

## Special Education Review

November 9, 2022



# San Francisco Unified School District

Michael H. Fine  
Chief Executive Officer

November 9, 2022

Dr. Matt Wayne, Superintendent  
San Francisco Unified School District  
555 Franklin St.  
San Francisco, CA 94102

Dear Superintendent Wayne:

In October 2021, the San Francisco Unified School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to conduct a review of the district's special education program. The agreement stated that FCMAT would 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 need for continued support from year to year (include classroom and 1-to-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 services providers, and make recommendations for improvement, if any.

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

FCMAT appreciates the opportunity to serve the San Francisco Unified School District and extends thanks to all the staff for their assistance during fieldwork.

Sincerely,



Michael H. Fine  
Chief Executive Officer

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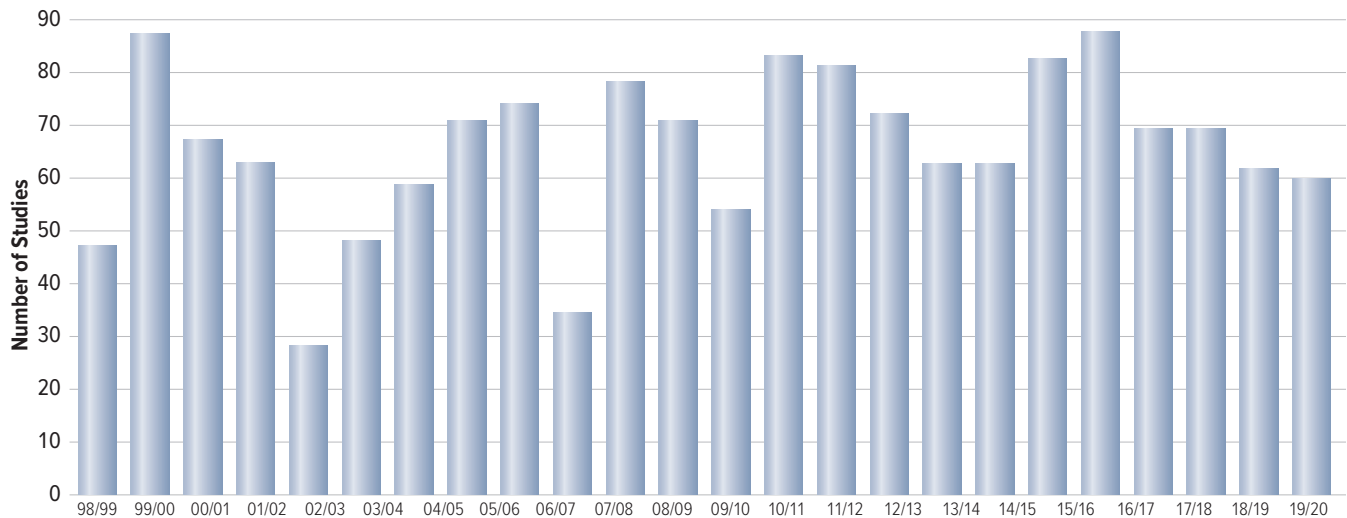
# About FCMAT

FCMAT’s primary mission is to assist California’s local K-14 educational agencies to identify, prevent, and resolve financial, human resources and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related school business and data services. FCMAT’s fiscal and management assistance services are used not just to help avert fiscal crisis, but to promote sound financial practices, support the training and development of chief business officials and help to create efficient organizational operations. FCMAT’s data management services are used to help local educational agencies (LEAs) meet state reporting responsibilities, improve data quality, and inform instructional program decisions.

FCMAT may be requested to provide fiscal crisis or management assistance by a school district, charter school, community college, county office of education, the state superintendent of public instruction, or the Legislature.

When a request or assignment is received, FCMAT assembles a study team that works closely with the LEA to define the scope of work, conduct on-site fieldwork and provide a written report with findings and recommendations to help resolve issues, overcome challenges and plan for the future.

### Studies by Fiscal Year



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. FCMAT also develops and provides numerous publications, software tools, workshops and professional learning 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](http://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 statewide 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.

On September 17, 2018 AB 1840 was signed into law. This legislation changed how fiscally insolvent districts are administered once an emergency appropriation has been made, shifting the former state-centric system to be more consistent with the principles of local control, and providing new responsibilities to FCMAT associated with the process.

Since 1992, FCMAT has been engaged to perform more than 1,400 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 San Francisco Unified School District is the City and County of San Francisco's only public school district. According to [DataQuest](#), 55,592 K-12 students were enrolled in 2021-22. It is composed of 130 schools, including 64 elementary schools (TK-5), eight alternatively configured schools (TK-8), 13 middle schools, 14 high schools, 12 early education schools, five county schools, three continuation schools and 11 charter schools. The district has approximately 9,200 employees and is the seventh largest in California. As a single-district county, the district and the San Francisco County Office of Education are jointly administered and governed by the same seven-member board of trustees. The district is the sole member of the San Francisco Special Education Local Plan Area (SELPA). In 2021-22, 26.26 % of the district's students were identified as English learners. Students identified as requiring special education made up 12.33% of the district's K-12 population, compared to 12.65% of K-12 students statewide.

In October 2021, the San Francisco Unified School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to conduct a review of the district's special education program. The study agreement specifies 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 need for continued support from year to year (include classroom and 1-to-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 services providers, and make recommendations for improvement, if any.

## Study and Report Guidelines

FCMAT conducted remote interviews on April 22, 25, 26, 27 and 28, and on June 21 with district administrators, special education teachers, and psychologists, who are referred to as “staff” in this report. Following fieldwork, FCMAT reviewed and analyzed data and documents received into July 2022. This report is the result of those activities and is divided into the following sections:

- Executive Summary
- Student Success Teams, Response to Instruction and Intervention and Multi-Tiered System of Supports
- Special Education Teacher Staffing Ratios, Class and Caseload Size
- Special Education Paraeducator Staffing Allocation
- Related Service Provider Staffing and Caseload Size

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:

Carolynne Beno, Ed.D., CFE  
FCMAT Intervention Specialist

Shayleen Harte  
FCMAT Deputy Executive Officer

Cassady Clifton  
FCMAT Technical Writer

All team members reviewed the draft report to confirm accuracy and achieve consensus on the final recommendations.

# Executive Summary

Although San Francisco Unified School District's census day total enrollment has declined over the past five years, its special education enrollment has increased. In 2021-22, just over 12% of the district's K-12 students were identified as requiring special education, which was below the state average. This suggests the district does not overidentify students for special education. Students must qualify for special education per the two-pronged test: they meet the definition of one of the 13 disability categories in the individuals with Disabilities Education Act (IDEA) and require specially-designed instruction. However, staff reported students who become ineligible according to the two-pronged test are not always exited from the special education program. Consequently, the district's true percentage of students in need of special education may be much lower than the statewide average. The district needs to ensure students are being made eligible for and exited from special education based on the two-pronged test.

Proper identification of students who qualify for special education is essential and is influenced by a district's implementation of student study teams (SSTs), response to instruction and intervention (RtI<sup>2</sup>), and a multi-tiered system of supports (MTSS). In 2021-22, the district shifted from using an SST process to a coordinated care approach to focus on increased coordination, anti-racist actions, authentic partnership, and tier 1 strategies. The district's coordinated care team (CCT) members participate in an iterative process involving action planning, implementing, evaluating, and collecting data.

The district is conducting a post-implementation review of CCTs and making adjustments accordingly. Staff indicated they need comprehensive, formal training regarding the district's CCT processes, guidelines and forms. Staff also indicated that implementation of RtI<sup>2</sup> varies from school to school. To create a comprehensive RtI<sup>2</sup> system, the district needs to define districtwide academic and behavioral interventions at different tiers. Because the district has no comprehensive MTSS or RtI<sup>2</sup> system, inequitable services exist, which may result in a student at one school receiving academic, behavioral or social and emotional support while a student at another school does not receive such services.

FCMAT also analyzed special education teacher staffing ratios and caseload size. Based on 2021-22 district resource specialist program (RSP) allocation data provided, none of the K-12 special education teachers in the RSP had a higher caseload than the Education Code 56362(c) caseload maximum. The district is projected to be over the Education Code caseload maximum by 116.1 full-time equivalent (FTE) RSP teachers in 2022-23. The district's Special Education School Staffing Guide contains a flexible and accountable model based on each site's assigned students and the sum of their individual needs to determine the number of RSP special education teacher positions. However, staff indicated that RSP reductions have not been made when proposed as a consolidation plan based on this method.

The Education Code does not define caseload maximums for special day class (SDC) programs, but industry standards exist, and district staffing guidelines set maximum teacher-to-student ratios for SDC programs. Since data provided to FCMAT did not differentiate by the type of special education pathway (SDC program), a complete analysis was not possible, but the district appears to be overstaffed according to both district and industry standards for at least some SDC pathways. To determine if reductions are warranted, the district should consider student need and use the district staffing guidelines and industry standards when analyzing teacher-to-student ratios by SDC pathway.

FCMAT could not review the efficiency of staffing allocations of special education paraeducators because the district did not provide paraeducator staffing data. Given the district's paraeducator staffing formula, the district's ACCESS Transition program for students who did not earn a high school diploma but are eligible for special education services until age 22 may be overstaffed according to the industry standards. Additionally, the district's paraeducator staffing ratio (approved positions, not actual staffing) for



the mild-to-moderate autism-focused SDC appears to be below the industry standard. The district should review the ACCESS Transition program and mild-to-moderate autism-focused SDC paraeducator ratios and analyze student needs to determine if the number of paraeducators assigned to these programs is appropriate.

The district does not have different job titles or job descriptions for paraeducators, even for those who provide 1-to-1 support. An intensive individual services (IIS) protocol document outlines the district's process to assess whether a student requires 1-to-1 paraeducator support. Staff were aware of the district's IIS protocol document but indicated the assessment process for 1-to-1 paraeducator support is frequently circumvented. The district should consistently use its IIS protocol document and process to assess whether a student requires IIS. Additionally, the district should consider if there is an operational advantage to developing a new paraeducator descriptive title and corresponding job description for 1-to-1 paraprofessionals who provide IIS.

FCMAT also attempted to analyze staffing and caseload size for related service providers but received only limited data. Speech and language therapist staffing was evaluated according to Education Code and bargaining agreement maximums. District data indicated 82.2 FTE speech language pathologists (SLPs) and an additional 19.4 FTE SLPs contracted for services, for a total of 101.6 FTE SLPs. The district appears overstaffed according to Education Code maximums. However, SLP staffing should not be reduced because the district is so large and has many SLPs who serve more than one school site and/or program to meet the compensatory education speech and language service needs of the students.

# Findings and Recommendations

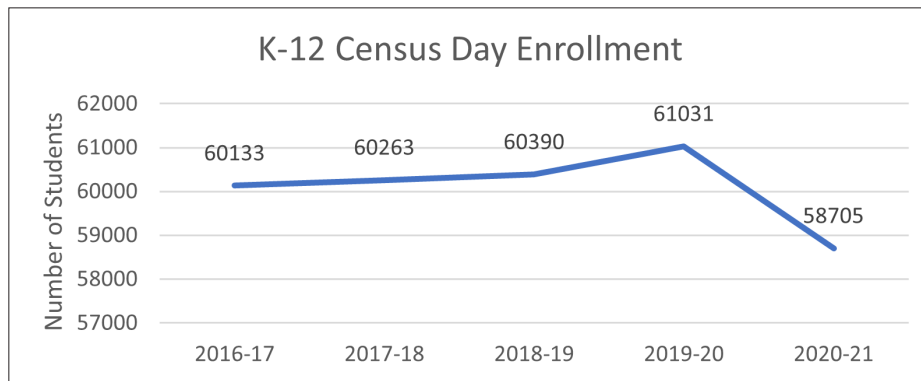
## Student Success Teams, Response to Instruction and Intervention and Multi-Tiered System of Supports

Special education should be reserved for students who are eligible to receive these specialized services. To be eligible, students must qualify under the two-pronged test, further defined later in this report. Identifying a student for special education before implementing general education interventions does not best serve the student. Students in special education can experience stigma, less access to the rigorous instruction given in the general education curriculum, limited interactions with their typically developing peers, and lower expectations, which can limit their progress and outcomes. Additionally, serving a student in special education through an individualized education program (IEP) is costlier than serving one through interventions and general education supports. Therefore, proper identification only of qualifying students with disabilities for special education is essential and is influenced by a district’s implementation of SSTs, RtI<sup>2</sup>, and a MTSS.

## Identification for Special Education

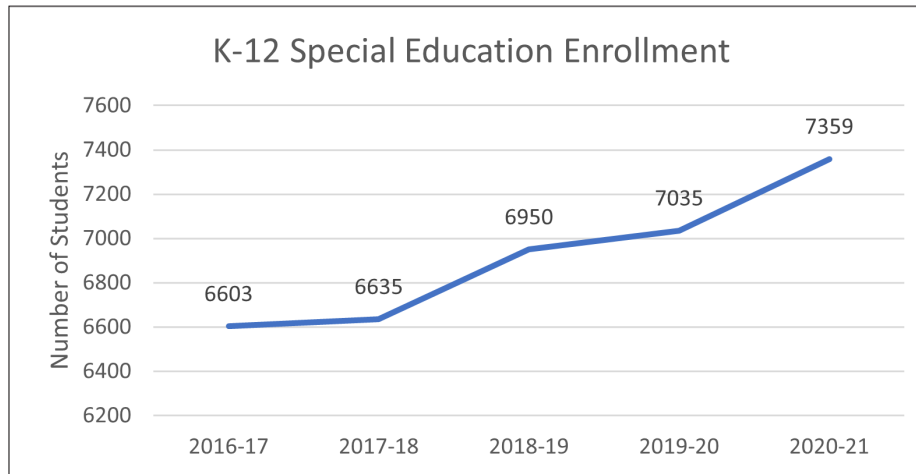
### District Identification Rate

Between 2016-17 and 2020-21 the district’s census day enrollment declined by 1,428 students, and the percentage of English learners in the district decreased from 27.4% to 23.3%.



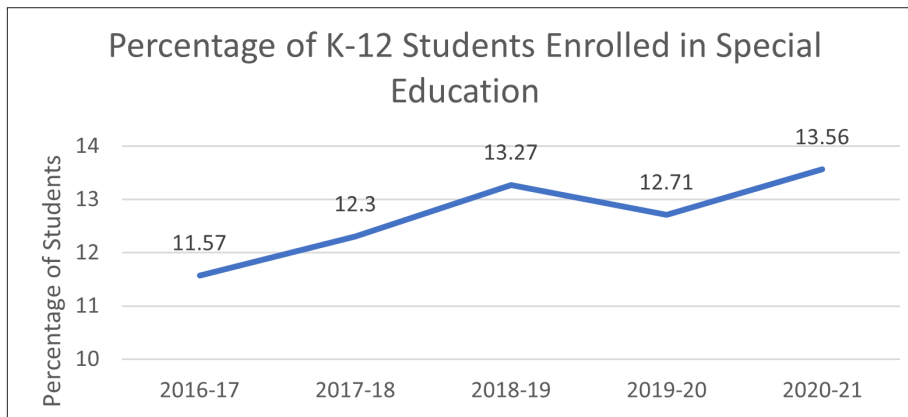
Source: EdData - District Profile - San Francisco Unified (ed-data.org).

The district’s special education enrollment increased by 756 students between 2016-17 and 2020-21.



Source: California Department of Education (CDE) - Enrollment by Subgroup for Charter and Non-Charter Schools - San Francisco Unified Report ([cde.ca.gov](http://cde.ca.gov)).

The percentage of the district’s K-12 students in special education increased by approximately 2% between 2016-17 and 2020-21.



Source: CDE - Enrollment by Ethnicity and Grade - San Francisco Unified Report ([cde.ca.gov](http://cde.ca.gov)).

In 2021-22, 12.33% of the district’s K-12 students were identified as requiring special education, which is slightly less than the statewide average.

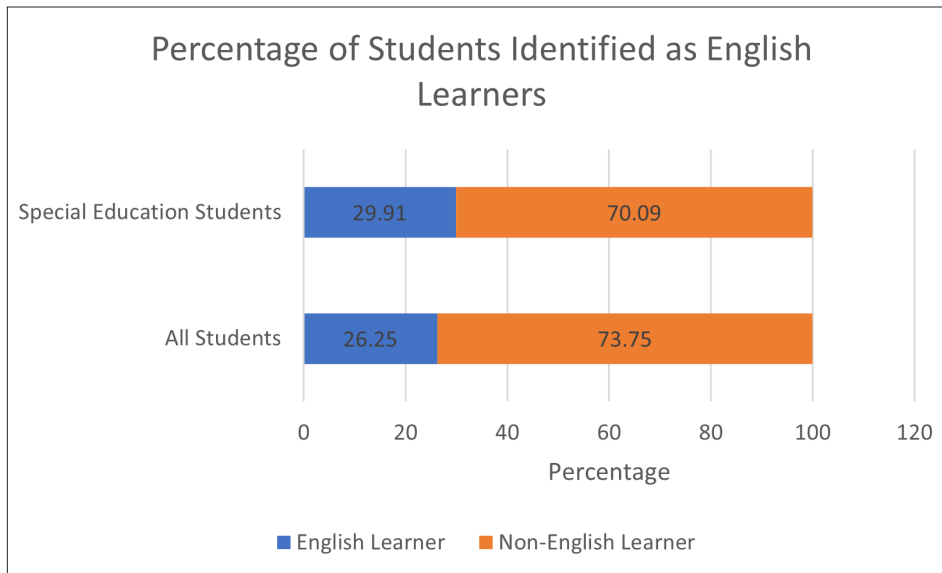
| 2021-22                                       | District | State     |
|---|----------|-----------|
| K-12 enrollment                               | 55,592   | 5,892,240 |
| K-12 enrollment of students with disabilities | 6,853    | 745,513   |
| Percentage                                    | 12.33%   | 12.65%    |

Source: CDE - Enrollment by Ethnicity and Grade - San Francisco Unified Report ([cde.ca.gov](http://cde.ca.gov)).

## Disproportionality in Special Education Identification

The National Association of School Psychologists defines disproportionality as “the extent to which membership in a given group affects the probability of being placed in a specific disability category.” Simply, it is the under- or overrepresentation of racial or ethnic groups in special education. Based on the most recent local level annual performance report (2020-21), the district was not disproportionate in the representation of racial and ethnic groups in special education and related services but was in identifying students as English learners. The district should follow the Special Education Plan (SEP) it created to achieve proportionality in the representation of racial and ethnic groups in all disability categories. Additionally, the district should annually monitor for disproportionality in special education identification and provide professional development addressing proper special education identification as needed.

English learners are commonly overidentified for special education. In 2021-22, 26.25% of all district students were identified as English learners. Of the district’s 6,853 K-12 students in special education, 2,050, or 29.91%, were identified as English learners. Because the percentage of English learners in special education is higher than in the district as a whole, the district may be overidentifying English learners for special education. The district should review its data to determine possible causes of higher than expected identification of English learners in special education.



Source: CDE - Enrollment by Ethnicity and Grade - San Francisco Unified (cde.ca.gov).

Given that Latino students are commonly overidentified for special education, and because 40.81% of the district’s special education students are Hispanic or Latino, and Spanish is the predominant language of the district’s English learners, the district should evaluate whether it is overidentifying Latino students for special education. The Association of California School Administrators (ACSA) recently published a brief, The Disproportionality of Latinx Students in Special Education, which discusses common causes of disproportionality of Latino students in special education and provides recommendations on how to address each of them. The district should review the brief and use it to guide the investigation of its possible overidentification of Latino students in special education.

## Two-Pronged Test for Special Education Eligibility

Students must qualify for special education per the two-pronged test: they meet the definition of one of the 13 disability categories in the Individuals with Disabilities Education Act (IDEA) and require specially-designed instruction. Identifying students for special education before implementing general education interventions using an RtI<sup>2</sup> system does not best serve them. Additionally, serving students in special education through an IEP is costlier than serving them through interventions and general education supports. However, failing to identify students with disabilities for special education can deny them of their rights under the IDEA to free and appropriate public education (FAPE). This can impede students' educational progress and may obligate the district to pay for compensatory educational services. Consequently, to ensure proper identification for special education, the district should track referrals, assessments, and eligibility rates to identify various annual trends and areas of need for professional development.

Many staff members perceived that students are not exited from the district's special education program regardless of their eligibility. Staff indicated students remain in special education because of pressure from others, such as a parent, guardian, principal, or general education teacher. Under IDEA, students placed in special education must be reevaluated at least once every three years. This triennial review determines whether students' needs have changed and if they still qualify for special education services. Students who are no longer eligible for special education based on the two-pronged test should be exited from special education at their triennial review. The district's special education handbook supports this, stating, "If it is determined that the student has a disability, but does not require or no longer requires special education, the IEP team should discuss whether the student is eligible for a Section 504 Plan. If it is determined that the student may be eligible for a Section 504 Plan, refer the student for the 504 evaluation process." Section 504 Plans are nonspecial education accommodation and support plans for students with disabilities. The district should regularly audit a selection of student special education files to evaluate if IEP teams are determining eligibility for special education based on the two-pronged test and exiting students who no longer qualify for special education.

Additionally, if district special education students who do not qualify for special education have not been exited from the program, the district's true percentage of students in special education may be much lower than the statewide average. Districts that underidentify students for special education may not be meeting the IDEA's Child Find mandate, which requires schools to locate, identify and evaluate all children with disabilities from birth through age 21. To ensure proper identification for special education, the district should track referrals, assessments, and eligibility rates to identify various annual trends and areas of need for professional development.

## Student Success Teams

Before being considered for placement in special education, a struggling student should be referred to the SST, also commonly referred to as a student study team, which is a team-oriented approach to helping students with a wide range of concerns related to their school performance and experience. The purpose of the SST is to identify and intervene early to design a support system for students having difficulty in the general education classroom. The SST should review student strengths and challenges, set SMART (specific, measurable, achievable, relevant, and time-based) goals, and identify interventions. Student progress on goals is monitored by the SST, which is composed of the parent or guardian and school-based personnel who may include counselors, resource specialists, speech pathologists, school psychologists, classroom teachers, administrators, the student (if appropriate), etc. All schools should have an SST process.

The district adopted Board Policy (BP) 6164.5: Student Success Teams on February 12, 2019, which applies to district and county programs. BP 6164.5 encourages the “collaboration of parents/guardians, teachers, resource personnel, administrators and students in evaluating the strengths and needs of students having academic, attendance or behavioral difficulties and in identifying strategies and programs that may assist the students.” The superintendent or designee is delegated to establish SSTs as needed to address individual students’ needs. In 2021-22, the district shifted its student support system from the SST process to a coordinated care approach. Coordinated care is a “strategy that involves intentionally organizing student and family services and sharing information with all of the people connected to a student to achieve more effective care and better outcomes.” The district’s coordinated care approach identifies four central tenets: increased coordination, anti-racist actions, authentic partnership, and a focus on tier 1 strategies (e.g., high-quality core instruction, social and emotional learning through curriculum and assessment, cultivating a positive school climate) for all students. The CCT, like an SST, may include a social worker or wellness coordinator, counselor, nurse, site leader or administrator, teacher, student, family, community-based partner, and others who participate in an iterative process involving action planning, implementing, evaluating, and collecting data. A key shift in the district’s coordinated care approach is viewing students and families as key partners who participate in the CCT and share in decision-making, which will help everyone work together to increase the chances of student success.

The district has provided training and support for implementing CCTs, including developing sample meeting agendas and scripts, referral forms, etc. During interviews, staff were familiar with CCTs but could not explain the major tenets (increased coordination, anti-racist actions, authentic partnerships, and focus on tier 1 strategies), common CCT expectations or processes, or the district’s reasons for shifting to CCTs. Staff could not identify common expectations or processes for CCTs and reported that implementation varies considerably among schools. Many staff expressed concern that CCTs were not addressing the students’ academic needs and reported that at many sites it is social workers who facilitate the process, many of whom are inadequately trained to facilitate discussions about academics. Because CCTs involve a multidisciplinary team, any team member could be trained to facilitate the discussion, and the teacher or site leader on the CCT should provide expertise regarding academic interventions. Most staff reported the district has not identified or provided training on the academic interventions and supports for struggling students. Many special education staff reported their role in the CCT is unclear, and a few special education teachers stated their site does not include special education teachers in the CCT meetings. The district uses its student information system Synergy to document CCTs but staff reported the CCT plans do not transition well from school to school, which is particularly problematic given the district’s open enrollment system under which some students change schools frequently.

The district is conducting a post-implementation review of CCTs and making adjustments accordingly. For example, district social workers have been assigned to facilitate CCTs at school sites, but in 2021-22 the social workers did not report to the principals. Beginning in 2022-23, the social workers are reporting to the principals. Staff indicated they need comprehensive, formal training regarding the district’s CCT processes, guidelines and forms. The district should continue to elicit feedback from the education partners as it develops a clear, consistent, districtwide CCT process. The district should also provide targeted professional development to support the CCT implementation. The district’s special education policy and procedure handbook describes the district’s former SST process and should be updated to include the CCT process.

## Response to Instruction and Intervention

Response to Instruction and Intervention is a nationwide approach that focuses on individual students who are struggling academically and mobilizes resources from the district, school, and/or community to promote students' success. It is systematic and data-driven, with tiered levels of intervention. The CDE coined the term response to instruction and intervention (RtI<sup>2</sup>) to define a general education approach of high-quality, culturally responsive differentiated instruction and early intervention, prevention, and behavioral strategies. It uses universal screening and data analysis of all students' learning in the general education classroom.

The CDE identifies three purposes of RtI<sup>2</sup>:

- **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.
- **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.
- **Component of specific learning disability (SLD) determination:** The RtI<sup>2</sup> approach can be one component of the SLD determination as addressed in the IDEA 2004 statute and regulations. The data from the RtI<sup>2</sup> process may be used to demonstrate that a student has received research-based instruction and interventions as part of the eligibility determination process.

During interviews, staff indicated that site implementation of RtI<sup>2</sup> is inconsistent. Staff described certain resources and interventions being implemented at sites that would fit the RtI<sup>2</sup> model; however, most staff indicated their sites are not implementing research-based interventions that include data collection and progress monitoring. The district lacks a clear, shared understanding of the tiered supports, which can cause some students to be escalated to tier 2 (supplemental interventions such as sensory breaks, small group instruction, and social narratives) and tier 3 (intensive individual supports) due to the lack of a strong tier 1. Staff indicated a need for training and a need to define districtwide academic and behavioral interventions at different tiers to create a comprehensive RtI<sup>2</sup> system. Some staff indicated districtwide systems have not been developed to allow individual school site autonomy. Since the district has not implemented a comprehensive districtwide RtI<sup>2</sup> system, services are inequitable, which may result in the district's students at one school site receiving support while the students at another site do not.

A comprehensive districtwide RtI<sup>2</sup> system also prevents students from being inappropriately identified as needing special education and supports serving students in their least restrictive environment (LRE). The district's special education policy and procedure handbook supports this, stating, "A student shall be referred for special educational instruction and services only after the resources of the general education program have been considered and, where appropriate, utilized." The district does not fully leverage opportunities for students in general education, which is an inefficient use of district resources that prevents the students from being served in their LRE. The district should implement a districtwide RtI<sup>2</sup> system.

A comprehensive RtI<sup>2</sup> system should define the following for tiers 1 and 2:

- Type of intervention (e.g., literacy, mathematics, positive behavior supports, etc.)
- Who is selected for the intervention
- Program/materials/curriculum to be used

- When students will receive instruction
- Who will deliver the intervention
- How students will be grouped
- Time (i.e., duration and frequency)
- Assessments to be used (e.g., for progress monitoring, entry or exit from the support, etc.)

The district does not use the RtI<sup>2</sup> module in Synergy, but Synergy could be used to support the RtI<sup>2</sup> system described above. Implementing a comprehensive districtwide RtI<sup>2</sup> system can ensure all students are supported by defining a process of high-quality, culturally responsive differentiated instruction, universal screening, timely interventions implemented consistently, progress monitoring, and targeted interventions for the students who are not progressing as quickly as their peers.

## Multi-Tiered System of Supports

California's multi-tiered system of supports (MTSS) focuses on aligning initiatives and resources to meet the needs of all students. It is an integrated, comprehensive framework that aligns academic, behavioral, and social-emotional learning; it is a method of organization. MTSS relies on data gathering through universal screening, data-driven decision making, and problem-solving teams, and focuses on content standards. MTSS aligns the entire system of initiatives, supports, and resources, and implements continual improvement processes throughout the system. MTSS includes both RtI<sup>2</sup> and positive behavior interventions and supports (PBIS). Unlike RtI<sup>2</sup>, MTSS is not designed for making special education eligibility decisions. PBIS focuses on the emotional and behavioral learning of students, which leads to an increase in engagement and a decrease in problematic behavior over time. PBIS helps districts adopt and organize evidence-based behavioral interventions. The CDE provides information regarding the similarities and differences between MTSS and RtI<sup>2</sup> as follows:

MTSS incorporates many of the same components of RtI<sup>2</sup> 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 RtI<sup>2</sup>. 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<sup>2</sup> 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.

The understanding of MTSS in the district is inconsistent. While some staff described implementing parts of PBIS and RtI<sup>2</sup> at their school sites, the district lacks a defined MTSS framework. Staff reported receiving PBIS training in the past, and district administrators stated optional training was provided in verbal de-escalation, restorative practices, etc. Additionally, the Tiered Fidelity Inventory (TFI), which assesses PBIS implementation progress across one, two, or all three tiers, has been used districtwide in the past. Several staff members indicated a need for PBIS program evaluation and retraining. Staff did not explain how PBIS and RtI<sup>2</sup> are part of a system of supports to meet the needs of all students.

The district's special education policy and procedure handbook identifies the following "essential components of RtI<sup>2</sup>/MTSS":

- **Universal Academic Screening** - The screening at the beginning of the year, which includes all students, is designed to identify those in need of interventions and supports.
- **Tiered Approach** - Use of tiers of increasing levels of research-based academic and behavioral interventions and supports, which are based on a foundation of the core curriculum.
- **Protocol/Problem-solving** - Use of standard protocols and/or problem-solving methods.
- **Progress Monitoring and Data-Based Decision-Making** - An integrated data collection and assessment system is used to inform decisions at each tier of instruction/intervention. Formative assessments of student progress during instruction are repeated at reasonable intervals and the results are made available to parents.

The district needs to develop an RtI<sup>2</sup>/MTSS system that includes each of these essential program components.

## Recommendations

*The district should:*

1. Track types of referrals, assessments, and eligibility rates to identify various annual trends and detect areas of need for professional development to ensure proper identification for special education.
2. Follow the district's special education plan and annually monitor for disproportionality in special education identification. Provide professional development as needed.
3. Review data to determine causes of possible overidentification of English learners in special education, with a focus on Latino students.
4. Use the two-pronged test when determining eligibility for special education. Provide professional development for principals and special education teachers/staff on how to exit students who are no longer eligible for special education.
5. Regularly audit special education student files to consider whether IEP teams determine eligibility for special education based on the two-pronged test and exiting students who no longer qualify for special education. Provide professional development as needed.
6. Provide comprehensive, formal training regarding the district's CCT processes, guidelines and forms to all education partners involved in CCTs.
7. Develop common expectations for staff participation in CCT meetings, including how and when special education staff will collaborate and participate, and provide ongoing professional development as needed.
8. Update the district's special education policy and procedure handbook to describe the CCT process.
9. Involve school site staff in developing a districtwide system to ensure CCT plans follow students throughout the district.
10. Continue to elicit feedback and provide targeted professional development to support CCT implementation.
11. Begin tracking data on the number of CCT meetings, interventions offered, progress monitoring, special education assessment referrals, and eligibility for special education determination. Perform a quarterly districtwide analysis of student and site needs, implementation of interventions and accuracy of special education identification through a CCT referral for assessment.
12. Define districtwide academic and behavioral interventions at different tiers to create and implement a districtwide RtI<sup>2</sup> system and provide professional development.
13. Explore using Synergy to support an RtI<sup>2</sup> system.
14. Evaluate implementation of PBIS and determine areas where improvement and retraining are needed.
15. Evaluate implementation of MTSS using the essential program components in the district's special education policy and procedure handbook and determine areas where improvements and training are needed.

# Special Education Teacher Staffing Ratios, Class and Caseload Size

## District Special Education Programs

All district schools have some special education services available, and most students with disabilities can apply to attend a school of their choice. However, certain highly specialized services for students with disabilities are only available at specific schools. The district offers the following special education programs:

- **General Education with Special Education Support** – All district schools serving TK-12 students offer accommodations, modifications, supplementary aids, and/or supports designated in a student’s IEP. Students in this program are assigned to a general education classroom for most of the school day and have a special education case manager.
- **Resource Specialist Program (RSP)** – All district schools serving TK-12 students offer a resource specialist program where students are in a general education classroom for most of the school day. Services focus on accessing grade-level content with grade-level peers, as well as individualized instructional supports. Students in this program are assigned to a special education teacher (a resource specialist) as case manager. Resource specialist services are provided in the general education classroom and/or a separate setting as indicated in the student’s IEP.
- **Separate Class or Special Day Class (SDC)** – Certain district schools offer separate classes with specialized services in a smaller classroom setting. Students in this program are assigned to a separate multigrade class for most of the day and are assigned a special education teacher. Instruction focuses on students accessing common core standards through accommodations, modifications, and specialized academic instruction (SAI). The district provides the following SDC programs:
  - **Autism-Focused (Mild/Moderate)** – Programs enriched with evidence-based practices and supports to facilitate the development of academic, behavioral, and social skills for students with autism spectrum disorder. Student goals are focused on functional communication training, social pragmatics, and self-management skills. Students in this setting are typically on a diploma track.
  - **Autism-Focused (Moderate/Severe)** - Programs enriched with evidence-based practices and supports to facilitate the development of preacademic, behavioral, and social skills for students with autism spectrum disorder. Student goals are focused on learning-readiness, adaptive (self-care) skills, communication, and independence. Students in this setting are not typically on a diploma track.
  - **Cross-Categorical (Mild/Moderate)** – Special day classes where students spend most of their day in a special education classroom with integration in general education as appropriate. Most students in these settings are on a diploma track.
  - **Cross-Categorical (Moderate/Severe)** – Special day classes where students are focused on basic academic, functional, and life skills. Students participate in community-based instruction and are included as appropriate in the general education curriculum and program. Students in this setting are not typically on a diploma track.

- **Learning Center** – Program where students spend most of their day in general education and may receive additional support with specialists in a small group setting within or outside of the general education classroom. Students in this program are assigned to a special day class mild-to-moderate teacher and are on a diploma track.
- **SOAR: Success, Opportunity, Achievement, Resiliency (Mild/Moderate)** – Special day classes enriched with therapeutic and behavior supports to facilitate the reduction of behavioral excesses and the development of skills in self-awareness, self-management, social skills, and responsible decision-making. Students typically require instruction in the separate setting for more than 50% of the day until they gain skills to access learning in the general education classroom. Students are on a diploma track.
- **Deaf and Hard of Hearing (DHH) Auditory/Oral and Total Communication (TC) (Mild/Moderate)** – Special day classes where students are in a separate deaf/hard of hearing auditory oral or total communication classroom for more than 50% of the day. Depending on a student’s IEP, sign language interpreters enable TC students to access general education classes and extracurricular activities as appropriate. Students are on a diploma track.
- **ACCESS Transition Program** – Special day classes for adults who are on track for a certificate of completion at the end of 12th grade. Programming includes post-secondary education, employment and independent living skills. Students on IEPs are eligible for special education services through this program until they are 22 years of age or complete a high school diploma.

District special education teachers operating these special education programs are supported by cohort support supervisors (three elementary, one middle and one high school) and 12 content specialists. A teacher on special assignment focuses on support for literacy.

## Resource Specialist Program Caseloads

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.” Based on 2021-22 district RSP allocation data, RSP caseloads ranged from one to 25 students per teacher, and no K-12 resource specialist was over the Education Code 56362(c) caseload maximum as shown below.

|                           | RSP Teacher FTE | # Students in RSP Program | RSP Teacher-to-Student Ratio | Staffing FTE Above (+) or Below (-) Education Code Maximum Ratio of 1-to-28 |
|---------------------------|-----------------|---------------------------|------------------------------|---|
| 2021-22 Districtwide Data | 278.2 FTE       | 4,296                     | 15.4                         | +124.8 FTE  |

Source: District-provided allocation data and Education Code 56362(c).

Had the district been staffed at the maximum ratio provided in Education Code 56362(c), it would have used 124.8 fewer FTE RSP teachers in 2021-22. The district’s RSP student caseload is projected to decrease by 126 students in 2022-23, and the district shared it is planning to reduce RSP teachers by 13.2 FTE as shown below.

|                                 | RSP Teacher FTE | # Students in RSP Program | RSP Teacher-to-Student Ratio | Staffing FTE Above (+) or Below (-) Education Code Maximum Ratio of 1-to-28 |
|---------------------------------|-----------------|---------------------------|------------------------------|---|
| 2022-23 Districtwide Projection | 265 FTE         | 4,170                     | 15.7                         | +116.1 FTE  |

Source: District-provided allocation data and Education Code 56362(c).

Had the district been staffed at the maximum ratio provided in Education Code 56362(c), they would have used 116.1 fewer FTE RSP teachers in 2021-22. However, districts should not strive to meet a 1-to-28 teacher-to-student RSP staffing ratio without further analysis for at least three reasons:

1. As students are assessed and qualify for special education over the course of a school year, caseload numbers increase.
2. Staffing needs should be driven by student need (e.g., the number of SAI minutes in student IEPs, percentage of time students are in general education, whether students have mild-to-moderate or moderate-to-severe service needs, etc.).
3. The level of RSP teacher involvement in site-based prereferral structures (e.g., SST, RtI<sup>2</sup>, etc.) and referral structures (e.g., universal screening, 504 assessments, special education assessments, etc.).

Accordingly, the district’s Special Education School Staffing Guide (district staffing guide) sets a teacher-to-student ratio for the RSP program of less than 1-to-28. The district staffing guide states, “either a mild/moderate or a moderate/severe credentialed education specialist may serve students of any eligibility, if the student is served in a general education resource setting for the majority of the day.” The resource setting is defined as “push-in, pull-out, and collaborative teaching of SAI to access core curriculum and/or special class core instruction for less than 50% of [the] day.” The district’s staffing guide outlines the following staffing ratios for the RSP.

| # Special Education Students  | # Special Education Teachers (Education Specialists)                |
|---|---|
| For every 28 mild-to-moderate students in general education class for > 50% instructional day                           | one mild-to-moderate or one moderate-to-severe education specialist |
| For every 14-22 students in general education class for > 50% instructional day with a moderate-to-severe service level | one mild-to-moderate or one moderate-to-severe education specialist |

Source: District Special Education School Staffing Guide.

The district staffing guide, considering the service level and percentage of the instructional day the student is in general education, accounts for student need and provides this theory of action: “we believe that if sites have appropriate levels of staffing and support given the specific needs, accommodations and modifications outlined in each student’s IEP, we will ensure student success in meeting IEP goals and build their independence as learners.” The district’s staffing guide explains staffing allocations will be made after analyzing:

- The cumulative student needs per site
- Special education pathway (program) and SAI minutes in student IEPs
- Case manager contractual guidelines

The district staffing guide further references the IDEA’s mandate to serve students in the LRE: “many students may receive instruction in the general education classroom for the majority of the day, including those with IEPs who require significant levels of service.” Since some students with mild-to-moderate service needs require higher levels of service, the district staffing guide uses a lower staffing ratio for students with high minutes of service, rather than solely for those with moderate-to-severe service needs. Students with mild-to-moderate service needs who require SAI greater than one third of the instructional day are allocated teachers at a 1-to-22 teacher-to-student ratio.

FCMAT agrees conceptually with allocating additional RSP teachers to support students with higher minutes of service. The industry standard for SAI-based programs supporting students in their LRE is 20-24 students per special education teacher. Based on district data provided to FCMAT, it was not possible to determine how many of the district’s RSP students required the 1-to-22 teacher-to-student ratio. Regardless, the district RSP is projected to be overstaffed by 75.5 FTE in 2022-23, even if every K-12 RSP student qualified for the 1-to-22 teacher-to-student ratio as shown below.

|                                     | <b>RSP Teacher FTE</b> | <b># Students in RSP Program</b> | <b>RSP Teacher-to-Student Ratio</b> | <b>Staffing Calculation at a Ratio of 1-to-22</b> | <b>Staffing FTE Above (+) or Below (-) District Staffing Guide Ratio of 1-to-22</b> |
|-------------------------------------|------------------------|----------------------------------|-------------------------------------|---|---|
| 2022-23 Projected Districtwide Data | 265 FTE                | 4,170                            | 15.7                                | 189.5   | +75.5 FTE   |

Source: District-provided allocation data and District Special Education Staffing Guide.

The district has adopted a flexible and accountable model to determine the number of special education teacher positions in the RSP that is based on each site’s assigned students and the sum of their individual needs. FCMAT affirms this method; however, staff indicated that when this method is followed and RSP teacher reductions are proposed as a consolidation plan, they are often denied due to resistance from site or district staff, or because the board of trustees does not approve the staff consolidation plan. An industry best practice is to split RSP teachers between two sites when there are low caseloads at both sites, but staff reported this is rarely practiced.

## Special Day Class Program Caseloads

The Education Code does not define caseload maximums for SDC programs, but there are industry standards. The district staffing guidelines set maximum teacher-to-student ratios for SDC programs at 1-to-10 or 1-to-12, which are shown alongside industry standards below.

| District Special Education Pathway   | District Staffing Guideline | Industry Standard Caseload Range |
|--|-----------------------------|----------------------------------|
| Mild/Moderate Special Day Class – Cross-Categorical  | 8-12 students per 1 teacher | 12-15 students per 1 teacher*    |
| Mild/Moderate Special Day Class – Autism Focus   | 8-10 students per 1 teacher | 12-15 students per 1 teacher*    |
| Moderate/Severe Special Day Class – Cross-Categorical  | 6-10 students per 1 teacher | 10-12 students per 1 teacher     |
| Moderate/Severe Special Day Class – Autism Focus   | 8-10 students per 1 teacher | 8-10 students per 1 teacher      |
| SOAR<br>(Success, Opportunity, Achievement, Resiliency [formerly known as ED or Emotionally Disturbed])<br>Special Day Class | 8-10 students per 1 teacher | 8-10 students per 1 teacher      |
| ACCESS<br>(Community, Access and Transition 18–22-year-olds)   | 8-10 students per 1 teacher | 10-12 students per 1 teacher     |

Source: District Special Education School Staffing Guide and industry standards.

\*The industry standard for mild-to-moderate SDC programs is not differentiated by program type.

District-provided data did not differentiate by the type of special education pathway (SDC program), so it was not possible to compare district SDC student-to-teacher ratios with industry standards. Between 2021-22 and 2022-23, the overall number of students in SDC pathways is projected to decrease by 168 and the number of SDC teachers is projected to decrease by 6.5 FTE. SDC pathway information for 2021-22 and 2022-23 is shown below.

|                                     | SDC Teacher FTE | # Students in SDC Programs | SDC Teacher-to-Student Ratio |
|-------------------------------------|-----------------|----------------------------|------------------------------|
| 2021-22 Districtwide Data           | 218.5           | 1,866                      | 1-to-8.54                    |
| 2022-23 Projected Districtwide Data | 212             | 1,698                      | 1-to-8.01                    |

Source: District-provided allocation data.

Because the district staffing guidelines set teacher-to-student ratios for SDC pathways at 1-to-6 to 1-to-12, and the industry standards for SDC programs range from 1-to-8 to 1-to-15, the district may be overstaffed for at least some SDC pathways. The district should analyze the teacher-to-student ratios by SDC pathway using the district staffing guidelines and industry standards while considering student need, to determine if the reductions are warranted and possible.

## Recommendations

*The district should:*

1. Establish regular meetings with the administrators in the Special Education, Business Services and Human Resources departments to review the special education teacher staffing according to the district allocation guide and based on identified student needs.
2. Educate all educational partners regarding the district staffing guide's allocation method with an emphasis on how the staffing ratios were determined and considerations for deviating from those ratios.
3. Consider reducing the number of RSP teachers in accordance with the district staffing guide, which accounts for the site numbers as well as student need.
4. Analyze teacher-to-student ratios by the SDC pathway using the district staffing guidelines and industry standards, and considering student need, to determine if the class consolidations to reduce the SDC teachers are warranted and possible.



# Special Education Paraeducator Staffing Allocation

## Paraeducator Staffing

Paraeducators, also known as paraprofessionals or instructional assistants, are trained professionals who work with students, typically under the direction of a classroom teacher. Districts often employ special education paraeducators under different titles (e.g., para 1, para 2, para 3, etc.) with distinct job descriptions to perform different functions such as SAI, specialized medical support, behavioral support, and IIS, also known as 1-to-1 student support. The industry standard for special education paraeducators is a six-hour per day position.

The district’s special education paraeducators do not have different job titles or job descriptions; however, interviews with staff indicate that the special education paraeducators have two main categories of assignments: direct support to teachers and students in classrooms, and 1-to-1 student support. Additionally, the district has provided specialized training to certain paraeducators so they can assist with G-tube feedings, administering emergency anti-seizure medication, and supporting students who are deaf, hard of hearing or visually impaired, or who have Augmentative and Alternative Communication (AAC) needs. The Special Education Department’s allocation team assigns paraeducators to the schools using a set formula based on the pathway, which can be modified based on factors such as class size and student needs. The schools are responsible for hiring and supervising paraeducators. The district should consider whether there is an operational advantage to adding different paraeducator job titles and corresponding job descriptions.

The only requirement in the Education Code for special educator paraeducator staffing is in section 56362(6)(f), which states, “At least 80% of the resource specialists within a local plan shall be provided with an instructional aide.” However, there are industry standards for paraeducator support to special education teachers and students, based primarily on the intensity of the service. Below are the industry standards for paraeducator staffing alongside the district’s paraeducator staffing formula.

| Type of Support   | District Paraeducator Staffing | Industry Standard Paraeducator Staffing |
|---|--------------------------------|---|
| Resource Specialist Program   | one 6-hour paraeducator        | one 6-hour paraeducator                 |
| Mild/Moderate Special Day Class – Cross-Categorical   | one 6-hour paraeducator        | one 6-hour paraeducator                 |
| Mild/Moderate Special Day Class – Autism Focus  | two 6-hour paraeducator        | two 6-hour paraeducators                |
| Moderate/Severe Special Day Class – Cross-Categorical   | two 6-hour paraeducators       | two 6-hour paraeducators                |
| Moderate/Severe Special Day Class – Autism Focus  | two 6-hour paraeducators       | two 6-hour paraeducators                |
| SOAR<br>(Success, Opportunity, Achievement, Resiliency<br>[formerly known as ED or Emotionally Disturbed])<br>Special Day Class | two 6-hour paraeducators       | two 6-hour paraeducators                |
| ACCESS<br>(Community, Access and Transition 18–22-year-olds)  | three 6-hour paraeducators     | two 6-hour paraeducators                |

Source: District Special Education School Staffing Guide and industry standards.

The district did not provide paraeducator staffing data, so FCMAT was unable to compare the district paraeducator staffing levels with industry standards per the original scope of this report. Given the district’s paraeducator staffing formula, it appears the district’s ACCESS program may be overstaffed compared to

the industry standards. The district should review the ACCESS paraeducator ratios and analyze student needs to determine whether the number of paraeducators assigned to this program is appropriate.

Additionally, staff reported a significant number of unfilled paraeducator positions districtwide (96 openings as of the time of FCMAT's fieldwork). This is consistent with other districts statewide but interferes with the service delivery to students. Many staff also noted paraeducators do not have an opportunity to receive training due to their schedule. Offering professional development for the paraeducators may improve employee retention as well as the service delivery to students. The district should offer an onboarding program for new paraeducators and survey the existing paraeducators to assess their professional development needs. Topics could include:

- Disability awareness and supporting students with different disabilities in the classroom.
- Implementing accommodations and modifications.
- Positive behavior supports and de-escalation strategies.

## **1-to-1 Paraeducators**

The district has an IIS protocol document outlining a process to assess whether a student requires IIS. The document explains special education and related services must be delivered in the LRE and emphasizes a goal of encouraging, promoting, and maximizing student independence. The document states:

“All options should be considered prior to providing Intensive Individual Services to a student, as [one-on-one] services may move a student away from that goal. A student's total educational program must be carefully evaluated, at least annually, to determine where/when/how long additional assistance is needed and where/when it is not. Existing staff support should be used whenever possible to promote the least restrictive environment.”

General categories that may require the use of IIS include health/personal care issues, behavior, and instruction. The document further states:

1. Whenever possible, Intensive Individual Services are assignment to a classroom environment. Occasionally, a student may require individual support for a designated period of time to address a unique need.
2. By law, services to students with special needs must be delivered in the least restrictive environment. A student's educational program must be carefully evaluated to determine when and where IIS are required.
3. Support from existing staff should be used whenever possible to promote least restrictive environment.
4. A primary goal for all students with special needs is to encourage, promote and maximize independence. If not carefully monitored, IIS can unintentionally foster dependence.
5. A systematic written plan should specify how IIS will support IEP goals, be monitored and faded.
6. The IEP team must review the continued need and effectiveness of IIS at least annually.
7. When a student new to the district enrolls with an existing IEP that indicate[s] IIS are needed, temporary individualized services shall be assigned until the 30-day interim

placement evaluation process [is] completed and continued IIS [have] been considered by the IEP team.

8. In rare cases, the principal may request emergency coverage for extreme behavior that may be a danger to the child or others. First consideration should be to reallocate current site staff. If not feasible, the principal should contact the content specialist.

The document states prior to considering an IIS assessment referral, the IEP team must maximize all existing supports contained in the IEP and behavior intervention plan (BIP). The process checklist for IIS contains these sections and corresponding forms:

- Pre-referral steps - student need rubric, pre-referral activities checklist, pre-referral activities review form, convene IEP meeting
- Referral evaluation – assessment plan, teacher interview questions, parent interview questions, student interview questions, current environmental supports checklist, school day analysis assessment, IIS evaluation report, independence plan, summary of evaluation, IEP meeting
- Referral outcome – submit IIS support request to supervisor, if need is established complete request for position funding form
- Post referral review – observational review form completed if need is established, review success of IIS

Unlike special education classroom paraeducators, there is no established industry standard for 1-to-1 paraeducators. Many districts throughout the state have taken steps to remove the designation of 1-to-1 paraeducator support because it unintentionally reinforces the concept of one adult assigned to one student. Industry practice commonly refers to both the assessment process and the paraeducator descriptive title as special circumstance instructional assistant (SCIA).

While the district did not provide data on the number of 1-to-1 paraeducators it employs, several staff members expressed concern that the district uses a high number of 1-to-1 paraeducators, and most staff indicated the process used to determine IIS for a student varies between schools. Staff consistently reported an awareness of the district's IIS protocol document but stated the assessment process for 1-to-1 paraeducator support is frequently circumvented. Staff indicated most requests for 1-to-1 paraeducator support are to support positive student behavior, yet staff also indicated the students often do not have a BIP in place before an assessment for IIS is completed, and as required by the district's IIS protocol document. The district is addressing this issue by hiring three registered behavior technicians (RBTs) who will provide short-term classroom behavioral support and training for staff.

Another critical aspect of SCIA support is developing annual goals for independence. Most staff reported that they do not write any related goal(s) when individual SCIA support is added to a student's IEP, a practice that is contrary to any other identified area of deficit. Because the assignment of a 1-to-1 paraeducator is a highly restrictive support, this goal development is an essential step that focuses IEP services on the deficit area to strengthen skills and monitor annual progress and helps the IEP team to determine if adjustments can and should be made in the level of service. This process also helps the IEP team move away from the concept of one adult being assigned to one student by leaving the method of goal implementation up to the district. This approach to implementing related goals and monitoring student support allows the district to consider the multiple advantages of having one paraeducator supporting several students when appropriate. The monitoring and reporting on student progress, as with any goal, provides a rational basis for the IEP team to alter a service such as SCIA support and is an expectation in the district IIS process document.

## Recommendations

*The district should:*

1. Establish thorough and accurate data related to all special education paraeducators including both classroom and 1-to-1 assignments.
2. Offer an onboarding program for new paraeducators. Survey existing paraeducators to assess their professional development needs and develop a plan to address those needs.
3. Review the ACCESS paraeducator ratios and analyze student needs to determine whether the number of paraeducators assigned to this program is appropriate.
4. Build a common understanding of and consistently use the district's IIS protocol document and process to assess whether a student requires IIS.
5. Hold accountable any staff member who attempts to circumvent established procedures designed to assess the need for individualized paraeducator support for students.
6. Develop a departmentwide SMART goal to reduce reliance on 1-to-1 paraeducators for nonhealth-related needs.
7. Determine whether there is an operational advantage to developing a new paraeducator descriptive title of special circumstance instructional assistant (SCIA) and corresponding job description.
8. Require consistency in developing, monitoring, and revising IEP goals for independence for each student who receives individual support as a related service.

## Related Service Provider Staffing and Caseload Size

Related services are the developmental, corrective, and other supportive services required to help a child with a disability benefit from special education (34 CFR 300.34). These services are written into the IEP and include but are not limited to psychological services, speech and language therapy, adapted physical education and occupational therapy. Staff indicated that the district provides all related services for district students according to the needs outlined in the IEP either through district staff or contracted services.

Although the study agreement listed related service provider staffing and caseload analysis as an area for review, FCMAT received limited information, which is reported in this section. FCMAT used district-provided caseload data to analyze speech and language therapy services in relation to the Education Code and bargaining agreement maximums.

## Speech and Language Pathologists

The district provided a list of speech and language pathologists (SLPs) that shows it employs 82.2 FTE SLPs and contracts for services with an additional 19.4 FTE SLPs for a total of 101.6 FTE SLPs. FCMAT cross-referenced this list with another district-provided document that showed the SLPs serving a total of 4,287 students from preschool through grade 12. The information from both district documents shows some discrepancies that are outlined below.

Education Code Section 56363.3 establishes the maximum caseload for SLPs serving students ages five to 22 at 55, while Education Code Section 56441.7(a) establishes a preschool maximum caseload of 40. The SLPs are part of the United Educators of San Francisco bargaining unit that matches SLP caseloads to those outlined in Education Code Sections 56441.7(a) and 56363.3. The district-provided data shows:

- K-12 - 47.2 FTE SLPs
- Preschool - 7.4 FTE SLPs
- Preschool through grade 12 - 37.0 FTE SLPs

The district-provided data also shows 10.0 FTE SLPs who participate on specialized teams but do not provide direct services to students. This accounts for the 101.6 FTE SLPs on the district list. The caseload document lists an additional 3.2 FTE who do not show any student caseload or designated special assignment, and another SLP with a caseload of 45 preschool students and no FTE information provided. These and the 10.0 FTE SLPs on specialized teams were not included in FCMAT's calculation of caseload ratios.

Because some SLPs served a combination of students from preschool through grade 12, FCMAT extracted the 661 preschool students from the total caseload and divided that number by the preschool maximum caseload of 40 to develop the preschool caseload ratios. Accordingly, FCMAT estimated that 16.5 FTE SLPs are needed to serve the preschool population. FCMAT's calculations subtracted those FTEs from the total FTE count leaving the remaining 75.1 FTE SLPs serving a total of 3,671 students ages five to 22. The table below illustrates the district SLP staffing using that method.

| Provider                                    | SLP FTE | Total Caseload | Caseload Average | Education Code Maximum Ratio | Staffing FTE Above (+) or Below (-) Education Code Maximum Ratio |
|---|---------|----------------|------------------|------------------------------|--|
| Speech and Language Pathologist (ages 5-22) | 75.1    | 3,671          | 48.88            | 1-to-55                      | +8.35  |
| Speech and Language Pathologist (Preschool) | 16.5    | 661            | 40               | 1-to-40                      | 0  |

Source: District-provided data and Education Codes 56441.7(a) and 56363.3.

The district-provided caseload data appears to be self-reported by SLPs on a district form, and the district-provided list of SLP staff appears to be created and/or maintained by the Special Education Department. The district did not provide any evidence that the information contained within the caseload data form or staffing list is consistent with the information contained within the special education information system (SEIS). The district did not provide any reports directly from the SEIS. The SEIS contains many reports, which should make information related to staffing and caseloads accessible to the special education administration. Maintaining duplicate information on separate lists or systems can lead to inaccuracies and is not a best practice. The district should require all special education information be contained within the SEIS and use that system to pull the information needed. If the district maintains any data outside of the SEIS, it needs to regularly compare and reconcile the data.

Staff indicated that SLP staffing assignments consider the type of assignment (K-12, preschool, combination of ages, students needing more intensive services, and others). Because Education Code specifically identifies caseload maximums for SLPs according to the ages served, the district should regularly review SLP caseloads to ensure they are not over the caseload maximum, while also considering SLPs with a combination assignment.

In addition to the list of SLPs and caseload data, the district also provided a list of compensatory services by school that are owed to students, mostly due to position vacancies. Compensatory services entitle a student to receive additional special education and related services when their rights under the IDEA have been violated. When related services are involved, it usually means that the district will provide the minutes owed to a student if service minutes in that student's IEP were not met.

FCMAT does not recommend that the district reduce SLP staffing because it is so large and has many SLPs who serve more than one school site and/or program to provide the compensatory education speech and language services owed to students.

Staff indicated that SLPs receive needed professional development and are paid for a certain amount of professional development hours attended outside of their contracted day.

## **Other Information**

The district also provided limited information related to two FTE assistive technology (AT) providers who deliver support services for 162 students. The information seems incomplete as it does not reflect any direct service minutes for students who do not have consultation minutes on the list. FCMAT did not perform a caseload analysis as this information appears to be self-reported, provides no FTE equivalent for each provider, and indicates that the AT providers are not case managers for any students.

In addition, the district-provided information related to DHH services appears to be self-reported and incomplete. For example, there appear to be five DHH providers, but there is no indication of the FTE equivalent for each provider. The information shows DHH services are provided to 95 students. DHH services are often provided in a self-contained classroom specific to the disability. The information provided indicates a mixture of direct service and consultation with limited case management and suggests that these students are not provided these services through a self-contained DHH class. FCMAT did not perform a caseload analysis due to the incomplete data.

No other related service provider information was provided to FCMAT. The district should regularly determine whether district related service provider staffing ratios are aligned with industry standards. FCMAT uses the following industry standards when analyzing related service provider staffing.

| Provider Type                               | Industry Standard Provider-to-Student Ratio |
|---|---|
| Psychologist                                | 1-to-977                                    |
| Speech and Language Pathologist (Preschool) | 1-to-40                                     |
| Speech and Language Pathologist (ages 5-22) | 1-to-55                                     |
| Adapted PE Teacher                          | 1-to-45-55                                  |
| Physical Therapist                          | 1-to-45-55                                  |
| Occupational Therapist                      | 1-to-45-55                                  |
| Vision and Orientation/Mobility             | 1-to-10-30                                  |
| Deaf and Hard of Hearing                    | 1-to-15-25                                  |
| Nurse                                       | 1-to-2,274                                  |

Source: Industry standards.

## Recommendations

*The district should:*

1. Require that all special education information be maintained in the SEIS. If any staffing and caseload information is separately maintained outside of the SEIS, the district should regularly verify and reconcile the accuracy of the information.
2. Provide training to individuals responsible for inputting data into the SEIS so that entry is consistent and reliable across the district.
3. Use the SEIS system to regularly run reports to determine if the number of students receiving related services is in alignment with Education Code, industry standards and bargaining agreement caseload maximums.
4. Continue to track and provide compensatory education related services as needed and outlined in a student’s IEP.
5. Continue to provide needed professional development to SLPs and other related services providers.
6. Regularly analyze whether service provider staffing ratios are aligned with current laws and industry standards.

# Appendix

## Appendix A – Study Agreement



# FCMAT

FISCAL CRISIS & MANAGEMENT  
ASSISTANCE TEAM

## FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM STUDY AGREEMENT October 28, 2021

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the San Francisco 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 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 need for continued support from year to year (include classroom and 1-to-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.

**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 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> |

**4. PROJECT COSTS**

The cost for studies requested pursuant to Education Code (EC) 42127.8(d)(1) shall be as follows:

- A. \$800 per day for each staff member while on site, conducting fieldwork at other locations, preparing or 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 \$44,300.**

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

Payments for FCMAT's services are payable to Kern County Superintendent of Schools – Administrative Agent, located at 1300 17<sup>th</sup> 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 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 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 a waiver of subrogation in relation to workers' compensation and automobile insurance, upon request prior to the commencement of on-site work. FCMAT will also provide certificates of insurance, with San Francisco 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 harmless the district, its officers, agents, and employees from all third-party suits, claims and liabilities resulting solely from negligent acts or omissions of FCMAT's officers, agents and employees undertaken under this agreement. The district shall hold harmless FCMAT, its officers, agents, and employees from all third-party suits, claims and liabilities resulting solely from negligent acts or omissions of FCMAT's officers, agents and employees undertaken under this agreement.

**11. COVID-19 PANDEMIC**

Because of the existence of COVID-19 and the resulting shelter-at-home orders, local educational agency closures and other related considerations, at FCMAT's sole discretion, the Scope of Work, Project Costs, Responsibilities of the District (Sections I, IV and V herein) and other provisions herein may be revised. Examples of such revisions may include, but not be limited to, the following:


- A. Orientation and exit meetings, interviews and other information-gathering activities may be conducted remotely via telephone, videoconferencing, etc. References to on-site work or fieldwork shall be interpreted appropriately given the circumstances.
- B. Activities performed remotely that are normally performed in the field shall be billed hourly as provided as if performed in the field (excluding out-of-pocket costs).
- C. The district may be relieved of its duty to provide conference and other work area facilities for the team.

**12. FORCE MAJEURE**


Neither party will be liable for any failure of or delay in the performance of this study agreement due to causes beyond the reasonable control of the party, except for payment obligations by the district.

**13. CONTACT PERSON**

Name: Meghan Wallace, CFO  
Telephone: (415) 241-6000  
E-mail: [wallacem@sfusd.edu](mailto:wallacem@sfusd.edu)

  
\_\_\_\_\_  
Vincent Matthews, Ed.D., Superintendent  
San Francisco Unified School District

11/17/21  
\_\_\_\_\_  
Date

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

11/19/21  
\_\_\_\_\_  
Date