



FCMAT

FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

CSIS California School Information Services

Beverly Hills Unified School District

Special Education Review

October 18, 2018



Michael H. Fine
Chief Executive Officer







CSIS California School Information Services

October 18, 2018

Michael Bregy, Ed.D., Superintendent
Beverly Hills Unified School District
255 S. Lasky Drive
Beverly Hills, CA 90212

Dear Superintendent Bregy:

In November 2017, the Beverly Hills Unified School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement to provide a review of the district's special education programs and services. This agreement was amended during fieldwork in April 2018. Specifically, the agreement states that FCMAT will perform the following:

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 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.

FCMAT

Michael H. Fine, Chief Executive Officer

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6. Analyze whether the district provides a continuum of special education and related services from preschool through age 22, including placements in 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.

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

We appreciate the opportunity to serve you and we extend thanks to all the staff of the Beverly Hills Unified 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

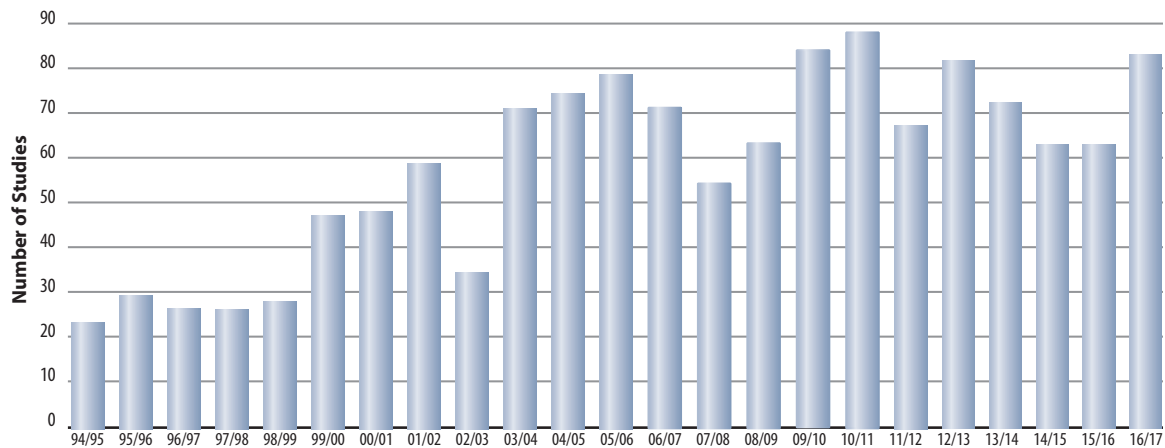
FCMAT’s primary mission is to assist California’s local K-14 educational agencies to identify, prevent, and resolve financial, human resources and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related 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 Beverly Hills Unified School District is located in Los Angeles County and has an enrollment of approximately 4,144 students. The district is composed of four elementary (K-8) schools, one high school and one continuation high school. In the 2017-18 fiscal year, approximately 12.9% of the district's K-12 enrollment is identified as requiring special education, which is above the statewide average of 10.7%. The district is part of the Tri-City Special Education Local Plan Area (SELPA).

In November 2017 the Beverly Hills Unified School District requested that FCMAT assist the district by reviewing the district's special education programs and services.

Study and Report Guidelines

FCMAT visited the district on April 24-26, 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, Caseloads and Aide Support
- Related Services
- Identification Rate
- Continuum of Services
- Nonpublic Schools and Agencies
- Organizational Structure
- Due Process and Litigation
- 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 members of this study team, these consultants were not representing their respective employers but were working solely as independent contractors for FCMAT.

Each team member reviewed the draft report to confirm accuracy and achieve consensus on the final recommendations.

Executive Summary

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

The district provides four programs: Resource Specialist Program (RSP), Special Day Class Personalized Recommendations for an Independent and Meaningful Education (SDC PRIME), Special Day Class-Emotionally Disturbed (SDC-ED), and preschool. No written program descriptions are available. Staff provided documents with definitions for the SDC PRIME and preschool programs created specifically for FCMAT's study. The district provides most of its services through an inclusive specialized academic instruction model with low teacher caseloads and a high number of special education classroom aides, which the district terms "environmental aides," and 1-to-1 aides. The district has no process to determine whether or not a student requires additional support services through a special circumstance instructional assistance assessment.

The district is overstaffed with school psychologists, not including the two interns who support assessments and report writing. The speech pathologists are slightly under their caseload according to the Education Code. The district should consider the need for the instructional support specialist as it looks to refine spending in special education.

The district serves students in preschool through 22 years of age. Over the past few years, it has declined in total student enrollment while the identification of special education students has stayed steady. The statewide identification rate average is 10.7%, and the district's 2017-18 identification rate is 12.9%. The district exceeds the state averages in a few disability categories, but most significantly in other health impairments (OHI) and autism. The root cause of the overidentification in both eligibility areas should be determined.

Although the district has memorandums of understanding with the Tri-City Special Education Local Plan Area (SELPA), the Los Angeles County Office of Education and Los Angeles Unified School District, it struggles to offer a complete continuum of services from the least to most restrictive environment. The district model offers an articulated moderate/severe service from preschool to 22 through the PRIME program; however, it lacks an articulated model for students with mild/moderate disabilities, low incidence disabilities, and emotional or behavioral challenges. These students are served through a push-in model in the general education setting with support, and co-teaching at the middle and high school levels, which is staff intensive and can change frequently depending on the general education instructional calendar. The district also does not offer appropriate transition services at the high school level, both at Beverly Hills High School and in the nonpublic school (NPS) placements. The district should develop a strategic planning committee led by the Student Services Department and supported by the Education Services Department to review the continuum of services for all students with disabilities.

The Special Education Department has a protocol to create and manage the contracts for nonpublic schools and agencies; however, there were significant discrepancies in the data documenting the costs between the special education and the business office. This is due to gaps in the process of oversight. Better communication and clarity of oversight responsibility is necessary.

The district spends over \$1.1 million annually on nonpublic school placements. This cost is necessary because the SELPA has no regional programs and the county office has very limited program options for students with disabilities. Discussions are under way with other districts in the SELPA to create at least one class for students with emotional disturbance with significant mental health issues. The district should participate in these discussions.

In previous administrations the standard of practice has been to roll over settlement agreements and carry forward nonpublic school placement beyond the settlement timeframe. The district should convene an individualized education program (IEP) at each annual review. Since this has not occurred, the expenditures in nonpublic school placements continue to rise.

District expenditures for nonpublic agency services in the past three years are significant. Two services increase costs in this area: the need to hire certificated staff for open, unfilled positions such as speech therapy, and additional costs for specialized services that are unavailable from district staff. The recruitment and hiring of qualified staff can reduce costs in both areas.

The district has had significant changes in special education leadership over the years resulting in ineffective communication and a staff that did not feel supported. Principals and staff have had insufficient training in special education and there is no procedural handbook for special education.

In interviews, staff at all levels indicated confidence and support for the new assistant superintendent in view of her responsiveness and follow through.

School districts throughout the state face a continuing challenge in funding the costs to serve special education students. Districts are faced with continuing increases in the difference between the federal and state government funding received and the mandated costs for these vital student services. Maintenance of effort documents provided to FCMAT indicate the district's unrestricted general fund contribution (including special education transportation) was \$7,227,826 or 62% of total special education expenditures in 2015-16, \$7,380,898 or 64% in 2016-17, and \$7,801,903 or 70% (projected) for 2017-18. According to the report titled "Coalition for Adequate Funding for Special Education; 2016-17 Maintenance of Effort Reports by Special Education Local Plan Area," the statewide average unrestricted general fund contribution to special education was 64.5% for the 2016-17 fiscal year. The district should continue to monitor its unrestricted general fund contribution to special education.

An important element of fiscal control and reconciliation for school districts involves position control. Position control is essential for budgeting because typically 85% to 90% of a school district's costs are for personnel. A strong position control system allows control and management of the budget, reduces the risk of improper reconciliation of authorized positions, allows more accurate reporting, and provides improved information about a district's positions and vacancies. Staff reported that position control numbers, which indicate the cost of a particular position and the funding source, are not reconciled by the Human Resources Department against a list of board-authorized positions that can be filled. This violates one of the vital components of position control because unauthorized positions still can be filled. Staff also reported that unneeded position control numbers are not deleted from the system, but sometimes are retained for potential needs at a future date, which again removes an important component of position control.

Only board-authorized positions that are intended to be filled should have active position control numbers. The district should implement a strong position control system and consider moving position control to the Business Services Department for budgeting purposes.

Findings and Recommendations

General Education Academic Support (SST/RTI²/MTSS)

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

Student Study Team (SST)

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

Serving a student with an IEP is costlier than serving one through interventions and general education supports. Identifying a student for special education before general education interventions is not in the student's best interest. At Beverly Hills Unified School District, each school site has some form of SST process although this differs from site to site. Even though districtwide forms are established, their use is inconsistent because some sites have modified the district forms. The districtwide forms use outdated assessment terminology like Basic and Below Basic, and do not reflect current assessment protocols and interventions. The SST process, supported by Board Policy 6145.5 and the Student Success Team Procedural Handbook, was last revised in 2009. The district should update Board Policy 6145.5 and develop a supporting administrative regulation to include a districtwide process with forms, timelines, data collection and review, progress monitoring, and training.

The school sites have complete autonomy to determine how the SST process works at their school, including selecting the SST coordinator, team members, those who attend meetings and the forms that are used. Because the process is inconsistent across the district, the process for referring students to an SST means that some struggling students may receive an SST meeting at one site but not at another. Neither the district office nor school sites track the number of SST meetings, interventions offered, progress monitoring, special education assessment referrals, or eligibility for special education determination. Tracking this information would allow districtwide analysis of students and site needs, implementation of interventions and accuracy of special education identification through SST referral for assessment. Staff interviews indicated that most SST meetings are viewed as the next step to refer a student for special education assessment rather than as a team meeting to discuss assessment data, implement structured interventions based on student data, and monitor progress.

Response to Instruction and Intervention (RtI²)

In 2004, the reauthorization of the Individuals with Disabilities Act (IDEA) provided support for models that include a response to scientific, research-based interventions. The law stated that these methods may be used as an alternative to the discrepancy model in identifying students with learning disabilities. IDEA 2004 also shifted research-based interventions from special education to general education, stressing that these methods would no longer be limited to special education students, but would apply to all students. The law left each individual state to develop its own guidelines and regulations. Response to Intervention (RtI), which the California Department of Education (CDE) now refers to as Response to Instruction and Intervention (RtI²), provides districts with a method to drive educational decisions and measure academic growth. The CDE information states the following:

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

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

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

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

Sources: www.cde.ca.gov/sp/se/sr/documents/slideligiblyrti2.doc and <https://www.cde.ca.gov/ci/ct/ri/rtiresources.asp>.

Because RtI² is a general education function, the school board should consider adopting a policy acknowledging the importance of intervening as early as possible when students indicate signs of academic challenges. Leadership by the Education Services Department in the implementation of an RtI² process, with consultation from the Student Services Department, is crucial so that all staff recognize and accept RtI² as a general education function.

Interviews indicated sites are funded for and staff dedicated to providing interventions, yet each site uses intervention teachers differently. Staff reported that the remaining intervention teachers will be reduced in the coming 2018-19 school year due to budget cuts. Interventions should be part of a comprehensive instructional plan coordinated by the Education Services Department

and supported by defined outcomes. It is a best practice for a district to have clear, consistent districtwide expectations for and implementation of RtI². The district has not developed a clear vision or plan. Site administration determines the level of intervention implementation and the way it is administered. The district should document all interventions and, in consultation with site principals, evaluate the effectiveness of interventions at each site. Implementing a comprehensive RtI² system can ensure all students are supported by defining a process of rigorous instruction, universal screening, timely interventions implemented consistently, progress monitoring, and targeted interventions for students who are not progressing commensurate with their peers.

Interviews indicated sites are using Renaissance STAR Reading assessments as a screening measure for some students and STAR 360 was referenced for data analysis, yet the district does not have a consistent districtwide universal screening tool like Dynamic Indicators of Basic Early Literacy Skills (DIBELS). Interviews revealed that school sites have very few systems and limited experience analyzing data, so the district should consider developing a districtwide strategic plan and evaluate piloting a universal screening tool like DIBELS as part of the development of a RtI² process.

The intervention provided at the high school is an algebra intervention, an English intervention, and a certificated tutoring center. Staff indicated these have been effective, but they may not capture all struggling students. Providing interventions early at the elementary and middle school level with articulation to the high school would support these interventions.

Multi-Tiered System of Supports (MTSS)

An article titled “\$10 Million to Design MTSS in California” in *The Special EDge*, winter 2015, Volume 29, No. 1, describes MTSS as “standards based instruction, interventions, mental health, and academic and behavioral supports aligned with accessible instruction and curriculum ...”

The *Special EDge* article indicates that an MTSS approach can “be used to develop and align resources, programs, supports, and services at all organizational levels to increase positive student outcomes.” The March 2015 Report of California’s Statewide Task Force on Special Education, titled “One System: Reforming Education to Serve All Students,” states:

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

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

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

MTSS incorporates many of the same components of RtI² such as:

- Supporting high-quality standards and research-based, culturally and linguistically relevant instruction with the belief that every student can learn including students of poverty, students with disabilities, English learners, and students from all ethnicities evident in the school and district cultures.
- Integrating a data collection and assessment system, including universal screening, diagnostics and progress monitoring, to inform decisions appropriate for each tier of service delivery.

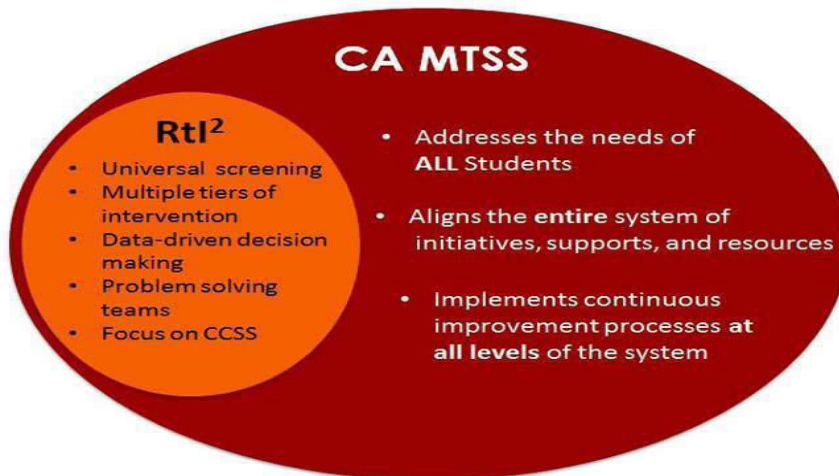
- Relying on a problem-solving systems process and method to identify problems, develop interventions and evaluate the effectiveness of the intervention in a multi-tiered system of service delivery.
- Seeking and implementing appropriate research-based interventions for improving student learning.
- Using school-wide and classroom research-based positive behavioral supports for achieving important social and learning outcomes.
- Implementing a collaborative approach to analyze student data and working together in the intervention process.

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

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

MTSS is not designed for consideration in special education placement decisions, such as 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 are focused on the CCSS. However, MTSS has a broader approach, addressing the needs of all students by aligning the entire system of initiatives, supports, and resources, and by implementing continuous improvement processes at all levels of the system.



Source: California Department of Education

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

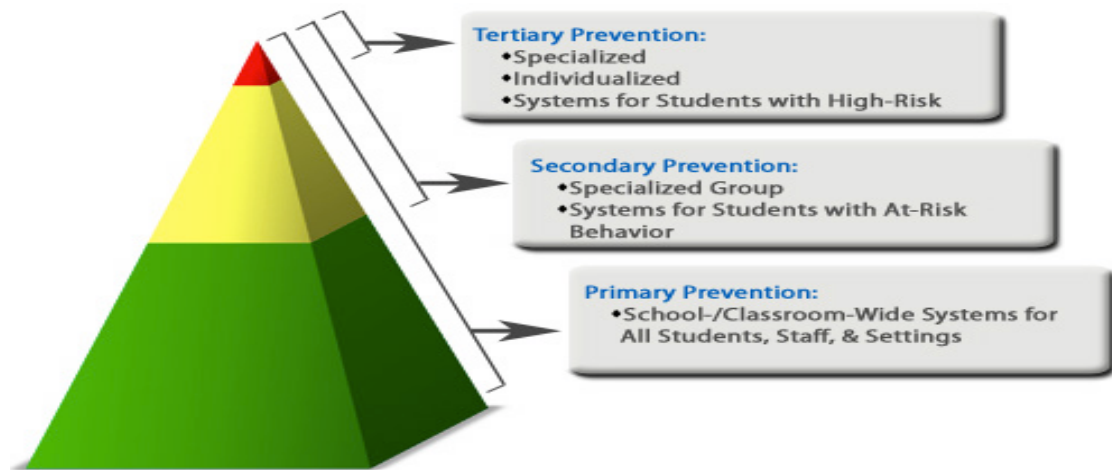
Both RtI² and MTSS are necessary to build a comprehensive system of interventions and supports for all students. It would be effective for the district to prioritize RtI² and MTSS through a districtwide committee and provide intensive RtI² and MTSS training for all staff, with the training phase outlined in a strategic plan.

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

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

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

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



Source: CDE and http://www.boystowntraining.org/assets/1201-043-01_education_services_collateral_overview.pdf

Staff indicate the district has access to Educational Related Intensive Counseling Services (ERICS) districtwide and NormanAid counseling team at the high school. ERICS is a special education related service and only available to students with IEPs. NormanAid is a student support center offering drop-in counseling services, crisis intervention, conflict mediation peer counseling, and other counseling services. Most counseling services are available with permission from teachers. Although staff could speak to the services available through NormanAid, no data was available to indicate the overall success or outcomes associated with this program. Staff interviews indicated students needing additional support for anxiety, depression, and anger are increasing and they do not feel trained or prepared to address the increasing demand. The district should consider reviewing and evaluating this program as part of a districtwide strategic plan.

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

Recommendations

The district should:

1. Implement a consistent districtwide SST system with the Education Services Department leading and monitoring the processes and procedures.
2. Update Board Policy 6145.5 and the SST handbook, require regular training for all staff responsible for the SST process and annually train all teachers on appropriate SST referrals and follow-through.
3. Develop a board policy focusing on the importance of RtI² and MTSS to set the vision for district leadership.

4. Review and update the SST process and related forms annually when reviewing districtwide SST data.
5. Require the consistent use of district SST forms.
6. Ensure site administrators consistently utilize the SST process to provide support for struggling students.
7. Track the number of SST meetings per site and the number of special education referrals made as a result of SST meetings and eligibility results.
8. Develop a communication plan for all those affected outlining what RtI² is, how it will benefit all students, and how it will be implemented throughout the district.
9. Consider implementing RtI² and MTSS through a districtwide committee, and provide intensive RtI² and MTSS training for all staff, with the training phase outlined in a strategic plan.
10. Define, implement and train staff on the universal screenings and districtwide assessment tools for all sites.
11. Provide professional development in student engagement and behavior management, and consider making this professional development mandatory.
12. Define and implement a PBIS system across the district.
13. Provide adequate and regular professional development in PBIS for all staff districtwide.
14. As part of a districtwide strategic plan discuss how to measure student focused outcomes from the NormanAid center.

Special Education Staffing, Caseloads and Aide Support

FCMAT determined the special education teacher staffing ratios, class and caseload size using the statutory requirements for mandated services and statewide industry standards. The district provided documents listing four programs: Resource Specialist Program, Special Day Class Personalized Recommendations for an Independent and Meaningful Education, Special Day Class for Emotionally Disturbed and preschool. No written program descriptions are available. Staff created documents specifically for this study describing the preschool and PRIME programs. They are listed below.

Preschool

Along with a special education teacher and instructional aides, all students are provided with embedded weekly speech and language services and occupational therapy services. Students who meet eligibility criteria through assessments may receive additional related services in areas such as speech and language, occupational therapy, physical therapy, and behavior intervention. Students who meet eligibility criteria may also qualify for the preschool's Busy Bees program, which is an additional hour after the school day to address additional behavior needs. Students getting ready to transition to kindergarten may also be eligible for an additional two hours of after school integration in the Beverly Hills Parks and Recreation preschool with adult support. All special education preschool students also have access to all the city of Beverly Hills Parks and Recreation programs such as music, library, dance/yoga.

SDC - PRIME

Personalized Recommendations for an Independent and Meaningful Education (PRIME) is for students with moderate to severe disabilities who require an alternative curriculum focuses on the domains of functional academics, domestic skills, community skills, vocational skills, and recreation/leisure skills. The PRIME program is a collaborative model (that) includes push-in support of a speech and language pathologist and an occupational therapist to support all students in the program. The PRIME program is for students age kindergarten through high school.

The transition program is part of the PRIME program and is offered to students who are on a certificate of completion and are identified as needing continued education until the age of 22. The transition program curriculum includes functional academics, domestic skills, community skills, vocational skills, and recreation/leisure skills. The primary focus of the transition program is to support the young adult's ability to be as independent as possible. Students are provided with job training experience (that) includes education in vocational skills. Students are matched with a variety of jobs that can meet both their skill set and vocational interest. Students are provided with community skill experience (that) includes (transition) education needed to support a variety of domestic skills, recreational/leisure skills, and vocational/job site skills.

The district provided several documents such as types of staffing in the program and several lists with staffing positions and number of students, hours of program assignment and instructional aides. FCMAT analyzed the documents and categorized and filtered them into a condensed version to assist the district with aligning programs and services per industry standards. The analysis demonstrated many inconsistencies in programs, services and positions. Several inconsisten-

cies existed between data tracking systems, and no one source of information could be considered accurate (e.g., location of instructional staff was inconsistent between documents).

FCMAT made a thorough effort to resolve inconsistencies using the available data, but it was not possible to achieve absolute accuracy regarding total caseloads by service provider or grade level. An effective and consistent tracking system for special education staffing, assignments and caseloads is needed that is updated routinely. It would benefit the district to have the Special Education, Business Services and Human Resources departments rigorously analyze staffing and caseload data and routinely review and update it to ensure accuracy. The district's position control system should form the basis of this dataset.

Preschool

The district operates one preschool program with 14 students enrolled from 9 a.m. to 12 noon for primary skill development in all areas of need. It also operates a small group instruction extension from 12 noon-1 p.m. for students requiring more intensive services. A third extension for approximately four to six students who are getting ready to transition to kindergarten and to have more social opportunities is provided through the Beverly Hills Parks and Recreation preschool program operated on the same site. Preschool students may attend school from three to five hours daily, sometimes as long or longer than a typical kindergarten student.

Staff reported they are concerned about the special education teacher not being able to take lunch according to the collective bargaining agreement. The agreement language states that certificated staff must have lunch between 11:10 a.m.-1:50 p.m., and there is no scheduled break for the preschool teacher during that time. Since FCMAT's visit, the district reports that the schedule has been revised, and the teacher was compensated for the missed lunch time. There is a group of students who attend an additional hour from noon-1 p.m. due to more significant needs. Education code does not require students to attend an additional hour of preschool due to severity. Preschoolers are served per the IEP; however, students may only need to attend school for 2.5 to three hours daily to gain necessary access and progress toward their goals. Staff reported the students integrate into the community preschool in the afternoons. FCMAT suggests students may integrate with typical peers independently or with classified support as needed, which could occur during the regularly scheduled morning special education session as well. This would reduce the number of students in the special education preschool classroom served at one time and would allow staff to receive breaks and lunches as appropriate.

Special education preschools around the state typically have approximately 12 to 18 students per teacher caseload with some aide support. Districts operate a variety of service models from two to five days per week, typically 2.5 to three hours per session. Many districts operate a staggered day or split sessions. A staggered day is when one session begins an hour earlier and ends an hour earlier than the second session. A split session may better support the district and teacher contract. In this model, the first class session begins at 8 a.m. and operates until 11 a.m., after which the first group of students return home, the teacher takes lunch and then the second session starts with a new group of students after the teacher's lunch. Some districts separate the sessions by severity of disability, and the less severe session operates 2.5 hours while the more intensive program operates three hours. Students are integrated into typical preschool throughout the day either independently or by using instructional aides for additional support.

Various Industry Standards and Code Requirements for Preschool Staffing

Preschool Program	#Students	#Teachers /#Aides	Adult-to-Student Ratio
General Education	16	1/1	1:8
SDC Mild/Moderate	14	1/1	1:7
SDC Moderate/Severe	10	1/1	1:5
SDC Autism Only	9	1/2	1:3
Speech Only	40	1/0	1:40

Sources: 22 CCR Section 101216.3; Education Code Sections 56441.5 and 56441.7; National Research Council Recommendations

The disabilities in the class include one student with other health impairment, four students on the autism spectrum and nine students with speech and language impairments for a total of 14 students. The class is staffed with one teacher and four aides. Per Education Codes 56441.5, 56441.7 and 22CCR 101216.3, the district is overstaffed for the preschool special education program, which includes instructional aides, by 2.2 FTE.

Preschool Staffing

Grade Span	Teacher FTE	Total Students	# of Total IA Hours*	Industry Standard Adult-to-Student Ratio per Session	District Adult-to-Student Ratio	Staffing Above (+) or Below (-) Industry Standard
Preschool	1	14	72	1:5-7	1:2.8	+2.2

Source: District data (*excludes one aide who has physical limitations,) 22 CCR Section 101216.3; Education Code Sections 56441.5, 56030.5, and 56441.7; National Research Council Recommendations

Resource Specialist Program (RSP)

The district operates services that are officially called RSP; however, it operates these programs more aligned with specialized academic instruction (SAI) in an inclusive setting. Therefore, FCMAT is providing the district with information for both RSP and the learning center/inclusion model.

Education Code 56362(c) states, “Caseloads for resource specialists shall be stated in the local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the board. No resource specialist shall have a caseload which exceeds 28 pupils.” In addition, Education Code 56362(6)(f) also states, “At least 80% of the resource specialists within a local plan shall be provided with an instructional aide.”

The district has developed a model in the district termed RSP that closely resembles an inclusive model. The term “inclusive model” has many definitions across California’s school districts. The intent of an inclusive model is for all students to attend the school located within their home boundaries in the grade level that matches their chronological age, in general education classes where they can access the general education curriculum. It is further the intent of this model that students who require SAI receive this service either in the general education classroom or through a pullout service for specific skill building instruction depending on the student’s need.

The district determined that students with special needs would be included in the general education classrooms more so than what they were previously for the reasons mentioned above.

It was further determined that the district would limit the self-contained SDC classes from the continuum of service delivery options. An SDC is a special education service supporting students with SAI on a school campus in a separate classroom and mainstreaming the students into the general education classroom when appropriate.

Interviews and documents consistently indicated the inclusive model has multiple definitions in the district. In the current inclusive model, students are in the general education classroom the entire day. If they cannot access the general education curriculum they are provided a 1-to-1 instructional aide (IA). Many of the students who were formerly in mild/moderate special day classes where there was one special education teacher and one to two IAs are now in a general education classroom with an IA or periodic SAI by a resource specialist. Students can progress in a general education classroom with supports and learn independence; however, it takes specialized training and planning for general education and special education staff to implement successfully. However, there is limited to no collaboration time provided to general education and special education teachers to support students effectively.

Although research shows rapid and successful progress for closing the achievement gap through an inclusive setting, research also shows a 1-to-1 student-to-staff ratio is not the least restrictive environment for students without intensive professional development provided to the general education and special education staff and ongoing collaboration and progress monitoring.

The district operates a K-1 special education classroom for students with other mild/moderate disabilities such as specific learning disabled who require a blended pullout service paired with general education mainstreaming opportunities. Due to the district change in service delivery, there is no continuum of service options for all learners as there are no mild/moderate SDC classes for grades 2-8. Students either attend the inclusive program or the district offers a nonpublic school option in a more restrictive environment and at a higher cost to the district.

Inclusion is not intended to be one size fits all, nor a model that provides a districtwide continuum of services. The inclusion model in the district provides many students with a 1-to-1 IA and is a more restrictive placement and less cost efficient than a special education classroom setting.

Inclusion models can work effectively and efficiently if strategic plans are developed. In fact, it is the CDE's goal to bring one system of education to all districts and break down special education isolation. The CDE recognizes this cannot be implemented quickly and is working on plans to develop ways to support the goal. Until then the district should review its delivery model and look at additional options.

The district has 23 K-12 RSP teachers, who have 25 instructional aides (which the district calls environmental aides), and 23 1-to-1 instructional aides for a total of 48 aides associated with these programs. A 0.6 FTE RSP teacher who is considered the instructional support specialist is not included in this section, but is referred to under the Other Indirect Services subsection in the Related Services portion of this report. There are approximately 396 RSP students for a special education staff-to-student ratio of 1-to-5.6. According to Education Code 56362(c), the district is overstaffed by 8.9 FTE RSP teachers. Should the district decide to alter the delivery model to include a continuum of options for all students, it could develop a learning center model with a 1-to-20-24 ratio and limited aide support. The learning center model takes a systematic approach and a well-developed implementation plan for service delivery. If the district changes to a learning center model, it is overstaffed and could reduce special education RSP teachers by 6.5 FTE.

Current Teacher Caseloads in Learning Center Model

Grade Span	Teacher FTE	Total Caseload	Caseload Average	SAI Industry Standard Caseload Range	Staffing FTE Above (+) or Below (-) Industry Standards
K-8	15	249	16.6	20-24	+4.6
High	8	147	18.4	20-24	+1.9
Total	23	396	17.2	20-24	+6.5

Source: District data and industry standard

RSP Environmental Aides

District administration reported the allocation of aides planned for the Resource Specialist Program is 19.5 hours per week per RSP FTE. Staff reported the district does not follow this process and allocates environmental classroom aides differently throughout the district. For example, one RSP teacher with a caseload of 13 students had 28.5 hours of aide support whereas another teacher with a caseload of 16 students had 40 hours of aide support, and both teachers have one student each with 1-to-1 IA support. Interviews indicate no true process is in place for allocating aide hours. The industry standard is six hours per day or 30 hours per week of aide support per one FTE RSP or SAI mild/moderate teacher. The current districtwide average hours actually allocated per RSP FTE is 26.5 hours per week per environmental aide instead of the district allocation of 19.5 hours per FTE. However, compared to industry standards the district is under by 81.25 hours per week or 2.7 FTE of environmental aides.

Resource Specialist Program Environmental Aide Hours

Grade Span	Teacher FTE	District Pre-Allocated IA Total Hours per Week	District IA Hours Actually Assigned	Industry Standard: IA Hours Weekly per Teacher FTE	IA Staffing Hours Above (+) or Below (-) Industry Standard per Week
K-8	15	292.5	376.75	1 FTE/30 IA hours per week	-73.25
High	8	156	232	1 FTE/30 IA hours per week	-8.00
Total	23	448.5	608.75	690	-81.25

Source: District data and industry standard

RSP 1-to-1 Aides

In addition to the environmental aides, the district allocated 1-to-1 aide support to students needing more intensive instruction or support in the RSP model. No process or assessment is commonly used in the district to determine this support. Staff reported there is an old instructional aide process that is not used and the determination of 1-to-1 aides is inconsistent. FCMAT was unable to define how the district determines that students require this restrictive level of support. Administration stated a new version of a special circumstance instructional assistance (SCIA) process is being developed to use and implement with a fade plan of supports. Per documents provided, the district uses 588 hours of additional 1-to-1 RSP aide time per week. Based on industry standards of six hours per day or 30 hours per week, 19.6 additional 1-to-1 instructional aides serve students in the RSP/inclusion setting.

1-to-1 Aide Hours

Grade Span	Teacher FTE	District I-to-I IA Total Hours	FTE Based on 6 Hours per Day/30 Hours per Week
K-8	15	460	15.3 FTE
High	8	128	4.3 FTE
Total	23	588	19.6 FTE

Source: District data

Mild/Moderate Special Day Class

The district reported there is one districtwide mild/moderate special day class serving kindergarten and first grade students. Six students have disabilities such as autism, specific learning disabilities and speech and language impaired. According to industry standards, this mild/moderate class is 42.5 hours per week over the suggested aide allocation. The district should consider whether or not other district students require more intensive services and increase the grade span and caseload numbers or consider a reduction of weekly aide hours allocated to this program. By industry standards, the district is overstaffed by 1.4 FTE IAs serving students in this mild/moderate setting.

Mild/Moderate Special Day Class Staffing

Grade Span	Teacher FTE	Total Caseload	Industry Standard Caseload Range	Industry Standard for Aide Hours per Week/per Teacher FTE	Total Aide Hours Assigned	IA Hours Above (+) or Below (-) Industry Standard per Week
K-1	1	6	12-15	30	72.5	+42.5

Source: District data and industry standard

Moderate/Severe Special Day Class - PRIME

The district provides moderate/severe programs for grades K-3, 4-8 and high school to 22 years old in the PRIME program. The district also provides an SDC class for students requiring social skills, mental health and self-regulation supports in grades 9-12.

The district is within industry standards for teacher caseloads for K-8 students. It is over industry standards for environmental aides in the K-8 programs by 123 hours per week or 4.1 FTE aides. The K-8 program has an additional three 1-to-1 aides.

The district serves grades 9-12 in the same location and capacity as the 18-22 year-olds, whose curriculum should focus on vocational and daily living skills.

The district may want to consider creating on-site opportunities or work jobs off-site for the 18-22 year old students. The caseload is just above industry standards for a 1.0 FTE teacher and could continue to serve K-12 grades and the 18-22 year olds. The district is under the industry standards for the high school-22 year old population by 1.0 FTE environmental aide. This program has additional 4.25 FTE 1-to-1 aides. The district may be over the industry standards for case management in the social/emotional program; however, it is operated differently from statewide programs of this type. It will need to be reviewed by the district independently since a description was not available.

In summary, the district utilizes 95.5 hours per week or 3.18 FTE environmental aides over the industry standards in the PRIME programs. This does not include the 217.5 hours, or 7.25 FTE, of 1-to-1 aide support per week, which is considered extra.

Moderate/Severe Special Day Class – PRIME Staffing

Grade Span	Teacher FTE	Total Caseload	Caseload Average	Industry Standard Caseload Range	Industry Standard for Aide Hours per Week/ per Teacher FTE	Total Aide Hours Assigned	I-to-I Additional Aide Hours
K-8	2	23	11.5	10-12	120	243	90
High-22 Yrs.	1	13	13	10-12	90	62.5	127.5
Social/Emotional Program	1	19	19	10-12	60	60	0
Total	4	55	13.75	10-12	270	365.5	217.5

Source: District data and industry standard

Recommendations

The district should:

1. Establish one document to use for staffing reconciliation and position control between the Special Education, Business Services and Human Resources departments.
2. Establish regular meetings with the administration in the Special Education, Business Services and Human Resources departments to review the special education staffing according to industry standards and based on identified student needs.
3. Review preschool staffing and consider a reduction of aides to more closely align to Education Code adult-to-student ratio maximums.
4. Consider alternative preschool schedules to better meet the needs of students and staff.
5. Define the RSP/inclusion program and services to ensure all students' needs are met in the least restrictive environment.
6. Develop transparent staffing and caseload guidelines that include program and service descriptions.
7. Consider a reduction of up to 8.9 certificated RSP FTE under the current model, or up to 6.5 certificated FTE if changing to a learning center model.
8. Consider a reduction of 2.7 FTE RSP environmental aides.

9. Consider students who may require more supports and services districtwide and increase the grade span and caseload in the mild/moderate SDC program.
10. Reduce environmental aides in the SDC-PRIME programs by 3.18 FTE.
11. Adopt and implement a comprehensive SCIA procedure that incorporates a formal assessment and the development of annual IEP goals for independence. Provide training on the new procedure for all affected staff.
12. Assign school psychologists as lead staff in using the SCIA procedure to determine the need for 1-to-1 instructional assistance.
13. Assess for current levels of functioning and develop annual goals for independence in the IEPs of all students receiving additional instructional aide support as a written IEP accommodation or individual service.
14. Assess students receiving 1-to-1 supports and determine current needs districtwide of approximately 26.85 FTE 1-to-1 support.

Related Services

The district provides many related services according to student needs outlined in each IEP. It also employs related service providers such as school psychologists, speech and language pathologists, adaptive physical education teachers, occupational therapists, behavioral therapy, workability and a school nurse. The district contracts with nonpublic agencies for physical therapy.

School Psychologists

The district employs a total of 5.2 FTE school psychologists, 5.0 FTE for students ages 5-22 years old and a 0.2 FTE for preschool. The district also has two psychologist interns assisting with assessments and report writing.

CalEdFacts (www.cde.ca.gov/re/pn/fb/) indicates that the statewide average caseload for K-12 school psychologists is 1,050 students; the study team uses this statewide average as the industry standard caseload. The analysis does not break out specialized assignments from within the K-12 population; accordingly, the 0.2 FTE that serves primarily the preschool population is not included in the following table. The psychologists do not provide direct psychological services under mental health, as they contract for these services through county agencies. The psychologists do provide some related services such as counseling prior to a referral for mental health. Interviews indicate the psychologists attend some SST meetings when the team may be considering a referral for special education assessment. Not including the two interns, the district is overstaffed by 1.25 FTE psychologists.

School Psychologist Caseloads

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard	District Staffing Above (+) or Below (-) Industry Standard
Psychologist	5	3,933	786.6	1,050	(+) 1.25

Source: District data and CalEdFacts.

Speech and Language Pathologists

Documents and interviews indicate that the district employs 5.8 FTE speech pathologists. Of that, 0.8 FTE is dedicated to preschool and K-1 students. Caseload guidelines are outlined in Education Code 56363.3 for ages 5-22 as 1-to-55 and 56441.7(a) for preschool as 1-to-40. The table below separates preschool SLP staffing from 5-22 SLP staffing. Documents indicate 21 preschool students and 7 K-1 students receive speech services by the same 0.8 FTE SLP. Because the Education Code caseload differs between preschool and K-22, the preschool SLP should be calculated by the 1-to-40 ratio. FCMAT has placed the seven students in K-1 who are served by this SLP into the K-22 formula. The district is overstaffed in preschool SLP 0.28 FTE. The district serves 256 students through 5.0 FTE for 5-22 year olds and is overstaffed by 0.35 FTE. Therefore, the district is overstaffed, according to Education Code, by 0.63 FTE in total.

Speech and Language Pathologist Caseloads

Provider	No. of FTE	Total Caseload	Caseload Average	Education Code Maximum Caseload	District Staffing Above (+) or Below (-) Ed Code
Speech and Language Pathologist (ages 5-22)	5.0	256*	51.2	1:55	+0.35
Speech and Language Pathologist (Preschool)	0.8	21**	21.0	1:40	+0.28

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

*Includes 7 K-1 students currently being served by the preschool SLP

**Does not include 7 K-1 students

The district also employs 1.0 FTE speech and language pathologist aide (SLPA). SLPAs are not case managers, and this position therefore is not included in the caseload average in the previous table. The SLPA is able to provide services under the direction of the SLP and serves primarily in the moderate/severe classes.

Adaptive PE

The district employs 1.0 FTE adaptive physical education teacher who serves 42 students, which is just below industry standards. The district provides small group and minimal individualized service delivery.

Adaptive PE Teacher Caseload

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard
Adaptive PE Teacher	1	42	1:42	1:45-55

Source: District data and industry standard

Occupational Therapy

The district employs 2.0 FTE occupational therapists (OTs) who serve 103 students. The industry standard is 45-55 students per FTE. The service delivery model includes pullout, 1-to-1 and an after school sensory integration clinic. This type of after school sensory integration program is seldom used in schools and is left up to clinic based providers. Districts typically provide sensory supports in the classroom or in sensory rooms during the school day. The district also contracts for a 0.6 FTE certified occupational therapist aide (COTA) to deliver services to students. Staff reported that since IEP meetings cannot be held before or after school, the OTs must be able to continue the services per the IEPs and therefore need the COTA support, although the district is within industry standards for caseloads.

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard
Occupational Therapist	2	103	Within	1:45-55

Source: District data and industry standard

Board Certified Behavior Analyst (BCBA)

The district employs a board certified behavior analyst (BCBA) to support students and staff. The BCBA's role is to decrease the required nonpublic agency (NPA) services and support students through district services. The BCBA also provides training, data analysis, functional behavioral assessment, behavior intervention plan development and implementation training of the plan. The BCBA keeps daily logs of services provided and contacts with staff, students, families and vendors. The BCBA has approximately 24 students on her caseload. There are no industry standards for BCBA's in the schools, as this position and job description varies from district to district.

Nurse

The district provides a variety of health-care services to general and special education students including state mandated testing and health updates for students with IEPs for initial and triennial meetings. The district employs 1.0 FTE school nurse. The statewide average caseload for a school nurse is 2,368 students. The district's nurse has an average caseload of 3,933, which is above the industry standard by 0.66 FTE.

Nurse Caseloads

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard	Staffing Above (+) or Below (-) Industry Standard
Nurse	1.0	3,933	1:3,933	1:2,368	-0.66

Source: CalEdFacts, district data and industry standard

Other Indirect Services

The district employs a 0.6 FTE RSP teacher who serves in a position similar to a teacher on special assignment. The duties include teacher instructional support, new curriculum development, IEP support, assessments for private schools as needed, compensatory education services as needed and inclusion supports. The district determines need from year to year. This position does not have a direct service caseload.

The district employs a workability specialist who is funded to serve 134 students and place 30 students at a supported job site. This is a reasonable caseload considering the district's size. The position provides career assessments and attends IEP meetings as well as job placements.

Recommendations

The district should:

1. Consider decreasing psychologists by 1.25 FTE or add responsibilities to support RtI development.
2. Redirect the correct SLP resource funding from preschool to the K-22 funding source for the seven K-1 students served by the preschool SLP.
3. Consider reducing SLPs by 0.63 FTE.

4. Continue the current APE staffing and service delivery model.
5. Continue the current OT staffing.
6. Consider alternatives to the after school OT sensory integration clinic.
7. Continue behavioral support.
8. Consider credentialed nurse staffing increase of 0.66 FTE.

Identification Rate

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

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

In recent years, the district has declined in total student enrollment and has decreased in the number of identified special education students. The statewide identification rate average is 10.7%, and the district's 2016-17 and 2017-18 identification rate has remained flat at 13.0% for 2016-17 and 12.9% for 2017-18.

Identification Rate

School Year	Total Enrollment	Students with IEPs	Percentage
2015-16	4,144	*	*
2016-17	4,023	522	13.0
2017-18	3,933	508	12.9

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

*District did not provide CASEMIS December District of Residence report for 2015-16

The table below shows the district's identification rate by disability compared to the state averages. FCMAT could not determine county level identification rates since DataQuest reports do not include values where the number of students is under 11, and each disability category contained an asterisk and did not report totals. The district did not obtain local California Special Education Management Information System (CASEMIS) reports to be analyzed. In 2016 the district was over the state averages in six disability categories; the highest were OHI and autism. The district should determine the root cause of the overidentification of both eligibility areas. Some questions to ask during the analysis would be:

- OHI – Could the student have been served through a 504 Plan with accommodations?
- Does the district complete its own ADD/ADHD, anxiety and depression evaluations to determine need?
- Autism – Is the student receiving general education interventions through social skill development before special education assessment?
- Have the staff been thoroughly trained in a variety of assessments specific to autism eligibility?
- Do the psychologists have the appropriate assessments for autism evaluations?

*December 1, 2016 Identification Rates by Disability**

Disability	District	County	State
Intellectual Disability	2.3	*	5.8
Hard of Hearing	0	*	1.3
Deaf	0.5	*	0.4
Speech or Language Impairment	22.6	*	21.2
Visual Impairment	0.9	*	0.4
Emotional Disturbance	4.2	*	3.2
Orthopedic Impairment	0	*	1.4
Other Health Impairment	15.9	*	12.0
Specific Learning Disability	35.0	*	38.8
Deaf-Blindness	0	*	0
Multiple Disability	0.9	*	0.9
Autism	17.0	*	13.2
Traumatic Brain Injury	0	*	0.2

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

*The district did not obtain county data, and DataQuest data was not available because values less than 11 are not reported and each disability category contained an asterisk and did not report totals.

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

The chart below demonstrates the increase or decrease of each disability category from 2015-2018.

District Identification Rates 2016-17 to 2017-18

Disability	2015-16	2016-17	2017-18
Intellectual Disability	*	2.3	2.3
Hard of Hearing	*	0	0.6
Deaf	*	0.5	0.8
Speech or Language Impairment	*	22.6	18.9
Visual Impairment	*	0.9	0.8
Emotional Disturbance	*	4.2	3.7
Orthopedic Impairment	*	0	0.6
Other Health Impairment	*	15.9	16.8
Specific Learning Disability	*	35.0	37.1
Deaf-Blindness	*	0	0
Multiple Disability	*	0.9	0.8
Autism	*	17.0	17.6
Traumatic Brain Injury	*	0	0

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

As district enrollment declines, special education identification rates have increased in multiple areas such as hardness of hearing, other health impairment, specific learning disability, and autism. Special education identification rates have declined in the areas of speech or language impairment and multiple disabilities.

The Rehabilitation Act of 1973 (PL 93-112), amended in 1992, includes Section 504, which affirms the right of any student or adult who has a mental or physical impairment that inhibits a major life activity including learning; has a history of such an impairment; or is considered by a team of knowledgeable individuals to have such an impairment, from being discriminated against in a program or activity receiving federal financial assistance. This act also requires that students be given a free appropriate public education in regular education classes, with necessary supplementary aids and services, if they are determined by a school team to be disabled under Section 504 or the Americans with Disabilities Act (ADA). Such eligibility may exist without concurrent eligibility for special education under the Individuals with Disabilities Education Act (IDEA). Although students identified as needing a 504 plan often do not receive additional supplementary aides and services they may be eligible for such services without any additional funds from state or federal resources to support such services, continuing to add to the financial burden of the general fund. 504s are increasing steadily as enrollment declines and the district should review and evaluate all 504 plans for trends in impairments limiting a major life function, including education.

The table below reflects the increase in students eligible for 504s. When these percentages are combined with the district's special education identification rates, students receiving special education services or potentially eligible for such services have increased from 15.9% in 2016-17 to 16.4% in 2017-18.

504 Identification Rates 2015-16 to 2017-18

School Year	Total Enrollment	Students with 504s	Percentage
2015-16	4,144	119	2.9
2016-17	4,023	118	2.9
2017-18	3,933	136	3.5

Source: District-provided CASEMIS, 12-10-15, 1-19-17, 12-26-17

Recommendations

The district should:

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

Continuum of Services

FCMAT analyzed whether the district provides a continuum of services, including whether it places students in the least restrictive environment. The IDEA establishes nationwide minimum standards for services to disabled children, and related services to all eligible infants, toddlers (preschoolers), children, and youth with disabilities up to age 22. Further, each state must ensure that a free appropriate public education (FAPE) is available to any disabled child who needs special education and related services, regardless of whether he or she has not failed or been retained in a course or grade and is advancing from grade level to grade level (34 CFR 300.101 (c)).

The district's general service delivery model focuses on push-in and co-teach in grades K-8, co-teach and one mild/moderate class at the high school level, and five moderate/severe classes from preschool-12+. Few options exist in the district for students needing more intensive services than can be provided in the general education setting, which may lead to students being placed in an NPS or being inadequately served.

Preschool

The district program serves students with disabilities ages 3 -5 through a designated preschool program at Beverly Vista Elementary. The program includes embedded speech and language services and occupational therapy. Students with additional needs may receive additional physical therapy and behavior intervention. Students requiring additional opportunities with typical peers or preparing to transition to kindergarten are supported after the district preschool program in the Beverly Hills Parks and Recreation preschool program.

The 2015-16 Annual Performance Report indicates the district will need to address the number of students ages 3-5 served or placed in separate settings like the SDC preschool program and the NPS placements for the students with low incidence disabilities. In 2015-16, 55.1% of students ages 3-5 were served in a separate setting; the target is less than 34.4%. The district should review all preschool placements and develop a plan to serve more students in settings with nondisabled peers.

Kindergarten – Eighth Grade

As indicated in a 2011 FCMAT report, the district has moved significantly away from an RSP for students needing SAI less than 50% of the day and an SDC program for students needing more intense SAI for more than 50% of the day, and mainly places students in the general education class for most of the school day. Staff interviews indicate they continue to struggle with scheduling since special education students are not clustered into general education classes, and general education teachers do not teach the same subjects at the same time. The district should consider aligning instructional time for English language arts and math to better support special education required academic support and to support a comprehensive intervention model as the district explores Rt². The lack of a coordinated subject schedule has also led to the district needing to hire additional instructional aides and teachers to cover changing schedules and student needs.

The district offers a K-2 moderate/severe SDC at Beverly Vista Elementary for students primarily with autism. This classroom supports students with more intense needs transitioning from the preschool program and requiring SAI for a greater portion of the student's instructional day. All other students with SAI needs are served in the general education classrooms or separate settings like nonpublic schools.

In grades 7-8, the district utilizes the same push-in model for special education students with the addition of co-teaching for core subjects. Staff indicate that co-teaching has been successful, but only when the general education teacher and special education teacher have the same understanding of the curriculum and of the instructional objectives being taught, and communicate clearly and frequently. In situations when this does not happen, the special education teacher is utilized more as an instructional aide. The district should evaluate the co-teaching model and determine if the additional cost of special education teachers and instructional aides warrants continuing the program. In addition to the above challenges related to placing most special education students into the general education classes, interviews indicated special education teachers have challenges getting access to adopted instructional materials; both teacher editions and supplemental materials for students needing additional curricular support. As part of a districtwide strategic plan, the Education Services and Student Services departments should form a committee to determine the continued effectiveness of push-in and co-teach models versus a coordinated learning center model. The learning center model has three main purposes:

1. To teach strategies
2. To provide intensive instruction
3. To monitor student progress

The learning center allows for flexibility in service provision for both general and special education students since it is staffed with special education teachers, designated instruction providers, categorical staff (Title I) and general education teachers and aides. This model supports providing SAI for students with IEPs and targeted intervention curriculum (both short and long term) depending on student need. Teachers use ongoing progress monitoring to assist in determining the level of instructional support.

In addition to the push-in and co-teach model, the district offers two moderate/severe classes called SDC PRIME for grades K-4 and 5-8 at Horace Mann Elementary. These classes utilize a modified alternative curriculum and focus on functional living, community, recreational, and vocational skills.

Ninth Grade through Twelfth Grade

The district offers push-in, co-teaching, study skills class, SDC PRIME transition class and SDCs for students with emotional challenges in grades 9-12. The SDC supports students with social emotional challenges that limit their ability to successfully stay on the Beverly Hills High School campus the full day. The classroom is located in the administration building across the street from the high school. Students identified for this class have the opportunity to receive emotional support, additional instruction, and physical separation from the main campus. Students attending this SDC have access to Tri-City SELPA ERICS individual and group counseling. The district should regularly evaluate the benefits and potential safety risk of this classroom location.

The high school transition PRIME class serves 13 students ranging from grade 9 to 22 years old. Interviews and documents indicated almost 50% of the students are 18-22 years old and do not receive the appropriate level of transition focused services. A January 18, 2018 CASEMIS report provided by the district indicates the only transition service provided at the high school is Career Awareness (840). Services such as College Awareness (820), Vocational Assessment, Counseling, Guidance, and Career Assessment (830), Work Experience Education (850), Job Coaching Services (855), Mentoring (860), Agency Linkages, Referral and Placement (865), Travel Training (870) and Other Transition Services (890) are not provided at the high school. Not all of these

services are appropriate for all students, so the district should review all IEPs of students at the high school, especially those in the PRIME program, assess the need of each student and hold an IEP to provide the appropriate transition services. The same report shows grades 9-12 students placed by the district in NPS lack the same transition services. The district should also assess the transition needs of all high school and 18-22 year old students placed in NPS, and offer the appropriate transition services through the IEP process.

Nonpublic Schools

The district's service delivery model of push-in, co-teach, and moderate/severe SDC programs creates limiting conditions where students with more intense academic needs, behavioral needs, and intense medical needs are placed in more restrictive and expensive NPS settings. Four percent of district special education students ages 6-22 are placed in restrictive, separate NPS settings; this is just under the 4.4% 2015-16 Annual Performance Report target established by the state. The district should closely monitor the number of students placed in separate schools and develop plans to create additional placement options in its schools. Staff interviews indicated students in grades 6-8 with emotional or behavior needs are placed in separate schools in lieu of developing more supportive district programs. District provided data indicates only four of the 18 NPS placements are grades 6-8. The district should evaluate all NPS placements and consider developing more district classes for students grades 9-12 placed in more restrictive NPS placements.

Interviews indicated an NPS by the name of Napa Center will be closing soon and the district is having difficulty finding an alternative placement for the student currently placed in that setting. The district should continue conversations with the Tri-City SELPA director and surrounding school districts to find alternative placements and more supportive, integrated options for students with low incidence disabilities needing more comprehensive services.

Educationally Related Mental Health Services

The Tri-City SELPA offers the ERICS program for students requiring social emotional and/or behavioral challenges that impact the learning of the student or others. Services include intensive individual or group counseling, parent training or consultation, intensive support services, and residential treatment centers. Interviews indicate the services are available to all students identified with the additional need, and are made available individually.

Regional Services

The district will continue to face placement challenges as more SELPAs and county offices reduce service options. This is evidenced by a notice the district received from the Southwest SELPA stating that the county office will no longer operate the regionalized program located in the Southwest SELPA and that the District/SELPA Fiscal/Participation Agreement will change or be canceled. The district has memorandums of understanding with the county office for a deaf/hard of hearing teacher, Los Angeles Unified School District for low incidence SDC placement, and Tri-City SELPA for audiological services. The district should actively communicate with the Tri-City SELPA director, member districts, and surrounding districts regarding regional needs and how students will continue to be served in the least restrictive environment.

As the table below indicates, the district provides limited service options unless the SAI happens in the general education environment. This scenario creates pressure on staffing, scheduling, IEPs, and costly, more restrictive NPS placements.

District Special Education Service Options

School	General Education	Mild/Moderate	Moderate/Severe
Beverly Vista Elementary	Push-in K-6 Co-Teach 7-8		Preschool K-2
Horace Mann Elementary	Push-in K-6 Co-Teach 7-8		K-4 5-8
El Rodeo Elementary	Push-in K-6 Co-Teach 7-8		
Hawthorn Elementary	Push-in K-6 Co-Teach 7-8		
Beverly Hills High School	Co-Teach	9-12	9-12+

The district is at risk of not offering a complete continuum of services for students ages 3-22 with low incidence disabilities, as most of the students with more severe multiple disabilities are served in the home, separate nonpublic settings, greater SAI after grade 2 (not including the PRIME classes), and lack of transition services for students age 18-22 at the high school and NPS. As part of a comprehensive strategic plan, the district should evaluate how it serves the more severe students with multiple disabilities, evaluate the matriculation of students needing more intense SAI after grade 2, evaluate a learning center model to serve the range of students needing SAI and intervention, and consider adding a teacher to support students 18-22 with focused transition services and agency linkages.

Recommendations

The district should:

1. Evaluate the continued placement of preschool students placed in the special day class at Beverly Vista Elementary and determine if there are less restrictive settings for this age group.
2. Consider aligning instructional time at the elementary sites for English language arts and math to better support special education required SAI support.
3. Evaluate providing more intense SAI in more supportive settings beyond second grade.
4. Develop a committee led by the Student Services Department to evaluate the effectiveness of the co-teach model and provide professional development for all teachers implementing a co-teach model for students with and without disabilities.
5. Utilize this committee to evaluate the implementation of a learning center model for students with and without disabilities.
6. Ensure that special education teachers are part of the adoption process for instructional materials and have complete access to teaching editions and supplementary materials.

7. Regularly evaluate the benefits and potential safety risks of the location of the classroom for students with additional emotional support.
8. Review the individual IEPs of district students who receive special education service and have IEP goals that indicate moderate/severe needs to determine if progress has been made toward established goals.
9. Assess the transition needs of all high school and 18-22 year old students served at Beverly Hills High School and NPS, and offer the appropriate transition services through the IEP process.
10. Consider assessing and developing more district classes for grades 9-12 placed in more restrictive NPS placements.
11. Review the cost of out-of-district placements and the incidence of students with moderate/severe needs who are not making adequate progress in district services. Determine if student benefit and potential cost savings could be achieved by developing district moderate/severe services for specific special education populations such as students on the autism spectrum and those with emotional disturbance.
12. Communicate with the Tri-City SELPA director and surrounding school districts to find alternative and more supportive and integrated options for students with low incidence disabilities needing more comprehensive services.
13. As part of a district strategic plan, develop a written plan of how the district will support and matriculate all students with disabilities from preschool to age 22.

Nonpublic Schools and Agencies

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

A private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the department. It does not include an organization or agency that operates as a public agency ... an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, or a public university or college. A nonpublic, nonsectarian school also shall meet standards as prescribed by the Superintendent and board.

NPS is an option in the continuum of service for disabled students. Students are placed in an NPS when their unique needs outlined in an IEP require specialized programs that are unavailable in the district. The district negotiates NPS contracts and develops individual service agreements for the students served.

FCMAT found significant discrepancies in the data documenting the costs of NPS/NPA between the various documents used by the Special Education and the Business Services departments. The Business Services Department provided two sets of documents for NPS/NPA for 2015-18 and the Special Education Department another for the same years. The Special Education Department document was more reliable and matched to services currently being provided, so FCMAT used this document for information provided in this section.

Total Enrollment in Nonpublic Schools 2015- 2018 (Day School and Residential)

School Year	# of Students	Annual Day School Costs	# of Students	Annual Residential Costs	Total Annual NPS Costs
2015-16	16	\$743,087	3	\$386,446	\$1,129,533
2016-17	22	\$899,302	4	\$376,641	\$1,275,943
2017-18	13	\$475,197	2	\$265,051	\$740,248 to date

Source: District provided documents/NPS contracts 2015-16, 2016-17 and 2017-18 to date

The Special Education Department has a protocol to manage NPS/NPA contracts. The board annually approves a master contract for each NPS. Individual service agreements are created by the Special Education Department's administrative aide for all students enrolled in nonpublic schools. Costs are tracked by purchase order, actual costs to date, and the number of students receiving services. The current duties and responsibilities chart for 2017-18 indicates that NPS/NPA is a responsibility assigned to the assistant superintendent, student services. Individual case management is the responsibility of the program specialists.

Staff indicated there is a gap in the process of oversight of NPS/NPA. The district has a process to create a contract, but no system for oversight of the document. The Business Services Department needs more information about the services provided through both NPS/NPA. More communication between Special Education and Business Services is necessary. The roles and responsibilities of each department should be clearly defined and discussed so that each department understands its role in providing and accounting for NPS/NPA services.

The departments lack an ongoing mechanism for discussion and communication on issues involving NPAs and NPSs. Fiscal staff indicated that they would like some training on the IEP process and the components of NPS contracts such as individual service agreements and invoicing.

The district spends over \$1.1 million annually for NPS placements. Decisions to enroll students in NPS are based on the specific student needs outlined in the IEP and are made annually by the IEP team, so the numbers will fluctuate based on those decisions.

Mental Health

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

The Tri-City SELPA has developed a comprehensive system of support for social-emotional and behavioral needs called Educationally Related Intensive Counseling Services (ERICs). Using the allotted federal and state mental health dollars, the SELPA has established a sequence of services and programs for students with disabilities that have mental health needs. The program does not rely on a general fund contribution. The district has a low level of participation in this program.

Residential placements are for students who require 24-hour out-of-home care based on their specific mental health needs outlined in the IEP. Most of these placements are out of state with an annual cost of \$150,000-\$200,000 per student. The district has averaged three students per year over the past three years and assumes full responsibility for the payment for all residential placements. At the end of the year any funds that remain in the mental health budget at the SELPA are returned to the member district on a proportional average daily attendance (ADA) basis to offset residential costs. The district has received funds each year; however, FCMAT was unable to locate this funding in the NPS budget.

According to district reports, the student numbers for NPS have fluctuated and decreased in 2017-18. Alternative placement options are very limited in the Tri-City SELPA, so NPSs are the primary provider for student placements. The district has one student in a county moderate/severe program through the county office. The SELPA structure does not include regional programs.

Nonpublic Agencies

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

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

Nonpublic agency includes the following three main expenditures:

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

Replacement positions have already been discussed in the staffing section; however, the cost of these services is included in the NPA section.

The NPA costs include both replacements for open, unfilled positions, and direct services provided to students such as social skills training, behavioral, and autism consultation. These are services not available in the district.

During 2016-17 the district did not have a director of special education. That position was covered by two consultants at a cost of \$335,000.

Total Annual Cost for Nonpublic Agencies

School Year	Staffing Replacements	Services	Total Annual Costs
2015-16	\$270,000	\$443,000	\$713,000
2016-17	\$335,000 (Admin. Staffing)	\$935,000	\$1,270,000
2017-18*	\$300,000	\$566,731	\$866,731

Source: District provided documents and contracts 2015-16, 2016-17, 2017-18

*Costs incurred at the time of the FCMAT study. Costs will continue to increase throughout the year.

NPA costs will vary from year to year and can be reduced in two ways. If the district is fully staffed with certified teachers and specialists, the NPA costs would almost be eliminated. As the district builds capacity to provide intensive and specialized programs, the need for outside vendors would be reduced significantly.

Recommendations

The district should:

1. Develop a clear protocol for the oversight of NPS and NPA once the master contract has been board approved and invoicing begins.
2. Establish an ongoing mechanism for improved communication between the fiscal staff and the special education office.
3. Provide training on the IEP process for NPS/NPA for business office staff with emphasis on the key components necessary in both the master contract and individual service agreements.

4. Ensure that all students with disabilities eligible for mental health services are accessing the ERICS services provided by the SELPA.
5. Track the annual reimbursement for the redistribution of mental health dollars back to districts in the NPS budget.
6. Consider separating costs for nonpublic schools and agencies for budget and reporting purposes.
7. Recruit and secure speech pathologists, occupational and physical therapists.
8. Identify the areas of intensive programming needed in the department and build capacity with district staff to provide these services in lieu of outside vendors.
9. Develop strategies to decrease NPS costs through the provision of services in districts programs.

Organizational Structure

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

The La Canada, Oak Park and South Pasadena unified districts were used for comparison. These are similar K-12 unified districts based on total enrollment, identified students with disabilities, students eligible for free and reduced-price meals and the English learner population.

Although comparative information is useful, it should not be considered the only measure of appropriate staffing levels. School districts are complex and vary widely in demographics and resources. Careful evaluation is recommended because generalizations can be misleading if unique circumstances are not considered.

Comparison District Information

	Total Enrollment	English Learners	Free/Reduced Meals	Students with Disabilities
Beverly Hills USD	4023	6.3%	8.7%	568
La Canada USD	4132	1.5%	5.5%	352
Oak Park USD	4584	5.5%	5.0%	361
South Pasadena USD	4779	7.4%	13.3%	397

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

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

Administrative Management and Clerical Support Positions

	Beverly Hills	La Canada	Oak Park	South Pasadena
Assistant Superintendent	1			
Executive Director		1		
Director	1*		1	1
Administrative Aide	1	1	1	1
Program/Ed Specialist	2	1	1	1
Instructional Support Specialist	1			
Total	6	3	3	3

Source: District's website and report 2017

*Director position was vacant at the time of FCMAT's study

The findings indicate three comparably sized districts have one assistant superintendent, executive director or director and one administrative aide. The administrators have dual responsibilities for special education and pupil services.

The district staffing structure for special education exceeds that of comparably sized districts by three additional positions. There are two program specialists, two administrators and one teacher on special assignment (instructional support specialist).

The district's administrative structure has been in place many years, and the roles and responsibilities have changed and adjusted with the significant turnover in special education leadership over the last 10 years. In addition to the assistant superintendent, the administrative staff in 2017-18 also included a director of student services and special projects and an instructional support specialist (a teacher on special assignment focused on curriculum development). The director position was vacant at the time of FCMAT's study.

Plans are under way for a restructure of leadership positions and responsibilities. The assistant superintendent will maintain responsibility for both special education and pupil services. The director and instructional support specialist responsibilities will be designated coordinator positions with oversight in special education and student services.

Functionality

School site administrators, special education teachers, psychologists, counselors and related service providers lack professional development.

Special education lacks a procedural handbook and ongoing job-alike meetings with staff. The requirements for the implementation of IDEA require staff access to a procedural manual that provides necessary guidance on the compliance issues related to IEPs. The assistant superintendent has started working with the staff on developing the handbook, with the fall as the targeted date for implementation.

During the interviews with staff at all levels, FCMAT found there is confidence and support for the new assistant superintendent. In the past years communication was ineffective and the staff felt unsupported. There was a systemic lack of responsiveness throughout the Special Education Department. There now is a sense of encouragement with new leadership, with evidence of effective communication and improved support to staff.

Recommendations

The district should:

1. Finalize the development of the new procedural handbook.
2. Ensure that there is a sequence of professional development activities for site administrators and all staff on the use of the new handbook.
3. Create opportunities for special education staff to meet in job-alike meetings at least quarterly to ensure there is procedural continuity throughout the department.

Due Process and Litigation

The IDEA requires school districts to implement all procedural safeguards for children with exceptional needs. When disputes arise over identification, assessment, educational placement or the provision of FAPE, steps are outlined in the procedural safeguards regarding efforts to resolve disagreements at the lowest level (EC 56500.3). Special education is a highly litigated area of federal law, with the primary basis of litigation on disputes over providing a FAPE.

The district makes every effort to resolve disputes in special education at the lowest level. Disputes are over the district's provision of FAPE and are initiated by parents over concern for inappropriate programming options for students.

Total Costs for Parent Legal Settlements 2015-2018

School Year	Parent Settlement Costs
2015-16	\$422,487
2016-17	\$502,456
2017-18*	\$574,199

Source: Settlement agreements and district data 2015-18

*Costs incurred at the time of the FCMAT study

The lack of available regional classes among the member districts of the Tri-City SELPA creates difficulties when districts cannot access viable options for the provision of FAPE.

In past administrations, the standard of practice has been to roll over settlement agreements and carry forward the NPS expenditures from year to year. This has an ongoing and significant impact on the NPS budget.

Conversations are under way by the districts in the SELPA to create an SDC for students identified as emotionally disturbed with mental health needs as early as fall 2018. The district has not participated in these discussions.

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

300.115 Continuum of alternative placements.

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

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

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

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

(34 CFR 300.115)

Recommendations

1. Participate in discussions and planning with other directors in the SELPA to create more intensive regional program options to meet FAPE requirements.
2. Develop district protocol and procedures for the re-evaluation through the IEP process of all NPS cases each year before automatically rolling the placement and costs into the next year.
3. Determine the feasibility of creating district programs that meet the FAPE requirements of federal law.

Fiscal Considerations

The special education funding structure was established by Assembly Bill (AB) 602, which was signed into law in 1997 and became effective with the 1998-99 fiscal year.

Under AB 602, special education funding is based on the ADA of all district students, regardless of the number of those served in special education programs or the cost to serve them. California distributes special education funds to SELPAs.

In addition to AB 602 state funding, districts receive a small amount of federal funds. These sources of funding are designed to supplement the general education program, not support a standalone program. Therefore, the combined state and federal financial resources are insufficient to cover even the most efficient special education programs. Districts make contributions from local resources generated by all students, including special education students. This contribution is the amount of funding that a district must transfer from its unrestricted general fund to pay for the portion of special education costs that exceeds program revenues.

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

1. Voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
2. A decrease in the enrollment of children with disabilities.
3. The termination of the obligation of the agency to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the state educational agency, because the child:
 - a. Has left the jurisdiction of the agency;
 - b. Has reached the age at which the obligation of the agency to provide free and appropriate public education (FAPE) to the child has terminated; or
 - c. No longer needs the program of special education.
4. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

Source: California Department of Education, Exempt Reductions to Maintenance of Effort, www.cde.ca.gov/sp/se/as/documents/leamoeexempwrkshst.xls

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

Under the previous K-12 finance system, general education ADA funding generated by SDC attendance was transferred from the unrestricted general fund to the special education program. This ADA is no longer reported separately, and the CDE determined the transfer should no longer occur under the LCFF. Because of this, general fund contributions to special education can be higher under the LCFF, but do not necessarily indicate increased adverse impacts on the district's resources.

Special education financial reporting methods used by districts, county offices, and SELPAs can vary. For example, some districts include special education transportation costs, while others do not. It is not always possible to accurately compare a district's unrestricted general fund contribution to that of other districts; however, a district should address a contribution that is excessive or increasing. MOE documents provided to FCMAT indicate the district's unrestricted general fund contribution (including special education transportation) was \$7,227,826 or 62.1% of total special education expenditures in 2015-16, \$7,380,898 or 63.6% in 2016-17 and \$7,801,903 or 70.5% (projected) for 2017-18. This information is summarized in the table below.

Unrestricted General Fund Contribution

	2015-16	2016-17	2017-18 Adopted Budget*
Total Special Education Costs	\$11,643,581	\$11,606,469	\$11,071,948
General Fund Contribution to Federal and State Resources	\$7,227,826	\$7,380,898	\$7,801,903
Contribution Percentage	62.1%	63.6%	70.5%

Source: District SEMA forms

*The Adopted Budget figures do not include program cost allocations that will be calculated at the unaudited actuals reporting period. These allocations (\$990,585 in 2016-17) will increase the final contribution percentage.

The contribution to special education has remained relatively constant in the last two fiscal years. In the current year it is expected to increase to at least 70% based on 2017-18 Adopted Budget numbers, and to approximately 73% if an additional \$1 million in program cost allocations is added to the 2017-18 final numbers. According to the report titled "Coalition for Adequate Funding for Special Education; 2016-17 Maintenance of Effort Reports by Special Education Local Plan Area," the statewide average unrestricted general fund contribution to special education was 64.5% for the 2016-17 fiscal year. Beverly Hills, at 63.6%, was close to the statewide average as was the case for 2015-16, with Beverly Hills at 62.1% versus 61.8% statewide from the same report.

As the table below illustrates, between 2015-16 and 2016-17 the district's identified special education pupil count has increased by four pupils, or less than 1%, and expenditures per identified special education pupil decreased by \$243 per pupil or 1.1%.

Expenditures Per Pupil

	2015-16	2016-17
Total Special Education Costs	\$ 11,643,581	\$ 11,606,469
Number of Students with IEPs	518	522
Special Education Cost per Student	\$22,478	\$22,235

Source: District SEMA forms and CASEMIS

Data from a School Services of California (SSC) report titled “Comparative Analysis of District Income and Expenditures: 2016-17 Information” (CADIE) indicated that the district spends more on special education per total ADA than similar geographic, similar demographic and similar sized districts, as the table below illustrates. Given an ADA in 2016-17 of 3,994 as reported by the CDE, if the district spent the same for special education programs per ADA as the average of similar districts based on demographics, it would have spent approximately \$1.4 million less in the 2016-17 year.

Special Education Program Expense Per Average Daily Attendance

	Beverly Hills USD	Geographic Comparisons	Demographic Comparisons	Size Comparisons
Special Education Expense per ADA	\$2,779	\$2,335	\$2,426	\$1,698
Difference vs. BHUSD		(\$444)	(\$353)	(\$1,081)

Source: SSC CADIE Report 2016-17

As illustrated in the three tables above, in comparing the 2015-16 and 2016-17 fiscal years it can be seen that the district was fairly consistent in terms of the amount spent on special education, the unrestricted general fund contribution to special education and the contribution percentage. However, the actual expenses per ADA seem to indicate a significant discrepancy between similar districts in terms of the amount spent per total district ADA for special education programs. FCMAT was unable to determine if there was a methodological difference as to how the district codes special education revenue and expenditures versus other districts to explain the potential discrepancy.

Position control is an important element of fiscal control and reconciliation for school districts. It is essential for budgeting because personnel are typically 85% to 90% of a school district’s costs. A strong position control system allows control and management of the budget, reduces the risk of improper reconciliation of authorized positions, allows more accurate reporting, and provides improved information about a district’s positions and vacancies.

For proper position control, total special education positions and services needed would be identified by the Special Education Department and then compared to authorized and filled positions in the human resources system. Staff reported that position control numbers, which indicate the cost of a particular position and the funding source, are not reconciled by the human resources department against a list of board-authorized positions that can be filled. This violates one of the vital components of position control because unauthorized positions can still be filled.

Staff also reported that unneeded position control numbers are not deleted from the system, but sometimes are retained for potential needs at a future date, which again removes an important component of position control. This could allow unauthorized hiring to occur. In addition, no systematic review process occurs during the year to ensure that the site personnel allocations established at the beginning of the year remain in effect.

The district's special education budget is developed using a rollover process with some modifications based on known changes for the upcoming year. The budget for 2017-18 was essentially the 2016-17 projected ending budget. Instead, the special education budget for 2018-19 and 2019-20 should be developed each year using the services needed by students to build staffing benchmarks, and comparing those benchmarks to the staffing situation at each site.

Although the 2015-16 and 2016-17 special education expenditures were relatively constant and approximately equal in terms of general fund contributions versus statewide averages, of larger concern in Beverly Hills is the lack of systems for fiscal monitoring and reconciliation between departments. Each department stated that its data is accurate; however, some staff reported they are uncertain about the data they receive from other departments. The Special Education, Human Resources and Business Services departments need reliable data including the number of students served, services needed and provided, and the related budget. This would start with a systemized process in the Special Education Department to include the SEIS-recorded services into the totals needed by type of service, by site, and districtwide. Some staff reported a lack of confidence in the verification of special education invoices to be paid. All of these factors indicate an environment in need of increased fiscal oversight. Several staff reported that the addition of a staff accountant dedicated to special education matters reporting to Business Services would increase fiscal oversight and data accuracy.

Recommendations

The district should:

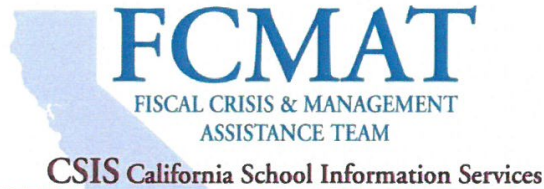
1. Continue to monitor its unrestricted general fund contribution to special education.
2. Implement a strong position control system, and consider moving position control to the Business Services Department for budgeting purposes.
 - Ensure that the Special Education Department performs a systematic review of data produced by SEIS to determine services needs and group those services by type of service, by site, and districtwide.
 - Ensure the Human Resources Department verifies approved and open position control numbers to the financial system data.
 - Schedule and hold monthly meetings of the Special Education, Human Resources and Business Services departments to reconcile position control information.
3. Require the Special Education Department to regularly review special education personnel and services performed at each site. Reconcile this information with the SEIS reports of personnel and services required by IEPs.

4. Request that the Special Education Department use information from the above recommendation to check available resources before submitting requests for additional personnel or services.
5. Implement a working group to resolve data inconsistencies between the Special Education, Human Resources and Business Services departments.
6. Evaluate each line item of the special education budget during its development each year and ensure that the most current information and assumption factors are included.
7. Consider adding a special education accountant position to increase fiscal oversight and data accuracy.

Appendix

A: Study Agreement

Appendix A - Study Agreement



**FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM
STUDY AGREEMENT
November 2, 2017
AMENDED STUDY AGREEMENT
April 24, 2018**

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

1. BASIS OF AGREEMENT

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

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

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

1. Review the district's implementation of Student Success 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 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 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. \$650 per day for each staff member while on site, conducting fieldwork at other locations, presenting reports and participating in meetings. The cost of independent FCMAT consultants will be billed at their actual daily rate for all work performed.
- B. All out-of-pocket expenses, including travel, meals and lodging.
- C. The district will be invoiced at actual costs, with 50% of the estimated cost due following the completion of the on-site review and the remaining amount due upon the district's acceptance of the final report.

Based on the elements noted in section 2A, the total not-to-exceed cost of the study will be \$37,200.

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

10. HOLD HARMLESS

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

11. CONTACT PERSON

Name: Laura Chism
Telephone: (310) 551-5100
E-mail: lchism@bhusd.org

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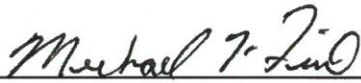
11. CONTACT PERSON

Name: Laura Chism
Telephone: (310) 551-5100
E-mail: lchism@bhusd.org

SIGNED BY MICHAEL BREGY
Michael Bregy, Superintendent
Beverly Hills Unified School District

NOVEMBER 28, 2017

Date



November 2, 2017

Date

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

AMENDED STUDY AGREEMENT



4-24-18

Date

Michael Bregy, Superintendent
Beverly Hills Unified School District



April 24, 2018

Date

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