the psychologists and cannot complete assessments, develop reports or attend IEP meetings independently. However, the interns can assist with evaluations and scoring. FCMAT encourages the use of psychology interns in school districts.

Documents and school site enrollments indicate that the district's distribution of school psychologists among schools may be inequitable. Administrators and psychologists need to meet regularly to discuss assessment loads, which include functional behavior analysis, manifestation determinations, three-year evaluations, and other items. Administrators and psychologists also need to discuss regularly at meetings any needs for protocols and new tools, as well as professional development needs.

Speech and Language Pathologists

Education Code section 56363.3 specifies maximum caseloads for speech and language pathologists for students ages 5-22, including a maximum caseload of 55 students for K-12. The district serves 445 students, so would require 8.1 FTE speech and language pathologists. The district contracts with outside providers for all speech-related services including assessment, progress monitoring and IEP participation. The district contracts with direct service providers for service

both in person and remotely (known as teletherapy), and with speech and language pathologist assistants (SLPAs). The main companies used include Presence Learning, 3 Chords Therapy Travelers, and 360 Degree Customer, Inc. Documents provided to FCMAT included contract service logs, an NPA contract spreadsheet, and a detailed comparison report for object 5000, contracted services. Most of the documents showed different amounts for total contract costs. FCMAT determined that the annual cost of contracted services for speech and language for the 2017-18 school year ranges from \$631,686 to \$656,220.

The cost to the district for salary and benefits for a speech pathologist position at the highest step (step 7) on the salary schedule would be \$96,747 annually per FTE. Thus if the district spent on employed positions an amount equal to the highest figure above that it now spends on contracted services (\$656,220), it would only be able to fund 6.8 FTE staff speech pathologist positions.

A district that contracts for services is not subject to the same Education Code caseload mandate because the contracts are developed by hourly rates and number of total students served under the contract. Thus the district may be maximizing its use of funds by using contracted services. However, the number of students served is increasing; multiple employees reported that the high school speech service exit rate is minimal. In addition, there is no quality control over the services provided, the goals developed, or eligibility.

Often the interests of school districts and the best overall interest of students can differ from the interests of outside for-profit service providers, including differing approaches to eligibility qualifications and exit strategies. It can benefit a district to hire a staff speech pathologist to complete assessments, or to use a contracted service only for assessments and not to serve students, and to ensure a clear understanding of eligibility and exit criteria. It would benefit the district to examine the records of all students who currently receive speech services and determine their eligibility using an independent assessor. Students who are no longer eligible should be exited and returned to general education to ensure they are served in the least restrictive environment.

Adapted Physical Education

In interviews, employees indicated that the adapted physical education (APE) teachers deliver services mainly through consultation with special education teachers or general education physical education (PE) teachers. The district employs a 1.0 FTE APE teacher, who serves approximately 88 students. The industry standard for APE caseloads ranges 45 to 55 students per teacher. To achieve an industry-standard caseload of 50 students, the district would need 1.8 FTE APE teachers. However, because the students are integrated into general education PE classes, the combination of service provided by trained general education PE teachers and consultation service provided by the APE teacher is sufficient to meet the service minutes needed in this area. The larger challenge for the APE teacher is attending all the annual and triannual IEP meetings, assessing students as required, and writing progress reports for 88 students. It would benefit the district to consider additional support.

Nurses and Healthcare Providers

The district has a registered nurse on staff but no credentialed school nurses. For students' medical needs, the district contracts with registered nurses who may or may not have a school nursing background. Contracted registered nurses receive students' medical information from the student's physicians, then write health plans and train staff in the classroom, including district health technicians. The district is strongly encouraged to hire a credentialed school nurse as

described in the California Education Code sections 44877 and 49426 to oversee the medical and health needs of all students in the district. Education Code 44877 states the following:

The qualifications for a nurse shall be a valid certificate of registration issued by the Board of Nurse Examiners of the State of California or the California Board of Nursing Education and Nurse Registration and a health and development credential, a standard designated services credential with a specialization in health, or a services credential with a specialization in health.

CalEdFacts (www.cde.ca.gov/re/pn/fb/) indicates that the statewide average caseload for a school nurse is 2,368 students; FCMAT uses this statewide average as the industry standard caseload. The district has health technicians as needed at school sites as well as contracted services and a registered nurse within the district. Because these industry standards do not include health technicians, it may benefit the district to further analyze the efficiencies of its healthcare services and supports.

Recommendations

The district should:

1. Review the psychologist caseloads and determine if staffing is adequate for its needs.
2. Continue using psychology interns.
3. Consider having the psychologists provide input regarding RtI2, MTSS and PBIS.
4. Consider having administrators and psychologists meet regularly to discuss psychologists' assessment loads and any needs such as materials, supplies and professional development.
5. Consider hiring a speech pathologist for assessments only, or have assessments done by a different outside provider than the provider of service.
6. Examine the records of students who receive speech and language services to determine accurate eligibility.
7. Consider providing additional supports for the APE teacher.
8. Consider hiring a credentialed school nurse to ensure compliance with California Education Code 44877 and 49426

Identification Rate

The district serves students in grade seven through age 22. Staff consistently reported that parents request assessment in the hope that students will receive accommodations. This is consistent with FCMAT's finding that the district does not implement general education interventions consistently; staff reported that special education is one of the only avenues through which students receive additional support.

FCMAT is able to analyze target rates, type of referrals (e.g., parent or district referral), eligibility trends, and much more when a district tracks referrals and assessments; however, the district does not perform such tracking consistently. Tracking and analyzing referrals and assessments could help the district determine the reasons they occur and possibly decrease the number of referrals for special education.

The district's total enrollment declined in the past year, but the number of identified special education students has been increasing. The statewide average identification rate is 10.7% of total student enrollment, but the district's identification rate is 17.8% as of April 2018 and is increasing. As of the 2017-18 school year to date, the district overidentifies, or receives students who are overidentified, by 7.1%, or approximately 700 students. The projected average cost per special education student for 2017-18 is \$13,475, resulting in a total cost of \$9,432,500.00 for the district's 700 overidentified students.

Identification Rates

School Year	Total Enrollment	Students with IEPs	Percentage
2015-16	9452	1595	16.9
2016-17	9968	1671	16.8
2017-18 to date	9887	**1758	17.8

Source: CalPADS and CASEMIS - **(2017 uncertified)

The table below shows the district's identification rate by disability compared to the countywide and statewide averages. The district's rate is higher than the county and state averages in some disabilities, most significantly for students who are intellectually disabled, those who have emotional disturbance, and those with specific learning disabilities (SLD). The district's SLD population percentage is considerably higher than the countywide and statewide averages.

To fall within the state average, the district would have to reduce its special education population of students with specific learning disabilities by approximately 240. As discussed earlier in this report, the district contracts with outside providers for speech and language services, including initial and triennial assessments. As indicated earlier, the interests of for-profit providers may not be the same as the district's for these students, and the district may be better served by employing a speech and language therapist to assess students.

Identification Rates of Students as of December 1, 2016

Disability	District	County	State
Intellectual Disability	11.4%	6.0%	5.8%
Hard of Hearing	0.8%	1.1%	1.4%
Deaf	0.2%	0.3%	0.5%
Speech or Language Impairment	3.6%	20.0%	21.2%
Visual Impairment	0.7%	0.4%	0.4%
Emotional Disturbance	5.4%	2.9%	3.2%
Orthopedic Impairment	1.0%	1.1%	1.4%
Other Health Impairment	10.9%	10.8%	12.0%
Specific Learning Disability	53.1%	44.6%	38.8%
Deaf-Blindness	0.0%	0.0%	0.00%
Multiple Disability	2.3%	1.6%	0.9%
Autism	10.0%	10.9%	13.2%
Traumatic Brain Injury	0.5	0.2	0.2

Source: California Special Education Management Information System (CASEMIS) 12-1-2016; includes preschool.

The table below shows percentage of the district's identified students in various disability categories for the past three school years.

Percentage of Identified Students by Disability Category

Disability	2015-16	2016-17	2017-2018
Intellectual Disability	12.1%	11.4%	10.2%
Hard of Hearing	1.4%	0.8%	0.9%
Deaf	0.3%	0.2%	0.3%
Speech or Language Impairment	3.6%	3.6%	2.9%
Visual Impairment	0.6%	0.7%	0.7%
Emotional Disturbance	5.9%	5.4%	5.4%
Orthopedic Impairment	0.9%	1.0%	0.9%
Other Health Impairment	11.5%	10.9%	12.7%
Specific Learning Disability	51.3%	53.1%	52.5%
Deaf-Blindness	0.0%	0.0%	.00%
Multiple Disability	2.2%	2.3%	2.6%
Autism	9.5%	10.1%	10.5%
Traumatic Brain Injury	0.6%	0.5%	0.6%

Source: California Special Education Management Information System (CASEMIS) 12.1.2015, 12.1.2016, 12.1.2017; includes infants and preschool.

The district has increased its identification rate in some categories such as other health impaired, specific learning disabled, and autism. Students are frequently identified as other health impaired when they could be supported using a 504 accommodation plan or RtI2.

Most of the district's special education students have been identified before entering the district; however, many others are identified initially in middle school and high school because of behavioral concerns that could be remediated through PBIS at the student's school. It would benefit

the district to review how it may be able to serve students in ways other than identifying them as needing special education services, remediate and support existing identified students to help them progress toward exiting special education, and work closely with its feeder districts to use uniform assessments and eligibility criteria to ensure students meet the requirements for identification.

Documents indicate that the district rarely exits students and returns them to general education, and that after students reach grade nine its special education population increases. For example, in 2013 the district had 357 ninth grade students who received special education services, and four years later it had 394 students in grade 12 who received these services.

When staff re-evaluate students or hold an annual IEP meeting, most discussions do not include the possibility of exiting the student from special education, regardless of eligibility criteria. The number of special education students the district has exited to regular education or found to be no longer eligible for service is consistently low. There were 11 such cases in 2015, 12 in 2016, and 18 as of June 2017.

The district has had a disproportionately low graduation rate for students with disabilities for the past three years. The district's corrective measures for this were due in June 2015 and June 2016, and the district reported that this information was a result of errors in its data and had been corrected. However, the district's corrected data for June 2017 continues to indicate a disproportionately low graduation rate for students with disabilities.

The district's Significant Disproportionality Coordinated Early Intervening Service (CEIS) Plan 2017 indicates student subgroups in the district that have disproportionately low graduation rates. These include African American students identified as emotionally disturbed. The plan describes the actions the district will take to reduce the disproportional graduation rates, including but not limited to increasing the knowledge of assessors, the assessment tools used, and the knowledge of feeder district assessment staff. Because CEIS money is used to focus on the changes needed to reduce disproportionality, the district needs to systematically implement the CEIS plan.

Recommendations

The district should:

1. Review assessment requests and determine whether general education interventions are appropriate prior to assessment for special education.
2. Track referrals, assessments and eligibility rates by type to so it has sufficient data to track annual trends and help make decisions.
3. Consider hiring a district speech pathologists for initial and triennial assessments.
4. Review the criteria for identifying a student as other health impaired, and consider offering and attempting other supports prior to reaching this identification, including health plans, 504 accommodations plans, and RtI².
5. Examine the criteria for identifying a student as having a specific learning disability, and consider offering and attempting other supports prior to reaching this identification, including PBIS, behavior plans, and RtI².

6. Regularly review each student's eligibility for special education services to determine if a student has a continuing need for special education services or can reasonably exit special education and be served in a less restrictive environment.
7. Focus on credit recovery and graduation of seniors while dedicating time to ensure accurate information in databases.
8. Implement the CEIS plan systematically and thoroughly districtwide.

Continuum of Services

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

The records provided for this study and FCMAT's interviews with staff indicate the district has a recent history of findings of noncompliance with various mandatory measures from the California Department of Education (CDE). The district is out of compliance in the Performance Indicator Review (PIR), the CDE 2016-17 Special Education Compliance Review (SECR), and the data identified noncompliance process (DINC). A memo to the superintendent from the state director of special education dated March 17, 2017 states the following:

Previously, the Victor Valley Union High School District was identified as significantly disproportionate based on 2014-15 data and is currently using 15 percent of the IDEA funds to implement a Coordinated Early Intervening Services (CEIS) Plan. Because the LEA is again identified as significantly disproportionate, the CDE will continue to place special conditions on the LEAs IDEA grants for 2017-18 and will require the LEA to continue working on their CEIS plan.

The reported common causes of the CDE's findings of noncompliance are the same as the main findings in this FCMAT study. Some of the causes listed in the PIR – Improvement Process 2016-17 (p.27) and the Significant Disproportionate CEIS Plan (p. 9) are as follows:

- The need for an increased continuum of services and more placement options
- Lack of interventions and supports for students in Tier 1 – universal level
- Inconsistent interventions and implementation of Tier 2 and Tier 3 levels
- Limited LRE environment and support within the district for students with emotional disturbance
- No mechanism of accountability for implementation of Tier level of support (academic and behavioral)
- Special education becomes a place (not a service) because there are limited remedial general education classes

These main causes were verified consistently by staff during FCMAT's interviews and by the documents FCMAT reviewed for this study. Many of the main improvement strategies developed in the mandatory compliance reports are addressed in other sections of this report and include items such as development of effective RtI² and MTSS, implementation of behavior de-escalation

strategies as part of PBIS, and implementation of inclusion strategies as part of providing the least restrictive environment.

Regarding provision of LRE, the findings in this report regarding teacher caseloads indicate the district places significantly more students in special day classes (SDCs) than in resource specialist programs (RSP). Although there is no Education Code requirement or industry standard for placement of students in RSP rather than an SDC, it is far more common to find more students receiving service in an RSP setting than in an SDC.

The CDE's 2015-16 District Level Special Education Annual Performance Report Measure (the most recent public copy available at this time), Page 2, Indicator 5 – Least Restrictive Environment, indicates that the district should have at least 49.2% of its special education students in regular education class settings for at least 80% of the school day, and no more than 24.6% of its special education students should be in regular education classes less than 40% of the time. FCMAT's findings in this report indicate that in the district these percentages are close to reversed: the district has 28.7% of its special education students in regular education classes 80% of the time and 51.1% of its special education students in regular education classes less than 40% of the time. These percentages correlate with special education teacher caseload data, which indicates 367 students are served in the RSP setting and 670 students are served in the SDCs for students with mild to moderate disabilities.

There is a clear statewide emphasis on moving away from classifying students as needing RSP and SDC services and instead serving students with mild to moderate disabilities using a specialized academic instruction (SAI) model, per the March 2015 Report of California's Statewide Task Force on Special Education titled, *One System: Reforming Education to Serve All Students*. The district's staff indicated that although some special education support is provided to students with IEPs in regular education settings, those instances are a relatively small minority and are determined by individual special education staff members and school sites; a significant majority of the district's special education services are provided in settings separate from regular education classes.

Employees interviewed indicated that the district's Special Education Department tries to implement corrective actions required in the PIR, SECR and DINC plans identified above; however, obstacles and resistance from staff and administrators delayed this process. Given the probable impact on students of this ongoing noncompliance and the potential financial and leadership consequences for the district for failing to remedy this noncompliance, it is imperative that the entire district give priority to fully implementing these three plans, and that all employees receive full support and authority from administrators and district leaders to do so.

The district offers a continuum of services from least restrictive to most restrictive through a partnership with the San Bernardino County Superintendent of Schools, which provides services for severely handicapped students. The district also places some students in NPSs and NPAs, as discussed in more detail in the following section of this report. Documents indicate the district has 32 students in alternative placements outside of the district. Both general education 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 to nondisabled students throughout the district.

Recommendations

The district should:

1. Commit the resources and administrative authority needed to implement and ensure the success of a districtwide initiative to fully implement the corrective actions contained in the PIR, the CDE 2016-17 SECR, and the DINC process.
2. Develop and implement a districtwide initiative for general education and special education staff to deliver special education services for students with mild to moderate disabilities using the SAI model instead of separate services in an RSP or SDC.
3. Seek assistance from the Desert/Mountain SELPA to create a multidistrict work group composed of special education administrators and staff from Victor Valley Union High School District, Adelanto Elementary School District, Victor Elementary School District, and the San Bernardino County Superintendent of Schools to help fully implement procedures to ensure that students with disabilities are served in the least restrictive environment.

Nonpublic Schools and Agencies

Nonpublic Schools

Education Code Section 56034 specifies the standards required for a nonpublic school (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 individual education program and is certified by the department. It does not include an organization or agency that operates as a public agency . . . an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, or a public university or college. A nonpublic, nonsectarian school also shall meet standards as prescribed by the Superintendent and board.

NPS placement is one option on the continuum of services for disabled students who have an IEP that designates this specialized educational program. The SELPA negotiates NPS contracts and develops individual service agreements for the students served. Each NPS has a daily rate, and each service agreement specifies the services and costs per student. These costs will vary based on the services designated in a student's IEP. The district has established adequate procedures for processing and reviewing invoices for these students.

The number of the district's students placed in an NPS has decreased significantly over the last three years because of the district's efforts to develop programs options for students within the district. However, the cost per student for NPS placements continues to rise. The cost increase may be due to increases in tuition and staffing costs, the addition of related services outlined in the IEP, or days added for a student to attend extended school year. Each individual service agreement will specify all of the additional services.

Total Enrollment and Costs for Nonpublic Schools 2015-2018

School Year	Number of NPS Students	Annual Costs of NPS
2015-16	83	\$1,198,936.37
2016-17	61	\$1,085,924.74
2017-18	37	\$1,004,191.94

Source: District report NPS/NPA Total Costs by Students

Nonpublic Agencies

Education Code 56365(a) requires a nonpublic agency (NPA) to be:

. . . under contract with the local educational agency to provide the appropriate special education facilities, special education, or designated instruction and services required by the individual with exceptional needs if no appropriate public education program is available.

For budget and financial reporting purposes, the district's business office combines the NPS and NPA expenses. Separating these costs would help special education staff and administrators monitor and track expenditures, particularly those in NPA contracts. This can be accomplished easily by using separate Standardized Account Code Structure object or goal codes. Nonpublic agency includes the following three main expenditures: NPAs (including the cost of related

compensatory services); the costs for individual education evaluations, which are permitted under IDEA; and specialized related services not available in the district. The district also uses NPA contracts to provide speech and language services when it has unfilled positions, as discussed earlier in this report.

Nonpublic Agency Contracts and Costs

School Year	NPA Service Contracts Autism	Estimated Annual Cost
2015-16	7	\$301,070.85
2016-17	7	\$323,819.40
2017-18	10	\$201,422.95

Source: District individual service plans 2015-2018

NPA services for students with autism include behavioral aides, supervision of the aides, and supervision of the IEP for each student. The SELPA can help the district by suggesting school districts that staff could visit that have successful specialized autism programs. Because the number of students who require intensive programs is increasing, it may be cost effective for the district to consider creating a program option within the district or region that meets their needs.

Desert/Mountain SELPA

Ninety-nine students whose district of residence is the Victor Valley Union High School District attend regional programs operated by the San Bernardino County Superintendent of Schools. Regional programs operated outside the district are appropriate for students with specialized needs when those programs are not available in the district of residence. The need for these services is documented in the IEP and is an appropriate option on the continuum of services for students.

San Bernardino County Specialized Programs by Disability

Disability	Number of Victor Valley Students Enrolled
Autism	23
Deaf and Hard of Hearing	2
Emotional Disturbance	8
Intellectual Disability	24
Other Health Impaired	8
Multiple Disabilities	25
Specific Learning Disability	9
Total	99

The SELPA and county regional actuals through December 2017 (Schedule D, Desert/Mountain SELPA Allocation Plan) indicate that the district is currently funding regional programs at the county at an annual cost of \$4,135,084. It would benefit the district to review these costs, services and needs to determine if it would be more efficient to provide programs within the district. If a sufficient number of students with autism, intellectual disability and multiple disabilities are served, it can be more cost-effective to provide service within the district.

Recommendations

The district should:

1. Continue efforts to return students enrolled in NPSs to district-operated programs and supports.
2. Develop strategies to decrease NPA costs and reliance on costly service providers instead of district staff such as behavioral aides and supervisors of behavioral support aides.
3. Analyze the costs of using county office-operated versus district-operated programs and services to determine if it would be more efficient to create some district programs for students now placed outside the district.
4. Work with the SELPA to develop programs and services for students with autism who have intensive program needs.

Due Process

The IDEA requires school districts to implement procedural safeguards for students with exceptional needs. When disputes arise over identification, evaluation, educational placement or the provision of FAPE, the procedural safeguards outline steps to resolve disagreements at the lowest level (EC 56500.3). Special education is a highly litigated area of federal law, and the main cause of most litigation is disputes over the provision of FAPE.

The district has experienced an increase in the number of due process requests in the last two years, most of which are regarding the provision of FAPE. The district and the Desert/Mountain SELPA are committed to early resolution of disputes in this area.

Resolution sessions are the lowest level of intervention in the procedural safeguards of IDEA and must be convened within 15 days of receipt of a parent's due process hearing request. The sessions are required to include a representative of the school district who has decision-making authority, and do not include an attorney for the school district unless the parent is accompanied by an attorney. The parent of the child may discuss the due process hearing issue and the facts that form the basis of the due process hearing request.

The resolution session is not required if the parent and the school district agree in writing to waive the meeting. If a school district has not resolved the issue that led to the request for a due process hearing within 30 days, the due process hearing may occur. If a resolution is reached, the parties shall execute a legally binding agreement (20 USC 1415[f][1][B]; 34 CFR 300.510).

The Desert/Mountain SELPA has a unique model for supporting its member districts when due process cases are filed. The SELPA has created a position of program manager individual protections, which is supported by a due process analyst and by attorneys when needed. The program manager helps with and/or conducts the procedures involved in due process hearings, mediations, complaints and investigations for all of the SELPA's member districts. The SELPA's program manager represents the district in resolutions and mediations.

By mutual agreement and through the governance council of the SELPA, the funding for these positions is taken proportionally from the funding allocation prior to the annual distribution to each district. This is a common practice in most SELPAs.

Most of the district's due process disputes are resolved at the resolution level; only three such disputes have gone through formal due process proceedings since 2015-16.

Number of Due Process Filings by Year

School Year	Due Process Filings	Issues
2015-16	5	FAPE
2016-17	10	FAPE/ Eligibility
2017-18	7	FAPE/Evaluation

Source: District Data

The district has some due process costs in addition to the portion the SELPA deducts prior to apportionments. However, the special education department does not track expenditures for due process; rather, these costs are included in the costs of NPA services, 1-to-1 aides, NPS services, and other related services offered during the resolution and mediation. It would benefit the district to track its due process costs separately and prepare a progress report for the governing board.

The Desert/Mountain SELPA governance council has approved and the SELPA has developed an X-Pot Insurance Fund to help pay certain costs. The SELPA's policy and procedures handbook contains a complete description of the X-Pot Insurance Fund (Chapter 24, Section LN). The fund covers costs and the SELPA provides support as follows:

1. Legal, due process and fair hearing expenditures for both SELPA and district legal counsel related to compliance findings and due process hearings when approved procedures have been followed. The district accesses this service from the SELPA.
2. Indemnification for each LEA voting member of the SELPA board against the first \$30,000 in NPS and/or NPA costs. The district accesses this service.
3. NPS and NPA expenditures are brokered through the SELPA office to ensure consistent service, support, use and rates. These costs are not charged against the X-pot contribution but are billed back to the district of residence at 100% of the expenditure incurred. The district is covering these expenditures plus the attorney fees for parents, but there is no record or process for monitoring these costs because they are all embedded in the NPS and NPA budget.

Recommendations

The district should:

1. Closely examine the issues regarding the provision of FAPE that have been raised by parents in the last two years and determine the main cause.
2. Identify areas in which it needs either program development or professional development for staff to decrease the number of parent requests for due process.
3. Ensure school site administrators are involved in mediations, particularly when they will be responsible for implementing the mediated agreement at their school.
4. Develop a process for monitoring the additional costs it incurs as a result of agreements in resolution and mediation, including costs for attorneys' fees, costs for placements in an NPS, the cost and type of NPA services, and staffing costs for 1-to-1 instructional aides.
5. Work with the Business Department to add a line item in the special education budget for due process costs.
6. Provide a progress report for the superintendent and governing board regarding ongoing costs for litigation under IDEA.

Organizational Structure

FCMAT analyzed the Special Education Department's organizational structure and clerical and administrative support staffing to determine whether these positions' functions are aligned with those of comparable districts.

FCMAT used The El Monte, Merced and Perris union high school districts for comparison because they are similar in total enrollment and in the number of identified students with disabilities, students who qualify for free or reduced-price meals, and students who are English learners.

Data for the comparison was taken from the California Longitudinal Pupil Achievement Data System (CALPADS) enrollment figures for 2016-17 and from Dataquest special education enrollment figures for 2016-17, which are the most recent data posted to these sources. The total number of special education students from birth to age 22 was reported by district of residence.

Comparison District Enrollment

	Total Enrollment	English Learners	Free/Reduced Meals	Students with Disabilities
Victor Valley UHSD	10,013	10.3%	85%	1,595
El Monte UHSD	9,033	20.5%	90.5%	1,062
Merced UHSD	10,377	8.5%	77.8%	1,295
Perris UHSD	9,755	19.1%	75.2%	1,165

Sources: Dataquest December 1, 2016 district of residence; California School Dashboard, fall 2017

The comparison districts provided information on both administrative and clerical support staffing. Each district assigns classifications and identifies positions differently. FCMAT reviewed job descriptions for positions and combined some categories into like groups for purposes of this study. Some districts classify program specialists and psychologists as administrators; others classify them as members of the certificated employee bargaining unit. Although comparative information is useful, it should not be the only measure of appropriate staffing levels. School districts are complex and vary widely in demographics, resources and support from their local SELPA. Careful evaluation is needed because generalizations can be misleading if unique circumstances are not considered.

Administrative Management Comparison

Management	Victor Valley	El Monte	Merced	Perris
	Special Education/ Student Services	Special Education	Special Education/ Student Services	Special Education
Director				
Coordinator				
Compliance Officer				
Special Program Administrator				
Total Administrators	2	3	1	2
Average of Comparison Districts:			2.0 FTE	

Source District report 2018

The comparison of administrative structure compares the average of three comparably-sized districts to that of Victor Valley.

The district's administrative structure at the director and coordinator level is consistent with that of the comparison districts. The district's director spends approximately 80% of her time providing special education oversight and approximately 20% working with the Student Services Department.

Nonadministrative Support Comparison

Certificated	Victor Valley	El Monte	Merced	Perris
Psychologists			7	
Program Specialists		1		2
SELPA Program Specialists	.75			
Average:	3.33 FTE			

Source: District Report (These positions are nonadministrative positions)

Although Victor Valley does have psychologists, they are listed in the related services section of this report. The table above shows only psychologist who have supervisory responsibilities such as mental health coordination or other duties. The district is understaffed by 1.00 FTE in district program specialists compared to the three other districts surveyed. Staff indicated that a request for 2.0 FTE program specialists was submitted but not approved by the district for the 2017-18 school year.

The SELPA provides program specialist services to the district. For the 2017-18 school year, 0.75 FTE was allotted by the SELPA to provide support to the district as needed. The SELPA's practice is to have districts call for services when needed. The program specialists are provided to meet any needs the SELPA's program specialist specifies. The district's special education director reported that her preference would be to assign program specialists for specific dates and time in districts.

Clerical Support Comparison

Clerical Support	Victor Valley	El Monte	Merced	Perris
Senior School Clerk Office Assistant III Secretary				
Student Support Assistant	3	1	1	1
Average:	1.0 FTE			
Paraprofessional/Office Assistant*			7	
Records Clerk				1
School Clerk		1		
Total	0	1	7	1
Average:	3.0 FTE			
Overall Clerical Support Average:	4.0 FTE			

Note: *Most districts use the term paraprofessionals for instructional assistants who work with students; however, Merced UHSD district includes clerical support in its job description for paraprofessionals. The role of paraprofessional in the administration office in this context is clerical only. Averages do not include the numbers from Victor Valley USD

Source: Districts' reports.

The district's clerical support level is slightly lower than the overall average for comparable districts. It would benefit the district to consider providing additional clerical support so that it aligns with that of comparably sized districts.

Functionality

School site administrators, special education teachers, psychologists and related service providers lack professional development. The district's special education administrators have limited access to school site staff and administrators to provide them with the needed training on compliance issues.

There is no coordination of the workflow in the special education office. Directions and assignment of responsibilities lack clarity and consistency. Certificated employees' responsibilities for the California Special Education Management Information System (CASEMIS), disproportionality, home hospital, weekly compliance reports to school sites and other items are given to classified staff with limited direction, clarity and consistency.

The communication and messaging from the Special Education Department to school sites is inconsistent and not timely. School site staff view the department as reactive rather than proactive. School staff reported that communication from administrators is inconsistent and often includes differing directives. Individuals interviewed consistently reported a lack of responses from special education administrators to emails.

Communication within the Special Education Department is fragmented and ineffective. Clerical support staff do not have access to administrators for guidance on work assignments or help solving problems with ongoing projects.

The superintendent was notified by letter on November 30, 2017 that the CDE has placed the district in a "Needs Intervention" status because of outstanding compliance issues found in the Comprehensive Review of 2017. The review designated four areas as critical for the district to address: significant disproportionality, data identified non-compliance, performance indicators, and comprehensive review. Data was reviewed for compliance in all areas, and an on-site team from the CDE conducted a thorough review.

The district has submitted corrective plans to the CDE, but its implementation of those plans lacks consistency and direction. The district's administrators are not all working together to implement the plans that have been developed, and as a result the district's status of "Needs Intervention" has not changed.

The SELPA has supported the district's efforts to respond to and correct items outlined by the CDE by attending district meetings on the PIR, and by reviewing and editing the PIR documents and providing comments. SELPA staff summarized concerns in the area of comprehensive review to help the district formulate appropriate trainings for teachers and staff.

It is rare for a district to be identified in all four of the above-mentioned areas at one time. If a district has two consecutive years of "needs intervention" status determination, the CDE is required to take certain actions that will affect the district's use of IDEA funds (see 34 CFR 300.600 and following). Specific instructions are sent to the district's superintendent when this determination is made.

District administrators do not attend IEP meetings for the districts' students who are enrolled in an NPS. Although students may be enrolled in regional programs or NPSs outside the district, the district of residence is always required to provide case management. It is unclear whether the

district's coordinator or psychologists are assigned to attend these IEP meetings. County office and SELPA staff indicated that they do not know who the district representative will be prior to an IEP meeting, and that frequently no one from the district attends. The district's lack of attendance at these IEP meetings is inconsistent with best practices and with the SELPA's procedural requirements for IEPs as specified on page 11 of the *Desert/Mountain SELPA Directors' Handbook*.

The total number of students placed outside the district in nonpublic or regional programs in 2017-18 is 146. Case management for this number of students would require staffing of at least 1.0 FTE.

The SELPA provides several levels of support for special education teachers and staff. The positive behavior intervention team has provided the district with 23 hours of on-site coaching. Team and leadership coaching has also been made available to the district. Program specialists have provided classroom support, attended IEP meetings, and taken parent phone calls regarding complaints and concerns. They have attempted to meet and facilitate one-on-one IEP trainings for specific teachers, but have had limited participation. Regional training opportunities have been made available to teachers and staff, including training from the Crisis Prevention Institute and training on IEP forms and procedures. The district has difficulty making staff available to attend trainings because of a shortage of substitute coverage and other district meeting requirements.

Recommendations

The district should:

1. Explore options for increasing program specialist services consistent with the average number of these positions in comparably size districts.
2. Consider providing additional clerical support so that the amount provided aligns with that in comparably sized districts.
3. Place discussion of the direct services of program specialists on the agenda of the SELPA governance council, and explore options for increasing the amount of service provided to the district.
4. Follow the guidance in the Significant Disproportionality CEIS Plan for 2017.
5. Elicit help from the SELPA to address all the identified areas that led to the "Needs Intervention" status from the CDE.
6. Establish systems of accountability to ensure that the plans submitted to the CDE are implemented. Require a quarterly progress report to the superintendent in all areas.
7. Create opportunities for teachers, specialists and school site administrators to attend professional development that addresses necessary components of the plans submitted to the CDE.
8. Establish a protocol for work flow in the Special Education Department that is supervised by the director of special education.

9. Determine which administrator or staff member is assigned which task, set timelines for and a sign-off for completion, and ensure accountability.
10. Establish protocols to ensure that communication from the Special Education Department is consistent. Provide staff with training on effective communication strategies, and develop a protocol that includes a timeline for responding to emails and phone calls.
11. Establish firm and accountable procedures for case management and attendance at IEP meetings for students placed in regional programs or NPS settings outside the district.
12. Consider assigning 1.0 FTE of staffing for case management of its 146 students placed outside the district.
13. Obtain feedback from the NPS coordinator to ensure that an administrator from the district attends all IEP meetings.
14. Determine an allotment of and budget for release days for special education staff to attend trainings made available by the SELPA.

Fiscal Considerations

California's current special education funding structure was established by and is commonly referred to as Assembly Bill (AB) 602, which was introduced and signed into law in 1997 and became effective during the 1998-99 fiscal year.

Under AB 602, special education funding is based on the average daily attendance (ADA) of all students in a school district, regardless of the number of students served in special education programs or the cost to serve them. California distributes special education funds to special education local plan areas (SELPA) based on their member districts' total ADA counts. The district is served by the Desert/Mountain SELPA, which has 14 member school districts as well as additional charter schools that operate outside of the SELPA's geographical boundaries.

The special education finance reporting methods used by districts, county offices, and SELPAs can vary. For example, some districts include transportation, while others do not. There also are variations in how special education funds are allocated through a SELPA's approved allocation plans. Therefore, it is not always possible to accurately compare a district's unrestricted general fund contribution to special education to that of other districts. However, if a general fund contribution is excessive relative to other districts or is increasing disproportionately compared to other costs, attention and action are likely warranted.

Federal law requires districts to spend at least the same amount of state and local funds on special education services in each succeeding year. This requirement is commonly referred to as the maintenance of effort (MOE). There are limited exceptions to the MOE requirement, and if a district is considering reductions to its total general fund contribution to special education it is required to follow the guidelines in the MOE document (20 U.S.C.1413 (a)(2)(B)). The CDE lists the following as exceptions that allow a 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.

The district's MOE documents indicate that its general fund contribution to special education was \$11,035,271, or 69% of total special education expenditures in 2015-16, and \$12,094,188, or 70% of total special education expenditures in 2016-17. The district's 2017-18 projected budget for special education is \$19,929,034, based on the second interim MOE documents

provided. The district's general fund contribution for 2017-18 is projected to be \$16,795,296, which is 84% of its special education budgeted expenditures. The district's general fund contribution to special education has increased by \$5,760,025, or 52.2%, since 2015-16.

According to the March 2015 *Special Education Task Force Report*, the most recent data available, the statewide average general fund contribution to special education is 43% of the special education budget. The report can be found at: <http://www.smcoe.org/assets/files/about-smcoe/superintendents-office/statewide-special-education-task-force/Task%20Force%20Report%205.18.15.pdf>

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

A School Services of California, Inc. article titled, "Special Education Costs: Local Contributions Exceed 60% of Total Funding in 2016-17," dated March 23, 2018, states, "In 2016-17, the state contributed 26.70% of funding, federal funds accounted for only 8.85% of funding, and local funds (including the LCFF) accounted for 64.45% of the total funds expended."

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

The Local Control Funding Formula (LCFF) was enacted with the passage of the 2013-14 State Budget Act and replaced the previous K-12 funding allocation, which was known as revenue limit funding. The formula for school districts and charter schools is composed of uniform base grants by grade spans (K-3, 4-6, 7-8, 9-12) and includes additional funding for certain student demographic groups.

Under revenue limit, the funding generated by special day class ADA was transferred from the unrestricted general fund to the special education program. This ADA is no longer reported separately, and the CDE determined that this transfer will no longer take place under the LCFF. Because of this, implementation of the LCFF has increased many districts' general fund contributions to special education.

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

The table below shows the special education revenue the district receives from federal, state and local resources. The special education 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 decreased by \$1,997,545 (or 44.8%). The main reasons for the projected continuing decrease in funding shown in the table are a decline of projected district ADA and an increase in purchased services that the SELPA takes directly from the AB602 state apportionment revenue before it is distributed to the districts according to the SELPA's approved allocation plan.

District Special Education Revenues by Source, 2015-16 to Projected 2017-18

Description	2015-16	2016-17	Projected 2017-18	Difference from 2015-16 to projected 2017-18
IDEA Entitlement	\$1,941,084	\$1,708,356	\$1,876,928	(\$64,156) or -3.3%
AB602 State Apportionment	\$2,138,004	\$1,709,398	\$276,231	(\$1,861,773) or -87.1%
State Workability	\$311,460	\$308,078	\$311,460	\$0
Interagency Revenues	\$41,616	\$34,441	\$0	(\$41,616) or -100%
Other Local Revenues	\$30,000	\$30,000	\$0	(\$30,000) or -100%
Total Revenues	\$4,462,164	\$3,790,273	\$2,464,619	(\$1,997,545) or -44.8%

Source: District financial system data

Rounding used in calculations

The table below shows the purchased services that the SELPA takes directly from the AB602 state apportionment revenue allocation. This data is from the Desert/Mountain SELPA certificated February 20, 2018 revenue allocations. Since 2015-16 the district's purchased services have increased by \$764,533 (18.6%).

Special Education Purchased Services, 2015-16 through Projected 2017-18

Description	2015-16	2016-17	Projected 2017-18	Difference from 2015-16 to projected 2017-18
SELPA Related Services	\$253,159	\$191,587	\$188,971	(\$64,188) or -25.4%
Intensive Therapeutic Services	\$0	\$0	\$121,833	\$121,833
County Regional Services	\$3,252,862	\$3,540,364	\$4,135,084	\$882,222 or 27.1%
Pupils Served by Other Districts	\$668,558	\$636,438	\$574,368	(\$94,190) or -14.1%
Pupils Served for Other Districts	(\$54,383)	(\$102,796)	(\$135,527)	(\$81,144) or 149.2%
Total, Purchased Services	\$4,120,196	\$4,265,593	\$4,884,729	\$764,533 or 18.6%

Source: Desert/Mountain SELPA Certified February 20, 2018 revenue allocations.

Rounding used in calculations

School districts throughout the state have an ongoing challenge in funding the costs to serve special education students. Districts are facing increases in the difference between federal and state government funding and the costs of mandated and essential services for students. Special education funding is based on total district ADA rather than that of identified students with disabilities or SDC attendance. It is important to monitor attendance and attendance rates districtwide, including that of SDCs. Every school day results in revenue earned or lost based on the attendance of each student.

The table below shows the district's special education program expenditures. The expenditure data is based on the MOE documents provided to FCMAT. From 2015-16 to the end of 2017-18 (projected), the district's expenditures to operate special education programs, including transportation, will have increased by \$3,849,880 (23.9%). Salaries and employer-paid benefits are the largest component of the increase. From 2015-16 through the end of 2017-18, the cost of salaries for certificated employees are projected to increase by 21.5%, the cost of salaries for classified employees are projected to increase by 25.6%, and the costs of employer-paid benefits are projected to increase by 17.5%. A portion of the increase is borne by the special education programs because of the increase in the State Teachers' Retirement System (STRS) and Public Employees' Retirement System (PERS) pension costs. From 2015-16 through the end of 2017-

18, costs for contracted services, which include NPA and NPS placements, are projected to increase by 35.7%.

Special Education Expenditures, 2015-16 Through 2017-18 Projected*

Description	2015-16	2016-17	Projected 2017-18	Difference from 2015-16 to projected 2017-18
Certificated Salaries	\$5,781,596	\$6,311,170	\$7,022,851	\$1,241,255 or 21.5%
Classified Salaries	\$3,145,726	\$3,528,277	\$3,949,584	\$803,858 or 25.6%
Benefits	\$4,556,939	\$5,102,085	\$5,353,517	\$796,578 or 17.5%
Materials and Supplies	\$20,165	\$32,536	\$132,892	\$112,727 or 559.0%
Contracted Services and Operating	\$2,510,921	\$2,280,035	\$3,408,164	\$897,243 or 35.7%
Capital Outlay	\$4,340	\$0	\$0	(\$4,340) or -100%
State Special Schools	\$41,616	\$34,441	\$45,000	\$3,384 or 8.1%
Sub-Total, Direct Costs	\$16,061,303	\$17,288,544	\$19,912,008	\$3,850,705 or 24.0%
Indirect Charges	\$17,851	\$12,871	\$17,026	(\$825) or -4.6%
Total, Expenditures	\$16,079,154	\$17,301,415	\$19,929,034	\$3,849,880 or 23.9%

Source: MOE documents and district financial system data

Rounding used in calculations

*Excludes the Program Cost Report Allocation.

The table below compares the district's December 1 identified special education district of service pupil count and the expenditures per identified pupil. Since 2015-16 this pupil count has increased by 64 (4.5%) and the expenditures per special education pupil have increase by \$2,111 (18.6%).

Description	2015-16	2016-17	Projected 2017-18	Difference from 2015-16 to projected 2017-18
December 1 Identified Pupil Count	1,415	1,537	1,479	64 or 4.5%
Expenditures per Pupil	\$11,363	\$11,257	\$13,475	\$2,111 or 18.6%

Source: Data Quest (district of service) and MOE documents

Rounding used in calculations

Recommendations

The district should:

1. Monitor its unrestricted general fund contribution to special education and determine if it can reduce expenditures by using any of the exemptions allowed.
2. Monitor attendance, including SDC attendance.
3. Ensure that the special education director, business services administrator, and human resources administrator meet monthly and that the meetings include pertinent topics such as the following:
 - a. Budget development

- b. Budget monitoring
 - c. MOE requirements
 - d. Positions charged to special education in the position control system
 - e. Requests for additional staffing or change in assignments
 - f. NPS and NPA contracts, invoices and new placements
 - g. Due process requests or other complaints
 - h. Staff caseloads
 - i. Identified student counts
 - j. Identified needs
4. Review the purchased services the SELPA provides to the district and determine if it would be cost efficient for the district to provide these services.
 5. Review all contracted services charged to the special education budget and determine whether it would be more cost efficient to hire staff to provide these services.

Appendix

Study Agreement

FCMAT

FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

CSIS California School Information Services

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM STUDY AGREEMENT January 8, 2018

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the Victor Valley Union High 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 team, Response to Intervention, and Multi-Tiered System of Supports, and make recommendations for improvement, if any.
2. Analyze special education teacher staffing ratios, class and caseload size using statutory requirements for mandated services and statewide guidelines, and make recommendations for improvement, if any.
3. Review the efficiency of staffing allocations of special education paraeducators, per Education Code requirements and/or industry standards, and make recommendations for improvement, 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 1:1 paraeducators.)

4. Analyze staffing and caseloads for related service providers, including but not limited to: speech pathologists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education and other staff who may 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 overidentification, if needed.
6. Analyze whether the district provides a continuum of special education and related services from preschool through age 22, including placements in the least restrictive environments, and make recommendations for improvement, if any.
7. Review COE, NPS and NPA costs and placements and make recommendations for improving the process for placement 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 administration, clerical and administrative support, program specialists, teachers on special assignments 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. \$800 per day for each staff member while on site, conducting fieldwork at other locations, presenting reports and participating in meetings. The cost of independent FCMAT consultants will be billed at their actual daily rate for all work performed.
- B. All out-of-pocket expenses, including travel, meals and lodging.
- C. The district will be invoiced at actual costs, with 50% of the estimated cost due following the completion of the on-site review and the remaining amount due upon the district’s acceptance of the final report.

Based on the elements noted in section 2A, the total not-to-exceed cost of the study will be \$41,000.

- D. Any change to the scope will affect the estimate of total cost.

Payments for FCMAT's services are payable to Kern County Superintendent of Schools - Administrative Agent located at 1300 17th Street, City Centre, Bakersfield, CA 93301.

5. **RESPONSIBILITIES OF THE DISTRICT**

- A. The district will provide office and conference room space during on-site reviews.
- B. The district will provide the following if requested:
1. Policies, regulations and prior reports that address the study scope.
 2. Current or proposed organizational charts.
 3. Current and two prior years' audit reports.
 4. Any documents requested on a supplemental list. Documents requested on the supplemental list should be provided to FCMAT only in electronic format; if only hard copies are available, they should be scanned by the district and sent to FCMAT in electronic format.
 5. Documents should be provided in advance of 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 Victor Valley Union High 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

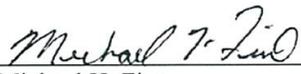
Name: Jackie Rocha
Telephone: 760-955-3201
E-mail: jrocha@vvhhsd.org



Dr. Ron Williams, Superintendent
Victor Valley Union High School District



Date



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

January 9, 2018

Date