

Special Education Review

April 22, 2022

Budget

Amount	Details	Additional Income	Month	Amount
4,500	Mid Year Bonus		June	2,000
2,500	Year End Bonus		December	3,000
			January	5,000

Costs	Expenditure	Month	Amount
2,300	November vacation	November	450
600	Home for the holidays	December	600
350	Gifts for family	December	300
60	Family vacation	July	800
		January	
		January	
		January	
		January	

April	May	June
9,915	13,220	16,000
	7,000	
	0	

Delhi Unified School District

Michael H. Fine
Chief Executive Officer

April 22, 2022

Jay Serratore, Superintendent
Delhi Unified School District
9716 Hinton Avenue
Delhi, CA 95315

Dear Superintendent Serratore:

In November 2021, the Delhi Unified 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 services. The agreement stated that FCMAT would perform the following:

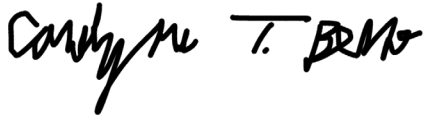
1. Review the district's implementation of student success teams, response to intervention, and multi-tiered system of supports, and make recommendations for improvement, if any.
2. Analyze special education teacher staffing ratios and class and caseload size, using statutory requirements for mandated 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, adapted physical education, and other staff who may be related service providers, and make recommendations for improvement, if any.
5. Determine whether the district overidentifies students for special education services compared to the statewide and countywide averages, and make recommendations for reducing overidentification, if needed.
6. Analyze whether the district provides a continuum of special education and related services for students from preschool through age 22, including placement in the least restrictive environment, and make recommendations for improvement, if any.
7. Review county office of education, nonpublic school and nonpublic agency costs and placements, and make recommendations for improving the process for placement and cost efficiencies, if any.

8. Review the organizational structure and staffing of the special education department in the district's central office to determine whether administrative, clerical and administrative support, program specialist and teacher on special assignment positions and overall functions are aligned with those of districts of comparable size and structure, and make recommendations for greater efficiencies, if needed.

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

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

Sincerely,

A handwritten signature in black ink, reading "Carolynne T. Beno". The signature is written in a cursive, flowing style.

Carolynne Beno
Intervention Specialist

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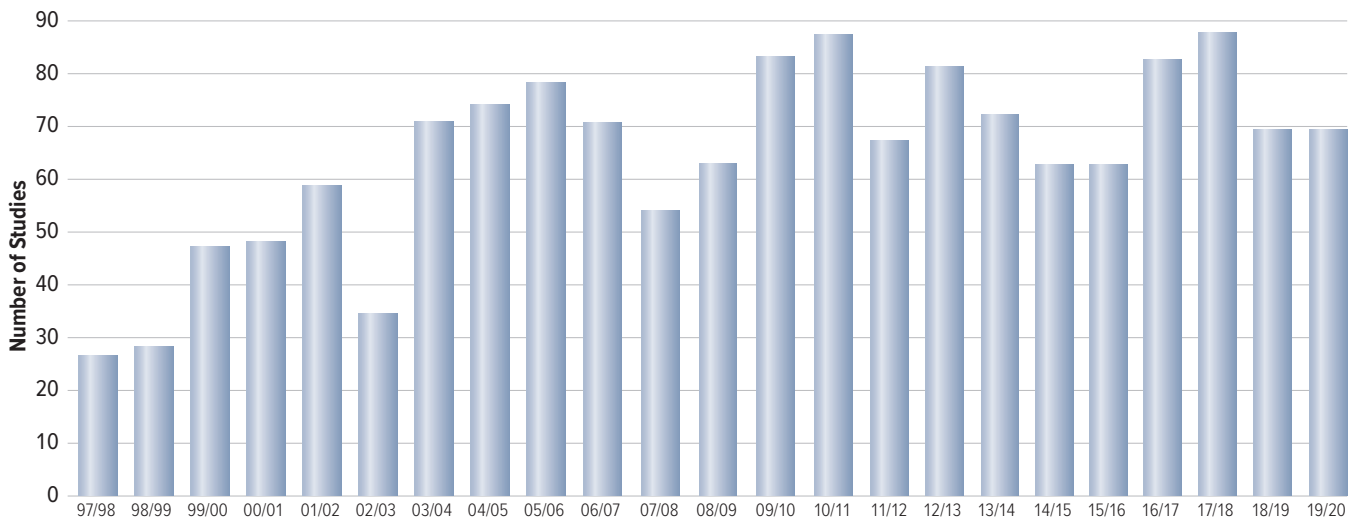
About FCMAT

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) 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 Delhi Unified School District, located in Merced County, had a K-12 enrollment of 2,504 students in 2020-21. The district is composed of three elementary schools, one middle school, and one comprehensive high school. Currently 38.7 % of the district students are identified as English learners, while the average in Merced County is 23.9%. In the 2020-21 fiscal year, 9.86% of the district's K-12 enrollment was identified as requiring special education, which is below the statewide average of 12.48%. The district is a member of the Merced County Special Education Local Plan Area (SELPA).

In November 2021, the district requested that FCMAT review its special education programs and services. The study agreement specifies that FCMAT will perform the following.

1. Review the district's implementation of student success teams, response to intervention, and multi-tiered system of supports, and make recommendations for improvement, if any.
2. Analyze special education teacher staffing ratios, and class and caseload 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, adapted physical education, and other staff who may be related service providers, and make recommendations for improvement, if any.
5. Determine whether the district overidentifies students for special education services compared to the statewide and countywide averages, and make recommendations for reducing overidentification, if needed.
6. Analyze whether the district provides a continuum of special education and related services for students from preschool through age 22, including placement in the least restrictive environment, and make recommendations for improvement, if any.
7. Review county office of education, nonpublic school and nonpublic agency costs and placements, and make recommendations for improving the process for placement and cost efficiencies, if any.
8. Review the organizational structure and staffing of the special education department in the district's central office to determine whether administrative, clerical and administrative support, program specialist and teacher on special assignment positions and overall functions are aligned with those of districts of comparable size and structure, and make recommendations for greater efficiencies, if needed.

Study and Report Guidelines

FCMAT visited the district on March 2, 2022, to conduct interviews 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. This report is the result of those activities and is divided into the following sections:

- Executive Summary
- Student Study Team, Response to Intervention and Multi-Tiered System of Supports
- Identification for Special Education
- Continuum of Service Options for Special Education
- County Office of Education, Nonpublic School and Nonpublic Agency Costs and Placements
- Special Education Teacher Staffing Ratios, Class and Caseload Size
- Special Education Paraeducator Staffing Allocation
- Related Service Provider Staffing and Caseload Size
- Special Education Department Administrative Organizational Structure

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.	Patrick McGrew
FCMAT Intervention Specialist	FCMAT Consultant

Laura Haywood
FCMAT Technical Writer

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

Executive Summary

The Delhi Unified School District's census day and special education enrollment have declined over the past five years. In 2020-21, just under 10% of the district's K-12 enrollment was identified as requiring special education, which is below state and county averages. However, staff reported students in special education are not always exited when they are no longer eligible, and that certain students with disabilities who are on an individualized education program (IEP) did not qualify for special education based on the two-pronged test. English learners are commonly overidentified for special education. Currently 38.7% of all district students are identified as English learners, yet 53% of the district's students with disabilities are identified as English learners. The district should review its data and perform a root cause analysis to determine possible causes of overidentification of English learners in special education.

Proper identification only of qualifying students with disabilities for special education is essential and is influenced by a district's implementation of student study teams (SST), response to instruction and intervention (RtI²), and a multi-tiered system of supports (MTSS). Each Delhi USD school site has some form of an SST process although this differs from site to site. Staff described certain resources and interventions being implemented at sites that would fit the RtI² model; however, sites are working toward fully implementing research-based interventions that include data collection and progress monitoring. The district is in the process of defining its MTSS framework.

The board recently approved a new administrative organizational structure for 2022-23; the district is hiring a senior director of educational services and three new directors to support educational services. The district should create an MTSS team with the new district administrative team to define the district's MTSS structure in consultation with site personnel.

The district provides special education through pull-out, push-in and co-teaching in grades TK-8 and using co-teaching and study skills classes at the high school. The district has two special day classes (SDCs) for students with mild to moderate service needs. Students needing more intensive services attend Merced County Office of Education (COE) SDC programs.

None of the K-12 special education teachers in the resource specialist program (RSP) were over the case-load maximum. The SDCs at Schendel Elementary and Delhi Middle School are over the industry standard size. The district plans to add a second elementary SDC teacher and one additional special education paraprofessional at each school site in 2022-23. The additional paraprofessionals will help ensure students with disabilities can access their education in the least restrictive environment (LRE).

Merced COE provides all related services for district students according to needs outlined in the IEP except for speech and language therapy and educationally related mental health services (behavioral services and counseling provided by district school psychologists). The district contracts with a nonpublic agency (NPA) for speech and language therapists and speech and language therapy assistants. The district should continue to attempt to recruit district speech therapists to reduce or eliminate the need for teletherapy services. The district employs 4.0 full-time equivalent (FTE) school psychologists and has a school psychologist intern. The district may need an additional 0.6 FTE school psychologist.

The district reported an emphasis on special education compliance with IEP requirements and a desire to move beyond compliance to focus on improving performance and outcomes because persistent achievement gaps exist between students with disabilities and their peers without disabilities. District students with disabilities were comparable to all district students in English language arts performance on the 2019 California School Dashboard. Students with disabilities performed worse than all students in the same year in chronic absenteeism, suspension rate, and mathematics performance.

The district has been working to establish that students with disabilities are recognized as general education students first, with access to rigorous instruction and high expectations in general education settings. The district should provide professional development for staff addressing disability awareness, what constitutes a substantive and procedural free appropriate public education (FAPE), legal and ethical requirements and considerations for students with disabilities, accommodations and modifications. The co-teaching program has been successful in supporting students with disabilities in general education environments. The district should conduct a three-year educational benefit review of special education files to assess whether students are receiving educational benefit from their specialized instruction and related services in the LRE.

Findings and Recommendations

Student Study Team, Response to Intervention and Multi-Tiered System of Supports

Special education should be reserved for students who are eligible for it. To be eligible for special education a student must qualify under the two-pronged test: does the student have one of the 13 categories of disability in the Individuals with Disabilities Education Act (IDEA), and does the student require specially designed instruction. 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 rigorous instruction using 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. Hence, proper identification only of qualifying students with disabilities for special education is essential and is influenced by a district's implementation of student study teams, response to instruction and intervention, and a multi-tiered system of supports.

Student Study Team

The student study team (SST), also commonly called a student success team, is a team-oriented approach to assisting 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/guardian and school-based personnel who may include counselors, resource specialists, speech pathologists, school psychologists, classroom teachers, administrators, the student (if appropriate), etc.

Each school site in the district has some form of an SST process, although this differs from site to site. Districtwide SST forms are established but their use is inconsistent, and staff described recording SST information in the Aeries information system, on district-adopted SST forms, or in meeting notes. During interviews most staff members reported the district's SST process is unclear and not followed consistently across sites. Elementary and middle school sites have an SST stipend available. Staff reported the SST process is viewed as a pathway to a special education assessment instead of a support system for students in the general education classroom. Staff indicated general education teachers and special education teachers operate independently, with general educators wanting to diagnose students and then have special education teachers take over. Staff also indicated students monitored in the SST process are rarely assessed for non-special education accommodation and support plans for students with disabilities (i.e., 504 plans). Most special education staff members were unable to define their role in the SST process and reported a desire for increased involvement to ensure students are appropriately referred for special education assessments. Staff members indicated that all site staff involved in the SST need comprehensive, formal training regarding the district's process, guidelines, and forms.

The district has adopted Board Policy 6164.5: Student Success Teams, which was last reviewed in November 2021. The district is in the process of adopting BeyondSST, a platform that provides a place to record SST and 504 plan interventions, observations, and meeting information. BeyondSST facilitates intervention monitoring and supports data-driven decision making. Staff reported receiving introductory training on the BeyondSST platform, and more training is forthcoming. The district should use the adoption of BeyondSST

as an opportunity to develop a consistent districtwide SST process and framework for interventions. Successful implementation would include:

1. Common expectations for staff participation in SST meetings, including how and when special education staff will collaborate and participate.
2. A review of the district process for determining when to conduct a 504 plan assessment, and including this information in the SST handbook and training.
3. Updating the district SST handbook to include use of the BeyondSST platform and the revised process.
4. Training for all staff on the updated SST process.

Response to Intervention

Response to intervention (RtI) is a national 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 California Department of Education (CDE) coined the term response to instruction and intervention (RtI²) to define a general education approach of high-quality, culturally responsive differentiated instruction and early intervention, prevention, and behavioral strategies. It employs universal screening and data analysis of all students' learning in the general education classroom.

The CDE identifies three purposes of RtI²:

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

During interviews, staff indicated that site implementation of RtI² is inconsistent. Staff described certain resources and interventions being implemented at sites that would fit the RtI² model; however, sites are working toward fully implementing research-based interventions that include data collection and progress monitoring. In 2021-22, the elementary schools added an intervention block to their schedule to implement RtI² tier 2 interventions. This intervention block was described by staff as a "sandbox" where teachers had the ability to explore different interventions, groupings, etc. Select staff indicated students with disabilities were not allowed to access tier 2 interventions at their site while others reported students with disabilities received specialized academic instruction during the intervention block. Staff indicated a need to define academic and behavioral interventions at different tiers to create a true RtI² system, and a need for training.

A true RtI² system should define the following for tier 1 and 2:

1. Type of intervention (e.g., literacy, mathematics, positive behavior supports, etc.)
2. Who is selected for the intervention
3. Program/materials/curriculum to be used
4. When students will receive instruction
5. Who will deliver the intervention
6. How students will be grouped
7. Time (i.e., duration and frequency)
8. Assessment to be used (e.g., for progress monitoring, entry or exit from the support, etc.)

Implementing a comprehensive RtI² 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 students who are not progressing commensurate with their peers.

Multi-Tiered System of Supports

California's multi-tiered system of supports (MTSS) focuses on aligning initiatives and resources to address the needs of all students. It is an integrated, comprehensive framework that aligns academic, behavioral, and social-emotional learning. 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 continuous improvement processes throughout the system. MTSS encompasses both RtI² and positive behavior interventions and supports (PBIS). Unlike RtI², MTSS is not designed for consideration in 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 RtI² as follows:

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

- Supporting high-quality standards and research-based, culturally and linguistically relevant instruction with the belief that every student can learn including students of poverty, students with disabilities, English learners, and students from all ethnicities evident in the school and district cultures.
- Integrating a data collection and assessment system, including universal screening, diagnostics and progress monitoring, to inform decisions appropriate for each tier of service delivery.
- Relying on a problem-solving systems process and method to identify problems, develop interventions and evaluate the effectiveness of the intervention in a multi-tiered system of service delivery.
- Seeking and implementing appropriate research-based interventions for improving student learning.

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

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

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

The understanding of MTSS in the district is inconsistent. While staff reported implementing parts of PBIS and RtI², the district is still in the process of defining its MTSS framework. During interviews staff reported receiving PBIS training and implementing positive behavior supports, but several staff members expressed a need for PBIS program evaluation and re-training. Staff did not articulate how PBIS and RtI² are part of a system of supports to address the needs of all students.

Recommendations

The district should:

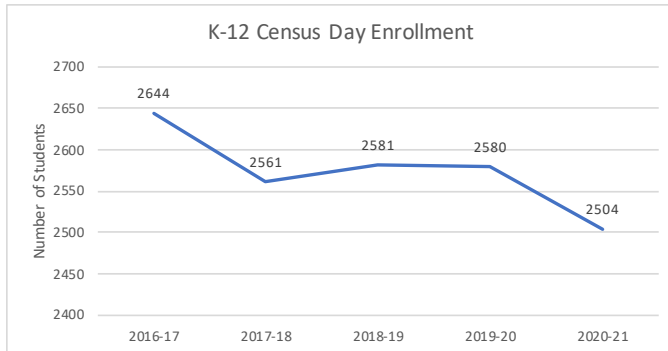
1. Continue with implementation of the BeyondSST platform and use it as a framework to develop a districtwide SST process based on data-driven decision making. Have the district's incoming senior director of the educational services department lead this process and include a variety of staff, including general education teachers and special education staff.
2. Require use of the updated SST process and BeyondSST platform following staff training, and support and monitor implementation.
3. Begin tracking data on the number of SST 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 an SST referral for assessment.
4. Develop a board policy focusing on the importance of RtI² and MTSS to set the vision for district leadership.

5. Evaluate implementation of schoolwide PBIS and determine areas where improvement and retraining are needed.
6. Include teachers who were early adopters of the intervention block for tier 2 supports in developing a framework of tiered interventions in the district and ensure that students in special education have access to tier 2 interventions.
7. Develop a professional development plan to support the implementation of MTSS and RtI² that includes the following:
 - a. Overview of RtI² and how it fits into an MTSS.
 - b. Implementing positive behavior supports.
 - c. De-escalation training.
 - d. Differentiating instruction in the general education classroom.
 - e. Making learning accessible to all through universal design for learning.
 - f. Implementing PBIS.
8. Create a district level MTSS team, led by the senior director of educational services, that includes the directors of student programs, student services, and special education. This group should:
 - a. Continue to define the district's MTSS structure and then work with site leaders and support personnel to organize the district's academic, social-emotional, and behavioral interventions and supports, including PBIS and RtI².
 - b. Develop a graphic illustrating the district's MTSS system and share it with all stakeholders.

Identification for Special Education

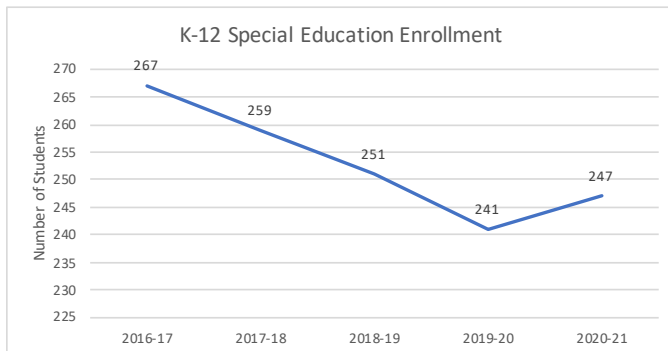
District Identification Rate

Between 2016-17 and 2020-21 the district's census day enrollment declined by 140 students. During this same period, the unduplicated pupil percentage of students who qualify for free-reduced price meals, are English learners, and/or are foster youth has remained steady at approximately 87%. Between 2016-17 and 2020-21, the percentage of English learners in the district decreased from 43.4% to 38.7%.



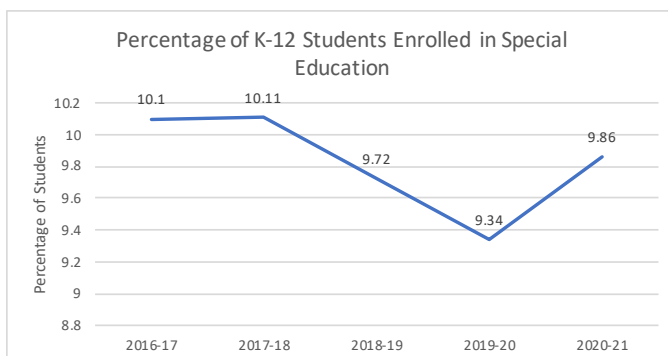
Source: EdData - District Profile - Delhi Unified (ed-data.org)

Special education enrollment decreased by 20 students between 2016-17 and 2020-21.



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

The percentage of the district's K-12 enrollment participating in special education has remained relatively flat during the same period.



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

In 2020-21, 9.86% of the district's K-12 enrollment were identified as requiring special education, which is below the countywide and statewide averages.

2020-21	District	County	State
K-12 enrollment	2,504	58,665	6,002,523
Students with disabilities	247	6,817	749,295
Percentage	9.86%	11.62%	12.48%

Source: DataQuest (CA Dept of Education)

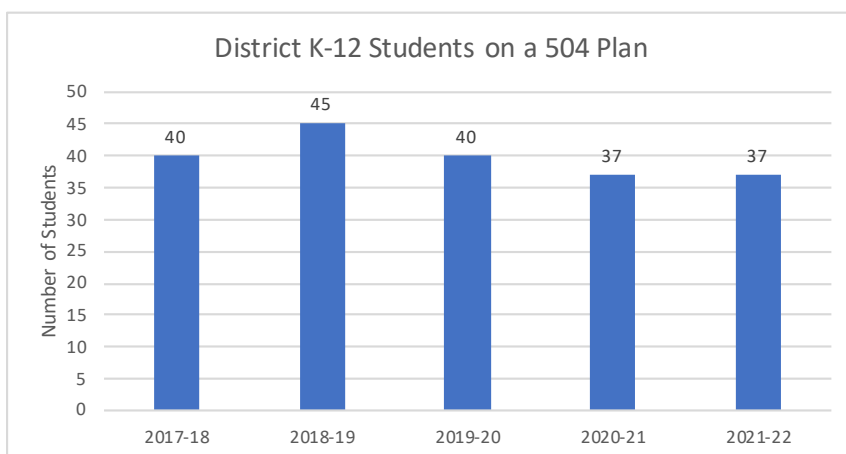
Two-Pronged Test for Special Education Eligibility

The district's special education identification rate is below state and county averages. However, the percentage of English learners in the students with disabilities group is higher than in the population of all students, which indicates the district is overidentifying English learners for special education. To be eligible for special education a student must qualify under the two-pronged test: does the student have one of the 13 categories of disability as specified in the IDEA, and does the student require specially designed instruction. Identifying a student for special education before implementing general education interventions using an RtI² system does not best serve them. Additionally, serving a student in special education through an individualized education program (IEP) is costlier than serving one through interventions and general education supports. However, failing to identify a student with a disability for special education can deny the student their right under the IDEA to a free and appropriate public education (FAPE). This can impede the student's educational progress and may obligate the district to pay for compensatory educational services. Hence, the district should track 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.

Many staff members perceived that district students placed in special education never leave the program regardless of their eligibility. Staff stated this problem is most pronounced with students whose primary disability category is speech and language impairment. Under IDEA, a student placed in special education must be re-evaluated at least every three years. This triennial review determines whether a student's needs have changed and if they still qualify for special education services. Students who are no longer eligible based on the two-pronged test should be removed from special education at their triennial review.

504 Plan Versus IEP

The Rehabilitation Act of 1973 (PL 93-112), amended in 1992, includes Section 504, which affirms the right of any student or adult who has a mental or physical impairment that inhibits a major life activity including learning, has a history of such an impairment or is considered by a team of knowledgeable individuals to have such an impairment, from being discriminated against in a program or activity receiving federal financial assistance. This act also requires that students be given a FAPE in regular education classes, with necessary supplementary aids and services, if they are determined by a school team to be disabled under Section 504 or the Americans with Disabilities Act (ADA). Such eligibility may exist without concurrent eligibility for special education under the IDEA. Most staff interviewed indicated the district has very few students on 504 plans. District-supplied data shows 37 students on a 504 plan.



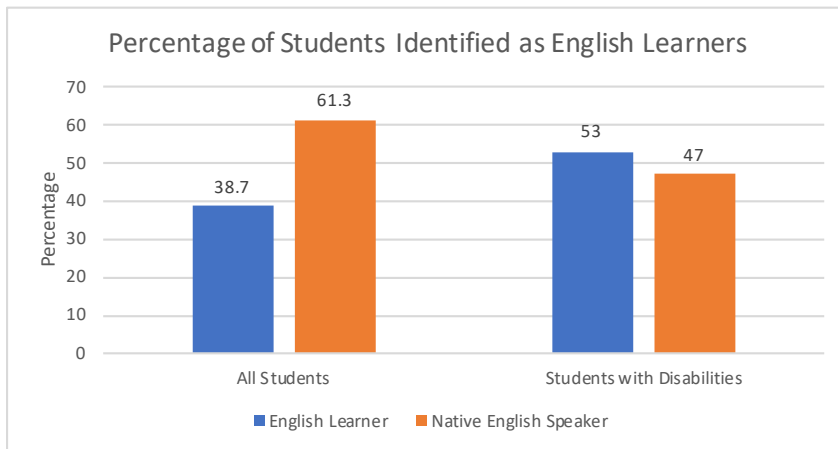
Source: District reported data.

The district should evaluate all 504 plans to identify trends in impairments limiting a major life function, including education, to establish which students with disabilities are being identified for a 504 plan. Furthermore, during interviews several staff indicated that certain students who have an IEP could instead receive appropriate accommodations and supports through a 504 plan. Both IEPs and 504 plans offer formal help for K-12 students with disabilities. Principals reported they recently received a helpful training on 504 plan eligibility. Additionally, the BeyondSST platform the district is adopting can generate and monitor 504 plans. The district should develop a districtwide process to determine 504 plan eligibility and monitor plan implementation using the BeyondSST platform.

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/over representation of racial/ethnic groups in special education. Based on the most recent local level annual performance report (2019-20), the district was not disproportionate in the representation of racial and ethnic groups in special education and related services, and was not disproportionate in the representation of racial and ethnic groups in specific disability category resulting from inappropriate identification. The district should annually monitor for disproportionality in special education identification and provide professional development addressing proper identification as needed.

English learners are commonly overidentified for special education. Currently 38.7% of all district students are identified as English learners. Of the district's 244 students with disabilities ages 6-22, 130, or 53%, are identified as English learners. Because the percentage of English learners in the student with disabilities group is higher than in the population of all students, 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. The Association of California School Administrators recently published a brief discussing common root causes of disproportionality of Hispanic 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 their investigation of the identification of Hispanic students in special education: The disproportionality of Latinx students in special education ([acsa.org](https://www.acsa.org)).



Source: District provided data.

Recommendations

The district should:

1. Review assessment requests and determine if general education interventions are appropriate before assessment for special education.
2. 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.
3. Determine whether students currently in special education who do not qualify for special education based on the two-pronged test are eligible for a 504 plan.
4. 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.
5. Develop a districtwide process to determine 504 plan eligibility that clearly defines staff roles and responsibilities. Use the BeyondSST platform to establish a common 504 plan form and support and monitor implementation.
6. Annually monitor for disproportionality in special education identification.
7. Review data to determine causes of possible overidentification of English learners in special education.
8. Perform a special education file review on students identified as having a speech and language impairment to determine if they are appropriately identified or should be exited from special education.

Continuum of Service Options for Special Education

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

Interviewees described the district's special education service delivery model as inclusive, where most students in special education are served in general education settings for most of their school day. The district's service delivery model focuses on pull-out, push-in and co-teaching in grades TK-8, with co-teaching and study skills classes at the high school. The district has two special day classes (SDCs), at Schendel Elementary and Delhi Middle School, for students with mild to moderate service needs. Students needing more intensive services than can be provided in the district's general education or SDC settings are served in Merced COE SDC programs. The district offers a full continuum of special education services for students ages 3-22.

Preschool

Merced COE provides preschool services for all district students with disabilities ages 3 to 5 through its preschool specialist program. District-provided data indicated 10 students whose primary disability category is autism or intellectual disability attend Merced COE's preschool program at Floyd A. Schelby School. Merced COE's preschool services include developmental assessment, special instruction, family support, service coordination, and consultation to eligible children who need assistance in one or more of the following areas: communication, cognitive/adaptive, academic readiness, gross/fine motor, or social/behavioral. Preschool age students requiring only speech and language support are provided services by the district at their neighborhood school through teletherapy. Additionally, the Delhi Head Start program is the school of attendance for five students with the primary disability category of autism or speech and language impairment. The district should review all preschool placements and evaluate whether they can serve more of their preschool students with disabilities in settings with nondisabled peers in the future.

Transitional Kindergarten through Secondary

The district employs three elementary resource specialist program (RSP) teachers who reported providing push-in and pull-out specialized academic instruction for students based on their IEP. Push-in services include offering supports and strategies for the general education teacher and working with small groups of students in the back of the room or in a separate space. One district-operated SDC serves students with mild to moderate service needs at Schendel Elementary, which will be split into two classes in 2022-23.

The district employs two middle school RSP teachers who case-manage students by grade level and serve them through co-teaching, small group instruction and one-to-one support. The middle school has an SDC for students with mild to moderate service needs. The SDC teacher reported providing instruction in a self-contained setting for language arts, mathematics, social science and science for 7th grade students, and language arts and mathematics for 8th grade students. Students in 8th grade are mainstreamed with paraprofessional support for social science and science.

At the high school level, the district employs four special education teachers who manage student cases by grade level. Each teacher provides a study skills class for students on their caseload, and supports students through co-teaching, small group instruction and one-to-one support. Students with IEPs receive

priority registration so they can be grouped for co-teaching. The high school does not offer an SDC, but students with IEPs can access a self-contained language arts or mathematics class taught by one of the special education teachers.

District students with moderate to severe service needs can attend SDCs operated by the Merced COE. The COE also offers a placement option for district students who do not graduate from high school with a diploma through their adult living skills program until the student turns 22. District reported data of students in Merced COE programs is shown here:

Grade Level	Primary Disability Categories	No. of District Students	School(s)
Elementary	Intellectual Disability, Autism, Deaf and Hard of Hearing	12	Allan Peterson, Harmony, Joe Stefani, Selma Herndon, Winfield
Middle	Intellectual Disability	2	Delhi Middle
High	Intellectual Disability, Emotional Disturbance, Autism	17	Floyd A. Schelby, Valley Community, Delhi Ed Park

Source: District reported data.

Least Restrictive Environment

The IDEA requires that students with disabilities are offered a FAPE, and that these students should be educated in the LRE. It is the IEP team's responsibility to determine what environment is the LRE for each individual student. To determine the appropriate setting for an individual student, IEP teams should review the student's strengths, weaknesses, and needs, and consider the educational benefits of placement in different educational settings. Based on the 2019-20 local level annual performance report (the most recent report), the district met the target for indicator 5 measuring LRE. Indicator 5 assesses the percentage of children with IEPs aged 6 through 21 as shown below. The district should continue to monitor the district's LRE data annually.

	Local Level Annual Performance Report Indicator	District Data	Target	Target Met
5a	LRE Rate: In regular class more than 80%	73.7%	≥53.2%	Yes
5b	LRE Rate: In regular class less than 40%	8.5%	≤20.6%	Yes
5c	LRE Rate: Separate schools	0.4%	≤3.6%	Yes

Source: Delhi Unified 2019-20 Annual Performance Report

Performance of Students with Disabilities

The district reported an emphasis on special education compliance with IEP requirements in recent years. The district's program specialist affirms each student's IEP after reviewing it for procedural compliance. Staff reported a desire to move beyond compliance and focus on improving the performance and outcomes of students with disabilities. District students with disabilities were comparable to all district students in English language arts performance on the 2019 California School Dashboard. Students with disabilities performed worse than all students in the same year in chronic absenteeism, suspension rate, and mathematics.

Student Group	Chronic Absenteeism	Suspension Rate	Graduation Rate	College/Career	English Language Arts	Mathematics
All Students	Yellow	Orange	Blue	Orange	Orange	Yellow
Students with Disabilities	Orange	Red	None	None	Orange	Orange

Source: Delhi Unified Student Groups Report - California Accountability Model (CA Dept of Education)

To improve the performance of students with disabilities, the district should focus on meaningful inclusion in general education settings. Several special education teachers expressed a need for increased rigor. The district must establish that these students are recognized as general education students first, with access to rigorous instruction, core curriculum, typically developing peers and high expectations in general education settings. Staff need professional development on disability awareness, substantive and procedural FAPE, legal and ethical requirements, accommodations and modifications, using the “IEP at a glance” document, and positive behavior supports.

Additionally, staff indicated the co-teaching program has been successful in supporting students in their LRE; this program should continue. Staff expressed it would be helpful to have protected collaboration time for general education/special education co-teaching teams so they can develop the lessons together and participate more equally in classroom and small group instruction. The district should offer co-teaching training for general education/special education teams and administrators to define the district’s co-teaching model. The district should also provide training for administrators addressing master scheduling (to support co-teaching student groupings) and strategies for providing collaboration time for co-teaching teams.

Educational Benefit for Students with Disabilities

Students with disabilities have the right to an IEP that is reasonably calculated to result in educational benefit.

The standard for “reasonably calculated” was clarified in the U.S. Department of Education’s Q&A on U. S. Supreme Court case decision *Endrew F. v. Douglas County School District Re-1*. This document explains “the ‘reasonably calculated’ standard recognizes that developing an appropriate IEP requires a prospective judgment by the IEP team. Generally, this means that school personnel will make decisions that are informed by their own expertise, the progress of the child, the child’s potential for growth, and the views of the child’s parents. IEP team members should consider how special education and related services, if any, have been provided to the child in the past, including the effectiveness of specific instructional strategies and supports and services with the student. In determining whether an IEP is reasonably calculated to enable a child to make progress, the IEP team should consider the child’s previous rate of academic growth, whether the child is on track to achieve or exceed grade-level proficiency, any behaviors interfering with the child’s progress, and additional information and input provided by the child’s parents.” Overall, the IEP should be developed to facilitate progress considering the student’s circumstances.

The district should perform a three-year review of special education files to assess whether students are receiving educational benefit from their specialized instruction and related services in the least restrictive environment. To perform this review, the CDE recommends following these steps:

1. Identify a student and start with the year in which an initial or triennial IEP was completed. Review that year and two subsequent years of IEP information.
2. Review the student’s three years of IEPs to assess whether the IEP was reasonably calculated based on the procedural requirements of the IDEA in the following areas:
 - Complete assessment – Was the student assessed in all suspected areas of need?
 - Needs identified – Based on student assessments, were the student’s needs appropriately identified?
 - Goals – Were goals established to address each of the student’s identified needs (including behavior and transition)?
 - Services – Were services planned to support progress in all goals and in the general curriculum?

- Progress monitoring – Did the IEP team review student progress and adjust the IEP when progress was not made?
3. Assess whether the student is receiving educational benefit from their IEP. Determine:
- a. Whether the services outlined in the IEP were designed to facilitate progress toward all identified goals, participation in general education environment, progress in the general education curriculum, and education with other typically developing peers to the greatest extent appropriate.
 - b. Whether the student was achieving passing grades, earning credits, advancing from grade to grade, progressing toward meeting goals, meeting goals, demonstrating improvement on formative and summative assessments, etc.
 - c. Whether there was a relationship between the student's areas of identified needs and the goals for each year.
 - i. Year 1 – Is there a relationship between identified needs and goals?
 - ii. Compare year 2 to year 1 – Are goals more complex, less complex or, the same as previous year?
 - iii. Compare year 3 to year 2 – Are goals more complex, less complex or, the same as previous year?
 - d. Whether there was a relationship between goals and services.
 - i. Year 1 – Is there a relationship between goals and services?
 - ii. Compare year 2 to year 1: Are goals more complex, less complex or, the same as previous year?
 - iii. Compare year 3 to year 2: Determine if the services were adjusted and if those services enable the student to make progress.
 - e. Answer the following seven questions to determine if the student received educational benefit:
 - i. Are assessments complete and do they identify the student's needs?
 - ii. Do the present levels of performance identify all the needs indicated by the assessment?
 - iii. Are all of the student's needs addressed by appropriate goals?
 - iv. Do the services support the goals?
 - v. Did the student make yearly progress?
 - vi. If no progress, were IEP goals changed to assist the student to make progress?
 - vii. To assess for overall compliance: Considering the answers to the previous questions, was the IEP reasonably calculated to result in educational benefit?

Recommendations

The district should:

1. Review all preschool placements and evaluate whether additional preschool students with disabilities can be served in settings with nondisabled peers.
2. Establish that all students are general education students first.
3. Provide general education staff with professional development to support all students in their least restrictive environment.
4. Offer co-teaching training to teachers and administrators to define the district's co-teaching model.
5. Provide co-teaching training for administrators addressing master scheduling (student groupings) and strategies for providing collaboration time for co-teacher teams.
6. Perform a three-year review of special education files to assess whether students are receiving educational benefit from their specialized instruction and related services in the least restrictive environment.

County Office of Education, Nonpublic School and Nonpublic Agency Costs and Placements

Out of District Placements – Nonpublic School and County Office of Education

When a student's IEP requires a specialized program that is unavailable in the district, placement may be made in a Merced COE program or a nonpublic school (NPS).

Merced COE

The Merced COE provides related services for district students who need school-based occupational therapy, deaf and hard of hearing services, adapted physical education, orthopedically impaired services or visually impaired services.

The COE also operates programs to meet the needs of students with disabilities who have moderate to severe service needs from preschool to age 22. All students in these programs can interact with nondisabled children of their own age. As appropriate, students participate with nondisabled peers in activities such as art, music, physical education, recess, lunch, assemblies, and field trips. Merced COE SDC program options include:

- **Preschool Specialist Program**

An early education program for eligible preschoolers between the ages of 3 and 5. Services including developmental assessment, special instruction, family support, service coordination, and consultation are provided to address one or more of the following areas: communication, cognitive/adaptive, academic readiness, gross/fine motor, and/or social/behavior.

- **Deaf and Hard-of-Hearing Program**

Available to students from preschool to high school whose hearing impairments are so severe that without specialized services they would not benefit from regular school programs. A total communication approach that emphasizes all avenues of communication (speech, speech reading, aural, sign language, finger spelling, etc.) is used throughout the instructional day. Students have access to auditory trainers as well as other specialized resources and equipment to enhance their learning.

- **Sierra School**

Available to students in kindergarten through high school who meet the state's seriously emotionally disturbed criteria, Sierra School emphasizes social skills training and interagency collaboration, including with the Merced County Mental Health Department.

- **Special Classes for the Severely Disabled**

Special classes are operated at various locations throughout the county to meet the needs of students with low incidence disabilities, including those with multiple disabling conditions and intellectual disabilities. The primary goal is development of independent living skills to the fullest degree possible.

Forty-one district students between the ages of 3 and 22 are placed in Merced COE programs as follows:

Merced COE Program	No. of Students Served
Preschool Specialist Program	10
Deaf and Hard-of-Hearing	12
Sierra School	2
Special Classes for the Severely Disabled	17
Total	41

The district did not provide FCMAT with information for analysis about the cost of Merced COE's special class programs or related services. However, during interviews staff expressed frustration with the process to refer district students to a Merced COE program. Staff reported the referral process and timelines related to program placement are unclear and described a lack of space in Merced COE programs. The incoming director of special education should collaborate with Merced COE program staff at least quarterly to provide updates on possible future referrals and projected program numbers for the following school year to ensure adequate program availability.

Nonpublic Schools

Education Code Section 56034 contains the qualification standards required for an NPS to provide services to students with disabilities. It defines an NPS as follows: "A private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the department." NPS is an option to serve students with disabilities who need a specialized educational program that is unavailable in the district. SELPA members negotiate NPS contract rates, and each district develops individual service agreements (ISAs) for the students served. Each NPS has a daily rate, and the ISA outlines the services and any additional costs per student. These costs will vary based on the services designated in the IEP. The district has no students placed at an NPS but reported that a variety of NPS placement options are available.

Nonpublic Agencies

Certain special education positions are hard to staff due to statewide staffing shortages so districts contract with nonpublic agencies (NPAs) to fill vacancies for these positions. The district contracts with an NPA for speech and language therapists and therapy assistants who serve all students needing these services. Staff reported certain speech therapists from the NPA do not know how to use the special education information system (SEIS) and do not provide updates on student's goals and objectives and write goals in a timely manner prior to IEP meetings. The district should schedule a meeting with the NPA to address concerns from district staff and develop common expectations around the procedural aspects of FAPE, drafting progress reports on IEP goals, and writing present levels of educational performance and IEP goals prior to IEP meetings. The NPA providing speech and language services should be required to follow these expectations and the district should provide ongoing monitoring. Additionally, the NPA's speech therapists should receive training on SEIS.

The district did not provide FCMAT with information on the cost of the NPA providing speech and language services. However, the district should continue to attempt to recruit and hire district speech and language therapists. This is further addressed in the report section regarding related services.

Recommendations

The district should:

1. Update site teams weekly when a referral to a Merced COE program has been made as the student is pending placement.
2. Collaborate with Merced COE program staff at least quarterly for updates on possible future referrals and projected program numbers for the following school year.
3. Develop common expectations for IEP updates, including drafting progress reports on goals and writing present levels of educational performance and IEP goals, and require the NPA providing speech and language services to follow them.
4. Provide training on SEIS for NPA speech therapists.
5. Schedule a monthly meeting between the NPA providing speech and language services and the district director of special education to resolve concerns related to service delivery or procedural aspects of FAPE.

Special Education Teacher Staffing Ratios, Class and Caseload Size

Resource Specialist Program

Interviewees described the district's special education service delivery model as "inclusive," where most students in special education are served in general education settings for most of their school day. Specialized academic instruction is provided through push-in support, pull-out, and co-teaching using RSP teachers. Elementary schools are staffed with one full-time resource specialist while secondary schools have one full-time resource specialist per grade level. The Delhi High School special education teacher team explained they serve students who are not at their assigned grade level as needed to balance 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." At the time of FCMAT's visit, based on the caseload estimates provided by the district, no K-12 special education teacher in the resource specialist program was over the caseload maximum as shown below:

School Level	Teacher FTE	Total Caseload	District Caseload Average	Staffing FTE Above (+) or Below (-) Education Code Maximum of 1:28
Elementary	3.0	65	22	+0.67
Middle	2.0	33	16.5	+0.82
High	4.0	77	19	+1.25

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

Even though the resource specialist program is overstaffed per the Education Code 56362(c) maximum standard, FCMAT does not recommend reducing RSP teacher staff. The district's RSP resembles an inclusive model. The term "inclusive model" has many definitions across California's school districts. The intent of this model is for all students to attend general education classes in the school within their home boundaries in the grade level that matches their chronological age, where they can access the general education curriculum. This model also allows students who require specialized academic instruction to receive this service either in the general education classroom or through a pullout service for specific skill building depending on the student's need. The district's RSP model meets the intent of an inclusive model and requires the current RSP teacher staffing to support student needs.

Special Day Class Program

The district operates an SDC for students with mild to moderate services needs at Schendel Elementary serving 21 students in transition kindergarten through 6th grade. The district also operates an SDC for students with mild to moderate service needs at Delhi Middle School serving 18 students. Staff explained that students transition from the middle school SDC into general education classes with support at Delhi High School. Self-contained, modified mathematics and language arts courses taught by a special education teacher are available at the high school for students in special education.

The SDCs at Schendel Elementary and Delhi Middle School are over the industry standard size as shown below. This single SDC previously was two classes taught by two special education teachers. The program recently became a single class due to reduced numbers. Due to an increased number of students, the students in the elementary SDC have been split into two classrooms and a long-term substitute is assisting the

SDC teacher. The district plans to add a second elementary SDC teacher in 2022-23. The district does not plan to add an SDC teacher at Delhi Middle School. Students who are case managed by the middle school SDC teacher are mainstreamed for part of their day and supported in general education with classroom paraprofessional support. The district should continue to monitor whether it needs to hire an additional middle school SDC teacher.

Level	Teacher FTE	Total Caseload	District Caseload Average	Industry Standard Caseload Range
Elementary	1.0*	21	21	12-15
Middle	1.0	18	18	12-15

Source: District provided data and industry standards.

* The district has hired a long-term substitute teacher to support the elementary SDC program for the duration of the 2021-22 school year.

Recommendations

The district should:

1. Hire a second SDC teacher and split the elementary SDC into two classes, grouping students by common grade level.
2. Monitor whether it needs to hire an additional middle school SDC teacher.
3. Schedule quarterly meetings with designated lead staff in the special education, human resources and business services departments to review staffing and caseload data to monitor caseload numbers and class sizes.

Special Education Paraeducator Staffing Allocation

Resource Specialist Paraeducator Staffing

Paraeducators, also known as paraprofessionals or instructional assistants, are trained professionals who work with students under the supervision of a classroom teacher. The district employs 13 special education paraeducators: seven who support the RSP program, five supporting the SDC programs, and one who is a one-to-one paraeducator. The district has adopted one job description for special education paraprofessionals, who are referred to as instructional aides. The district's standard paraprofessional assignment is eight hours per day; however, certain paraprofessionals accepted less than an eight-hour assignment. Interviews with staff indicated paraprofessionals with increased hours either come in for an early start to assist with reading intervention or stay after the school day to offer tutoring. In 2022-23, the district intends to add a special education paraeducator at each school site for a total of four additional paraeducators; these new staff members will support students with disabilities in their LRE. The district should offer an onboarding program for new paraeducators, and survey 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.

One-to-One Paraeducators

The district employs one one-to-one special education paraeducator at Harmony Elementary School. Many districts throughout the state have taken steps to remove the designation of one-to-one paraprofessional 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 paraprofessional descriptive title as special circumstance instructional assistant (SCIA). Decisions to provide one-to-one paraeducator support for students should be made case-by-case through the IEP process. The Merced County SELPA has an SCIA process (referred to as SCI Assistance) to determine whether to assign additional assistance to students with disabilities based on appropriate assessments; however, the district reported it has not used this procedure. The Merced County SELPA SCIA process states, "SCI Assistance can be provided for students with disabilities when additional support is necessary for the student to meet his or her goals and objectives. Whenever possible, additional assistance is assigned to a school or environment, class, or case manager, not on a one-to-one basis. Occasionally, however, a student requires individual support for a designated period of time to address a unique need. By law, services to students with special needs must be delivered in the 'least restrictive environment.'"

In accordance with the Merced County SELPA SCIA process, all aspects of the student's program must be considered, and an evaluation is usually appropriate to determine the level of assistance a student requires. The procedure states: "Request for SCI Assistance should only be made only after other site interventions have proven unsuccessful. A student's educational program must be carefully evaluated and monitored to determine when and where the additional support is required. Natural support and existing staff should be used whenever possible to promote the least restrictive environment. A primary goal for all students with special needs is to encourage, promote, and maximize independence. If not carefully monitored, additional assistance can easily and unintentionally foster dependence. As a result, the IEP team must periodically review the continued need and effectiveness of this additional support." Additionally, when a special education paraeducator is assigned, fading strategies, including incorporating IEP goals that build independence

and outline a plan with strategies to remove the need for SCI assistance over time, should also be part of the plan. The district should use the Merced County SELPA SCIA process whenever considering assigning a student a one-to-one special education paraeducator.

Recommendations

The district should:

1. Consistently use a reliable assessment process to present the IEP team with the data needed to make determinations on individual vs. grouped paraprofessional support for students.
2. Follow the Merced County SELPA SCIA process and assessment procedure to determine the need for a one-to-one paraeducator as part of the IEP process.
3. Carefully monitor SCI assistance. Discontinue assistance when specific skills are accomplished, when levels of independence have been achieved, or when specific conditions are met.
4. Incorporate and implement the use of fading strategies in the development of the IEP for students requiring the use of SCI assistance to benefit from their educational program.
5. Design an onboarding program for the four additional paraprofessionals the district is adding in 2022-23.
6. Survey the paraprofessional team and provide professional development annually.

Related Service Provider Staffing and Caseload Size

Related services are the developmental, corrective and other supportive services required to assist a child with a disability to 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, occupational therapy, etc. Merced COE provides all related services for district students according to needs outlined in the IEP except for speech and language therapy and educationally related mental health services (behavioral services and counseling provided by district school psychologists). FCMAT used caseload data prepared by the district to analyze district psychologist staffing using CalEdFacts, a compilation of statistics and information on a variety of issues concerning education in California, to represent the statewide average caseload as the industry standard. Speech and language therapy services are provided through a contracted teleservice, and FCMAT did not analyze staffing and caseloads in that area.

The district did not provide the contract or information about the Merced COE agreement for related services, but district staff universally expressed satisfaction with the amount and quality of services being provided. FCMAT did not analyze staffing and caseload data for any related services provided by Merced COE. FCMAT recommends the district annually evaluate the number for students receiving related services from Merced COE. If the number of district students nears the industry standard for a related service area, the district should perform a cost benefit analysis and consider hiring its own related service provider. Related services provided by Merced COE with established industry standards are listed here:

Related Service	Industry Standard
Adapted Physical Education	44-55 students per FTE
Deaf/Hard of Hearing Specialized Academic Instruction	15-20 students per FTE
Occupational Therapy	44-55 students per FTE
Physical Therapy	44-55 students per FTE
Vision and Orientation/Mobility	10-30 students per FTE

School Psychologists

Documents provided to FCMAT indicate the district employs 4.0 full-time equivalent (FTE) school psychologists and has a school psychologist intern who provides counseling services while training for her school psychologist role. Staff interviews and documents reviewed indicate standard roles and responsibilities for school psychologists generally comply with state and professional standards. Of the four school psychologists, two conduct psychoeducational assessments at the K-12 level and serve in the comprehensive role of the school psychologist so are included in the analysis below. The other two psychologists are not included in the analysis; one conducts preschool assessments, and the other provides behavior services, counseling, and preschool case management. The psychologist providing behavior services is a board-certified behavior analyst (BCBA) and supports students and staff when behavior is interfering with learning. BCBAs also provide training, data analysis, functional behavioral assessment, behavior intervention plan development and implementation training of the plan. Additionally, one district school psychologist spends approximately 0.25 FTE of their assignment providing preschool case management, and the district's special education program specialist reported dedicating 5-10 hours per week to special education preschool support. When the district hires a director of special education, it should consider having the program specialist assume all special education preschool case management duties.

The district's average caseload for psychologists performing the comprehensive role of the school psychologist is 1,252 students per 1.0 FTE. If staffed per the industry standard at 977 students per 1.0 FTE psy-

chologist, the district may require an additional 0.6 FTE school psychologist as shown below. The district should analyze the job duties of all four school psychologists and evaluate whether the district needs an additional school psychologist. This decision may be affected by whether the district can continue to hire a school psychologist intern who is able to perform counseling services.

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard	Staffing (+) Above or (-) Below Industry Standard
Psychologist	2.0 FTE	2,504	1:1,252	1:977	-0.6 FTE

Source: District provided data, Dataquest and CalEdFacts.

District school psychologists reported they would like professional development addressing special education legal updates and assessment best practices. The district should annually survey the school psychologist team to determine their professional learning needs.

Speech and Language Pathologists (SLPs)

District preschool students in special education receive speech and language therapy through Merced COE. Data provided by the district indicates 156 students in TK-12 receive speech and language therapy, and 16 students are in the assessment process. During interviews staff reported students in special education with a speech and language impairment are not being exited from special education when they no longer qualify because they are not consistently evaluated at their triennial evaluation using the two-pronged test. The district should ensure all students are evaluated triennially using the two-pronged test and exit students who are not found eligible.

All district students receive speech and language therapy from an NPA through teletherapy because the district has been unable to hire speech and language therapists. The district places speech and language therapists on the regular salary schedule and offers a \$6,000 annual stipend; it has not offered a signing bonus. The district should continue to attempt to recruit district speech therapists to reduce or eliminate the need for teletherapy services. The district should conduct a cost benefit analysis of whether offering employment to a speech and language therapist working for Speech, Language and Education Associates (SLEA) makes sense given the “finder’s fee” of 25% of annual employee salary due to SLEA at the time the position is accepted. Additionally, the district should consider offering a hiring bonus to attract applicants with a speech and language credential. The district should explore hiring speech and language pathology assistants (SLPAs) if a district speech therapist is hired who can supervise their work with students.

Recommendations

The district should:

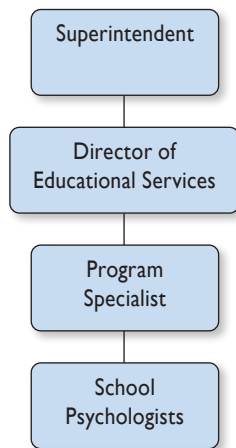
1. Annually evaluate the number of students receiving related services from Merced COE. If the number of district students nears the industry standard for a related service area, perform a cost benefit analysis and consider hiring a related service provider.
2. Review roles and responsibilities of each member of the school psychologist team. Determine whether the preschool students being case managed by a school psychologist can be case managed by a different staff member in the special education department.
3. Analyze whether the district needs an additional 0.6 FTE psychologist serving in the comprehensive role of the school psychologist.

4. Provide professional development for the school psychologist team addressing special education legal updates and assessment best practices. Annually survey them to determine their professional learning needs.
5. Continue to attempt to recruit district speech therapists to reduce or eliminate the need for teletherapy services.
6. Explore hiring speech and language pathology assistants (SLPAs) if a district speech therapist is hired who can supervise their work with students.
7. Conduct a cost benefit analysis of whether offering employment to a speech and language therapist working for SLEA makes sense given the “finder’s fee” of 25% of annual employee salary due to SLEA when the position is accepted.
8. Consider offering a hiring bonus to attract applicants with a speech and language credential.

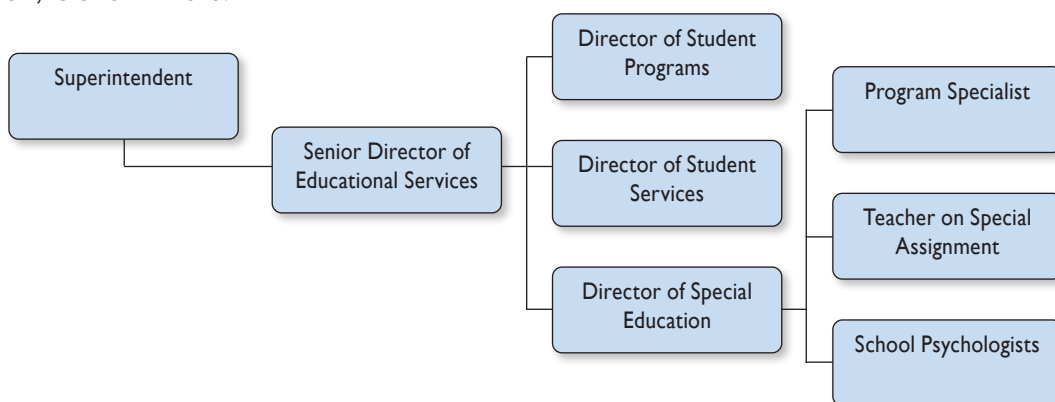
Special Education Department Administrative Organizational Structure

Delhi Organizational Structure

The district's special education program is organized as shown below. The district's program specialist supports the special education program and evaluates the school psychologists. Special education teachers and paraprofessionals are evaluated by their school site principal. Special education teachers reported meeting quarterly, and school psychologists indicated they do not have formal meetings with the program specialist but consult as needed.



The district's board recently approved a new administrative organizational structure for the 2022-23 school year; the district is hiring a senior director of educational services and three new directors to support educational services. One of the new directors will oversee special education and supervise the program specialist, a teacher on special assignment for special education and the school psychologists. The revised administrative organizational chart, displaying positions associated with educational services and special education, is shown here:



Functionality

School site administrators, special education teachers, and psychologists reported lacking professional development. The district should develop a professional development plan focusing on the areas addressed in this report. In addition, the special education department lacks a procedural handbook, and the IDEA requires staff have access to a procedural manual that provides necessary guidance on the compliance is-

sues related to IEPs. Developing a special education policy and procedural manual should be a special education department priority. Staff reported department lacks ongoing job-alike meetings with staff so staff do not receive information, have the opportunity to report challenges and problem solve, analyze district data, etc. The program specialist and incoming director of special education should hold monthly job-alike meetings with staff, and quarterly special education department meetings to deliver professional development, review data, and discuss hot topics. During interviews with staff, FCMAT found there is confidence and support for the program specialist.

Recommendations

The district should:

1. Analyze and re-evaluate the essential duties and responsibilities of the program specialist and consider having the program specialist manage all special education preschool case management duties.
2. Initiate monthly job-alike meetings with special education staff and quarterly special education department meetings.
3. Develop a special education policy and procedural manual. Create a sequence of professional development activities for site administrators and all staff on the use of the new handbook.
4. Provide team-building opportunities for the new team of district directors, and for the directors and site administrators.
5. Consider having the new director of student services support and monitor implementation of the BeyondSST platform.

Appendix

Appendix A – Study Agreement



FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

**FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM
STUDY AGREEMENT
November 1, 2021**

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the Delhi 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 teams, response to intervention, and multi-tiered system of supports, and make recommendations for improvement, if any.
2. Analyze special education teacher staffing ratios, and class and caseload 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, adapted physical education, and other staff who may be related service providers, and make recommendations for improvement, if any.
5. Determine whether the district overidentifies students for special education services compared to the statewide and countywide averages, and make recommendations for reducing overidentification, if needed.

6. Analyze whether the district provides a continuum of special education and related services for students from preschool through age 22, including placement in the least restrictive environment, and make recommendations for improvement, if any.
7. Review county office of education, nonpublic school and nonpublic agency costs and placements, and make recommendations for improving the process for placement and cost efficiencies, if any.
8. Review the organizational structure and staffing of the special education department in the district's central office to determine whether administrative, clerical and administrative support, program specialist and teacher on special assignment positions and overall functions are aligned with those of districts of comparable size and structure, and make recommendations for greater efficiencies, if needed.

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:

To be determined

FCMAT Staff

To be determined

FCMAT Consultant

To be determined

FCMAT Consultant

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 \$21,100.

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

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

5. RESPONSIBILITIES OF THE DISTRICT

- A. The district will provide office and conference room space during on-site reviews.
- B. The district will provide the following if requested:
 - 1. Policies, regulations and prior reports that address the study scope.
 - 2. Current or proposed organizational charts.
 - 3. Current and two prior years' audit reports.
 - 4. Any documents requested on a supplemental list. Documents requested on the supplemental list should be provided to FCMAT only in electronic format; if only hard copies are available, they should be scanned by the district and sent to FCMAT in electronic format.
 - 5. Documents should be provided in advance of fieldwork; any delay in the receipt of the requested documents may affect the start date and/or completion date of the project. Upon approval of the signed study agreement, access will be provided to

FCMAT's online SharePoint document repository, where the district will upload all requested documents.

- C. The district's administration will review a 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. Upon the request of the district and the receipt of the signed study agreement, FCMAT shall provide certificates of insurance, with Delhi Unified School District named as additional insured, indicating applicable insurance coverages.

10. HOLD HARMLESS

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

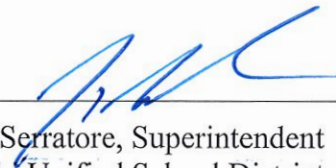
- A. Orientation and exit meetings, interviews and other information-gathering activities may be conducted remotely via telephone, videoconferencing, etc. References to on-site work or fieldwork shall be interpreted appropriately given the circumstances.
- B. Activities performed remotely that are normally 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: Jay Serratore
Telephone: (209) 656-2000
E-mail: jserratore@delhiusd.org



Jay Serratore, Superintendent
Delhi Unified School District
Date 11-17-21



Michael H. Fine,
Chief Executive Officer
Fiscal Crisis and Management Assistance Team
Date 11/17/21