

FCMAT

FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

Special Education Review

March 4, 2025



Fremont Unified School District

Michael H. Fine
Chief Executive Officer

March 4, 2025

Patty Sandoval
Executive Assistant to the Superintendent and Board of Education
Fremont Unified School District
4210 Technology Dr.
Fremont, CA 94538

Dear Executive Assistant Sandoval:

In September 2024, the Fremont Unified School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to conduct a review of the district's special education program. The agreement stated that FCMAT would perform the following:

1. Analyze special education teacher staffing ratios, class sizes and caseloads using statutory requirements for mandated services and statewide guidelines, and make recommendations for improvement, if any.
2. 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 considerations related to the least restrictive environment and the processes for monitoring the assignment of paraeducators and determining the need for continued support from year to year (including classroom and 1-to-1 paraeducators).
3. Analyze staffing and caseloads for related service providers, including but not limited to speech pathologists, psychologists, occupational/physical therapists, adaptive physical education teachers and other staff who may be related service providers, and make recommendations for improvement, if any.
4. Review the Special Education Department's organizational structure and staffing within the district's central office to determine whether its administration, clerical and administrative support, program specialists, teachers on special assignment and overall function are aligned with those of districts of comparable size and structure, and make recommendations for greater efficiencies, if any.
5. Review nonpublic school and nonpublic agency costs and placements, and make recommendations for improving the process for placement and cost efficiencies, if any.
6. Review the district's unrestricted general fund contribution to special education and make recommendations for greater efficiency, if any.
7. Review special education transportation for efficiency and effectiveness, and provide recommendations for potential cost savings measures, if any. The review will include but not be limited to the role of individualized education programs, routing, scheduling, operations and staffing.

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

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

Sincerely,

A handwritten signature in black ink that reads "Michael H. Fine". The signature is written in a cursive style with a large, stylized initial "M".

Michael H. Fine
Chief Executive Officer

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About FCMAT

Purpose and Services

FCMAT was created by the California Legislature to help California's transitional kindergarten through grade 14 (TK-14) local educational agencies (LEAs) avoid fiscal insolvency. Today, FCMAT helps LEAs identify, prevent and resolve financial, management, program, data, and oversight challenges; provides professional learning; produces and provides software, checklists, manuals and other tools; and offers other related school business and data services.

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

When FCMAT is asked for help with management assistance or a fiscal crisis, FCMAT management and staff work closely with the requesting LEA to meet their needs. Often this means conducting a formal study using a FCMAT study team that coordinates with the LEA for on-site fieldwork to evaluate specified operational areas and subsequently produces a written report with findings and recommendations for improvement.

For more immediate needs in a specific area, FCMAT offers short-term technical assistance from a FCMAT staff member with the required expertise.

To help meet the need for qualified chief business officials (CBOs) in LEAs, FCMAT offers four different CBO training and mentoring programs that consist of 11 or 12 diverse two-day training sessions over the course of a full year.

For agencies with professional learning needs, FCMAT offers workshops on specific topics. Popular topics include associated student body operations, use of FCMAT's Projection-Pro online financial forecasting software, use of FCMAT's Local Control Funding Formula (LCFF) Calculator, and data reporting for the California Longitudinal Pupil Achievement Data System (CALPADS). FCMAT staff and management also frequently make presentations at various professional conferences.

The California School Information Services (CSIS) service of FCMAT helps the California Department of Education (CDE) operate CALPADS; helps LEAs learn about CALPADS, resolve data issues and meet reporting requirements; and provides LEAs with training and leadership in data management. CSIS also developed and continues to host and improve the Standardized Account Code Structure (SACS) web-based financial reporting system for all California LEAs, and provides ed-data.org, which gives educators, policy-makers, the Legislature, parents and the public quick access to timely and comprehensive data about TK-12 education in California.

Since it was formed, FCMAT has provided LEAs with the types of help described above on more than 2,000 occasions.

FCMAT's administrative agent is the Kern County Superintendent of Schools. FCMAT is led by Michael H. Fine, Chief Executive Officer, and is funded by appropriations in the state budget and modest fees to requesting agencies.

Workshop schedules, manuals, presentation slide decks, Projection-Pro software, LCFF calculators, past reports, an online help desk, and many other resources are available for download or use at no charge on FCMAT's website.

History

FCMAT was created by Assembly Bill 1200 (Chapter 1213, Statutes of 1991) and Education Code 42127.8. Assembly Bill 107 (Chapter 282, Statutes of 1997) added Education Code 49080, which charged FCMAT with responsibility for CSIS and its statewide data management work, and Assembly Bill 1115 (Chapter 78, Statutes of 1999) codified CSIS' mission.

Assembly Bill 1200 created a statewide plan for county offices of education and school districts to work together locally to improve fiscal procedures and accountability standards. Assembly Bill 2756 (Chapter 52, Statutes of 2004) gave FCMAT specific responsibilities for districts that have received emergency state loans.

In January 2006, Senate Bill 430 (Chapter 357, Statutes of 2005) amended Education Code 42127.8, and Assembly Bill 1366 (Chapter 360, Statutes of 2005) amended Education Codes 42127.8 and 84041. These new laws expanded FCMAT's services to include charter schools and community colleges, respectively.

Assembly Bill 1840 (Chapter 426, Statutes of 2018) changed how fiscally insolvent districts are administered once an emergency appropriation has been made, shifting oversight responsibilities from the state to the local county superintendent to be more consistent with the principles of local control, and giving FCMAT new responsibilities associated with the process.

Introduction

Background

Located in Alameda County, the Fremont Unified School District serves students in transitional kindergarten through grade 12 (TK-12). According to [DataQuest](#), 33,063 students in grades TK-12 were enrolled in 2023-24.

The district is a member of the Mission Valley Special Education Local Plan Area (SELPA), which is a regional service delivery model for special education. In 2023-24, 10.05% of the district's students were identified as requiring special education.

In September 2024, the district and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to conduct a review of the district's special education program.

Study and Report Guidelines

FCMAT visited the district on December 16-17, 2024, to conduct interviews with central office and school administrators, special education teachers, related service providers, and special education paraeducators. Following fieldwork, FCMAT reviewed and analyzed data and documents. This report is the result of those activities.

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 and its own short internal style guide, which emphasize plain language, capitalize relatively few terms, and strive for conciseness, clarity and simplicity.

Study Team

The study team was composed of the following members:

Carolynne Beno, Ed.D., CFE
FCMAT Chief Analyst

Colleen Patterson, MBA, CMA
FCMAT Consultant

Leonel Martínez
FCMAT Technical Writer

Tim Purvis
FCMAT Consultant

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

Executive Summary

Identification for Special Education

According to DataQuest, the district's census day enrollment has declined over the past five years, and its special education enrollment has increased by five students. The percentage of the district's transitional kindergarten through 12 (TK-12) students enrolled in special education increased by 0.69 percentage points between 2019-20 and 2023-24. In 2023-24, 10.05% of the district's TK-12 students were identified as requiring special education, which was a much lower percentage than in Alameda County or the state.

English learners and students who identify as Hispanic or Latino are overrepresented in the district's special education program, while students who identify as Asian are underrepresented. The district needs to monitor this data and ensure it identifies all qualifying students with disabilities for special education.

In 2024-25, 80% of students enrolled in special education qualify under a primary disability category of specific learning disability, autism or speech and language impairment. From 2019-20 through 2024-25, the number of district students who qualify for special education under the disability category of autism increased from 745 to 968, which is a 29.93% increase.

Special Education Staffing

Central Office

Fremont Unified has 3.57 full-time equivalent (FTE) fewer administrator/leadership positions and 1.17 FTE fewer administrative support positions supporting its special education program compared to the surveyed comparable school districts. In addition, Fremont Unified only has 3.7 FTE positions that require an administrative services credential supporting the special education program in its central office. This is unusual in a district this size compared to what is observed across the state and may be one cause of the inadequate support from the Special Education Department's leadership team identified by some staff during interviews.

The Special Education Department's eight program specialist positions do not require an administrative services credential and are similar to a teacher on special assignment (TOSA) position in that the staff work a 7.5-hour day and 192 days per year. This is far less than a typical program manager's schedule, and these staff cannot commit district funds and evaluate specialized itinerant and related service provider staff, which were needs identified by staff during interviews. The district needs to assess the cost and benefit of converting some of the program specialist positions into program manager positions, requiring an administrative services credential, to help meet the Special Education Department leadership needs identified in interviews.

Resource Specialist Program

Districtwide resource specialist program (RSP) staffing is 5.54 FTE more than what is required to meet the Education Code (EC) 56362(c) caseload standard. However, the students who receive support from a resource specialist are not neatly distributed into groups of 28 across district schools, and the district is attempting to implement an inclusive model. Thus, having more staffing than is required to meet the EC 56362(c) standard appears necessary to meet student needs.

The Circle of Independent Learning (COIL) Charter School is staffed 0.61 FTE RSP teacher below what is needed to meet the EC 56362(c) caseload standard. Staff are evaluating how to increase RSP teacher support at COIL Charter School.

Special Day Class Programs

Most of the district's special education class size goals are aligned with the industry standards, except for its special day classes (SDCs) for students in preschool and in kindergarten through grade three, which have a lower class size goal than the industry standards. The district needs to evaluate whether aligning its SDC caseload guidelines for these programs with industry standards would allow it to reduce costs while continuing to meet students' needs.

The districtwide mild-to-moderate SDC teacher caseload average is below the industry-standard range for preschool and elementary school classes. As a result, the district is staffed with 3.07 FTE more mild-to-moderate SDC preschool teachers and 2.33-5.07 FTE more mild-to-moderate SDC elementary school teachers (depending on the industry-standard range of 12-15 students per teacher) than what it would need to meet industry standards. The districtwide extensive support needs SDC teacher caseload average is within the industry-standard range for all school levels except for preschool, which is staffed above the industry-standard range. As a result, the district is staffed with 2.33-2.70 FTE (depending on the industry-standard range of nine or 10 students per teacher) more SDC preschool teachers for students with extensive support needs than what it would need to meet industry standards. The district needs to evaluate whether it can increase the class size goals for these school levels to meet industry standards and still support student needs.

The districtwide counseling enriched SDC teacher caseload average is within the industry-standard range of 8-10 students per teacher.

The districtwide moderate SDC teacher caseload average is 10.05 students. There is no industry standard available to compare to the district's moderate support needs SDC teacher staffing. However, like the district's SDC programs for students with mild-to-moderate and extensive support needs, the class size average for the preschool program is much lower than other school levels.

Special Education Paraeducators

The district has established paraeducator staffing guidelines to assign special education paraeducators to its RSP and SDC programs, which is a good practice. However, because the district does not use an adult-to-student staffing ratio to determine paraeducator staffing, it may be over- or understaffed. The district would benefit from adding the industry-standard adult-to-student ratio to its paraeducator staffing guidelines for SDCs, then determining whether it can reduce staffing while still meeting student needs.

In 2024-25, the district has 197.62 FTE 1-to-1 paraeducators assigned to provide 1-to-1 paraeducator support and 5.38 FTE paraeducators who provide 1-to-1 and classroom paraeducator support. Although there is no industry standard for comparison, this is high for a district of this size compared to what is observed across the state.

Staff explained that the number of 1-to-1 paraeducators has grown because student support needs increased following the COVID-19 pandemic and because teacher turnover results in inexperienced teachers who need additional help in certain SDCs. Assigning more paraeducator support than necessary is costly. In addition, although a parent/guardian or staff member's request for a student to have a 1-to-1 paraeducator may be well meaning, as explained in the "[Causes and Consequences of High 1-to-1 Paraeducator Staffing](#)" section of this report, according to the [University of Colorado at Denver's](#)

Paraprofessional Resources and Research Center, it can negatively affect the student's education. The district needs to consider the recommendations in the "Best Practices in 1-to-1 Paraeducator Assignment" section of this report to reduce its reliance on 1-to-1 paraeducators.

The Special Education Department contracts with nonpublic agencies (NPAs) for paraeducators. Staff identified an inconsistency between the number of special education paraeducator position vacancies and the number of paraeducators for which the Special Education Department contracts with an NPA. Staff estimated the district contracts for 100 special education paraeducators but only has approximately 25 paraeducator vacancies. The district needs to contract for no more than the number of vacant special education paraeducator positions and to obtain administrative cabinet approval for any additional special education paraeducator positions.

Related Service Providers

The district is staffed within the industry-standard range for teachers of students who are visually impaired and is staffed almost exactly at the Education Code maximum caseload for speech and language pathologists (SLPs) for school-age programs. The district is staffed above the industry standards for adapted physical education (APE) teachers, credentialed school nurses and school psychologists.

The district's staffing for occupational therapists and SLPs supporting the preschool program is approximately double the industry standard, and its staffing for physical therapists for the entire district is three times the industry standard. The district needs to review caseload projections, the assessment load, the number of schools supported, travel time between schools, direct and consultation service minutes and student needs to determine if staffing for these three providers can be reduced while still meeting student needs.

The district is staffed significantly less than the industry-standard staffing level for teachers for students who are deaf or hard of hearing. The district needs to review caseload projections, the assessment load, the number of schools served, driving time between schools, direct and consultation service minutes, and students' needs to determine whether it needs to increase staffing for teachers of students who are deaf or hard of hearing.

Nonpublic Agency and Nonpublic Schools Costs and Placements

In 2023-24, 68 district students attended a nonpublic school (NPS), which was a 24% increase over 2022-23. District data indicates that its NPS expenditures went up by \$3,198,388.24 between 2021-22 and 2023-24, which is a 58.69% increase.

At the time of FCMAT's visit, 67 district students were enrolled in an NPS; four of these were preschool age students and 63 were in TK through grade 12. Half the preschool age and 65% of the school-age students attending an NPS qualify for special education under the disability category of autism.

In 2023-24, the district's average cost for a student to attend an NPS was \$127,178, but it reduced its projected per student cost in 2024-25 to \$125,724. The district projected a decrease in the number of students attending an NPS and in NPS expenditures from \$8,648,123.24 in 2023-24 to \$8,172,068.91 in 2024-25. However, in 2024-25, the district's payments for NPS services through October 31, 2024, were 38% higher than the same period in the prior year, and FCMAT projects the district has underbudgeted by approximately \$9.3 million for the cost of all special education services.

Unrestricted General Fund Contribution to Special Education

In 2023-24, the district's adjusted unrestricted general fund contribution to special education was \$70,799,450, or 62.34% of total special education costs. Between 2021-22 and 2023-24, the district incurred significant employee collective bargaining settlement costs and increased staffing expenses, and its adjusted dollar amount of the general fund contribution has grown from \$42,934,615 to \$70,799,450, which is a 64.90% increase.

In 2024-25, the district's unrestricted general fund contribution as a percentage of total special education costs, inclusive of adjusted indirect costs, is projected to increase to 69.14% based on first interim actual projections and the district budget.

Transportation

The district's transportation program expenses doubled between 2021-22 and 2023-24. The district's 2024-25 adopted budget projects a decrease of \$4,653,339 in transportation expenditures over the previous year. However, based on historical program expenditures and a review of transportation expenditures for the first half of the 2024-25 fiscal year, FCMAT estimates the district will spend approximately \$13.4 million on student transportation in 2024-25, which is a 24.3% increase in expenditures between 2023-24 and 2024-25.

In 2023-24, the district's unaudited actuals financial report shows it spent \$11,642 per student for school transportation. FCMAT projects the district will spend \$14,470 per student for school transportation in 2024-25. This is a high per-student cost and is partially caused by the district's heavy reliance on a contracted external transportation provider, which has a low load ratio of one to three students per vehicle.

The district operates an internal transportation program and contracts with two external transportation providers, Student Transportation of America (STA) and Pawar Transportation. Pawar Transportation is a transportation network company (TNC) that serves 32.72% of all district special education students using alternative transportation passenger vehicles. Unlike traditional yellow school buses, alternative transportation passenger vehicles transport a small number of students per vehicle. Their use by districts is not unusual to meet certain student needs. However, the high percentage of students served through Pawar Transportation in alternative transportation passenger vehicles is very unusual based on what is observed across the state. This is also costly and needs to be reduced. Instead, the district needs to explore expanding its district-operated bus routes to achieve a significantly greater student load ratio per bus run, which could reduce its heavy dependence on contracted transportation providers and its annual per-student transportation expense. If the district expands its district-operated bus routes, Transportation Department staffing changes to support this are recommended in the "Transportation Department Staffing" section of this report.

In 2024-25, the district reported it provides transportation services for 1,207 students. Of this number, 281 students receive transportation for the district's Regional Occupational Program (ROP), and 926 students receive transportation as a related service in their individualized education program (IEP). Based on what is observed across the state, 10%-15% of special education students in most districts require transportation as a related service. In contrast, the district reported that 27.8% of students with IEPs receive transportation services. This high percentage suggests that transportation as a related service may be identified too

broadly and may not align with Individuals with Disabilities Education Act (IDEA) guidelines. Additionally, it may indicate inconsistent use of the district's transportation decision tree when determining transportation needs. The high percentage of students receiving transportation as a related service significantly contributes to the district's overall high transportation costs.

Findings and Recommendations

Background and Context - Transforming Education to Improve Outcomes for Students with Disabilities

Over the past two decades, educational reform movements emphasizing accountability have highlighted achievement gaps among students based on factors such as race and ethnicity, family income, language ability, and disability. Although California has made some progress in reducing inequities in educational outcomes for these student groups, those with disabilities remain among the lowest-performing subgroups.

In 2013, California convened a statewide special education task force dedicated to ending the persistent poor outcomes for California's students with disabilities, including eligible infants, toddlers, preschoolers, and students up to age 22 in kindergarten through grade 12. The task force's purpose was to study the complex systems designed to serve the students and provide recommendations to the State Board of Education, the Commission on Teacher Credentialing, and the California Department of Education (CDE).

The CDE's project summary for the Statewide Special Education Task Force stated:

California's current policies, including funding, credentialing, and a range of service delivery options, tend to 'bolt on' special education to general education. While there are certainly examples throughout the state of well-integrated models of supports, these are the exceptions rather than the norm. Our prevailing model has made it acceptable, and in some instances seem desirable, to isolate special education as a unique and separate system that parallels general education.

The summary further explained that operating special education as a separate program contradicts current research, which shows:

Inclusive practices, integrated systems, and coherence are essential to provide high-quality, cost-effective special education programs within (rather than apart from) a well-articulated system of education.

In March 2015, the Statewide Special Education Task Force published One System: Reforming Education to Serve All Students, Report of California's Statewide Task Force on Special Education, its report on the state of special education in California. This report identified seven distinct and interconnected areas of focus to improve outcomes for students with disabilities:

1. Early learning.
2. Evidence-based school and classroom practices.
3. Educator preparation and professional learning.
4. Assessment.
5. Accountability.
6. Family and student engagement.
7. Special education financing.

Among the areas of focus and many recommendations in the 2015 report on one system was the predominant theme that California's special education system would improve if one coherent system were designed

in which general education and special education work together to meet the needs of all students. The report explained:

In a coherent system of education, all children and students with disabilities are considered general education students first; and all educators, regardless of which students they are assigned to serve, have a collective responsibility to see that all children receive the education and the supports they need to maximize their development and potential, allowing them to participate meaningfully in the nation's economy and democracy.

The CDE's project summary also identified the need to transform the understanding of special education from the perception of it as:

A place where students go to receive more or different services, to a viewpoint that includes special education services as one of many programs of support under the umbrella of general education.

In 2020, the CDE commissioned WestEd, a nonprofit dedicated to fostering "success for every learner," to analyze policy and systemic changes impacting students with disabilities since the 2015 report on one system. The 2021 WestEd report, [California's Progress Toward Achieving One System: Reforming Education to Serve All Students](#), explained that the 2015 report on one system was intended to create momentum and discourse in California's efforts to reform special education. To evaluate these efforts, WestEd reviewed the seven focus areas outlined in the 2015 report on one system and provided additional recommendations in each area. WestEd concluded that "numerous improvements have been made to California's general and special education landscapes."

Guided by the insights from the 2015 report on one system and the 2021 WestEd report, LEAs should focus on achieving coherence, fostering inclusive practices, and integrating student support systems. This approach is essential for building a comprehensive educational system that promotes positive outcomes for all students. LEAs need to recognize that students receiving special education services are general education students first and operate with the understanding that special education is one of the many support programs within general education, not a place where students go to receive more or different services. These tenets will inform the analysis of the district's Special Education Department and its staffing throughout this report.

Identification for Special Education

Before examining the district’s special education staffing, it is critical to consider the population the program serves: the students receiving special education services. This section provides an overview of data and trends related to the district’s special education enrollment.

District Enrollment

From 2019-20 through 2023-24, the district’s census day enrollment for all TK-12 students declined by 2,368 students, as shown in Figure 1 below.

Census Day Enrollment of District Students in Grades TK-12, 2019-20 — 2023-24

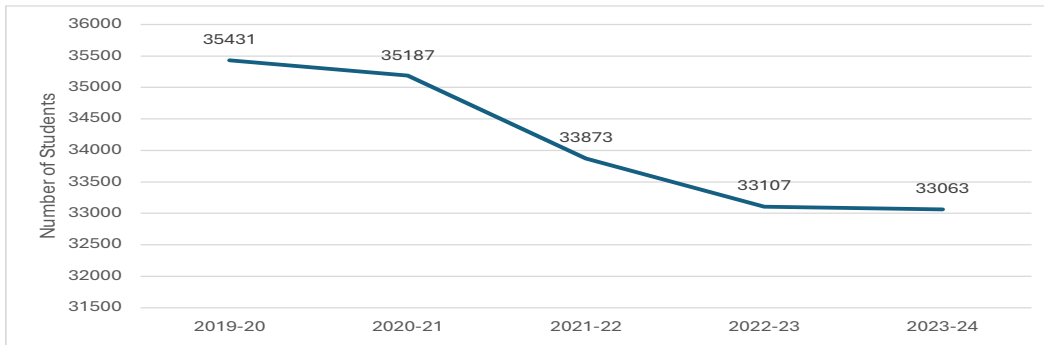


Figure 1. A graph showing an overall decline in district census day enrollment for TK through grade 12 from 35,431 in 2019-20 to 33,063 in 2023-24.

Source: Enrollment for Charter and Non-Charter Schools - Fremont Unified (CDE).

District Special Education Enrollment in Grades TK-12, 2019-20 — 2023-24

Although total district enrollment decreased from 2019-20 through 2023-24, special education enrollment in TK-12 increased by five students during that period, as shown in Figure 2 below.

Number of District Students in Grades TK-12 Enrolled in Special Education, 2019-20 — 2023-24

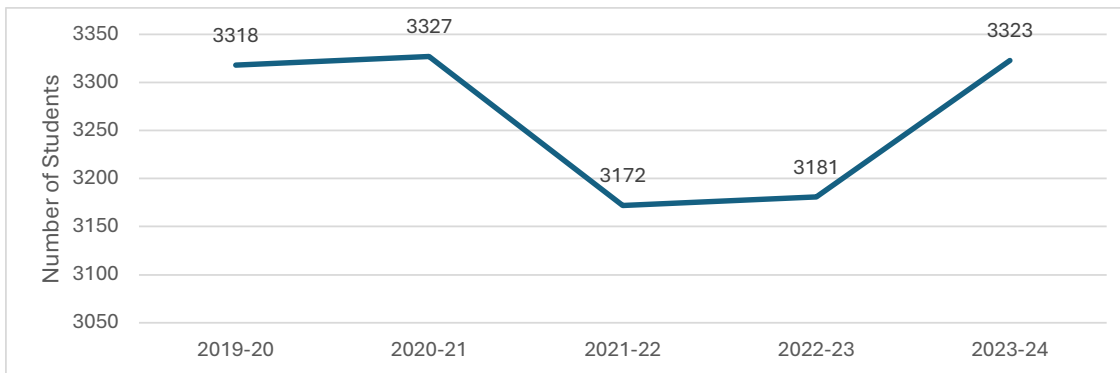


Figure 2. A graph showing an overall increase in the number of district TK-12 students enrolled in special education, from 3,318 in 2019-20 to 3,323 in 2023-24.

Source: Enrollment for Charter and Non-Charter Schools - Fremont Unified (CDE).

District students who identify as male are much more likely to be identified for special education than those who identify as female. The former group make up 53% of all students but 68% of students in special education, which is only slightly higher than the statewide average of 67% as calculated from DataQuest. The latter group make up 47% of all students but only 32% of students in special education. The higher representation of males in special education is influenced by factors such as referral bias (e.g., boys are more likely to be referred because of poor grades or behavior support needs) and differences in how teachers perceive student behavior (e.g., boys often draw more negative attention in school). Consequently, it is important for LEAs to analyze special education referral rates by gender and provide professional development as needed to address any disparities.

District Special Education Enrollment by Disability Category

The Individuals with Disabilities Education Act (IDEA) defines 14 categories of disability under which a student may be eligible for special education. In 2024-25, approximately 97% of the district’s students enrolled in special education qualified under one of the six disability categories shown in Table 1 below.

Table 1: Percentage of District Total Special Education Enrollment by Primary Disability Category, 2019-20 and 2024-25

	Autism	Emotional Disability	Intellectual Disability	Other Health Impairments	Specific Learning Disability	Speech and Language Impairment
2019-20	21.10%	1.95%	3.82%	7.00%	42.15%	19.87%
2024-25	26.29%	1.30%	2.74%	12.82%	33.27%	20.51%
Difference	5.19	-0.65	-1.08	5.82	-8.88	0.64

Source: California Longitudinal Pupil Achievement Data System (CALPADS) report 16.1 for 2019-20 and CALPADS report 16.12 for 2024-25.

Notes: Although there are 14 disability categories under which a student with a disability may qualify for special education, this table shows data only for the six most common in the district.

The main eligibility category of “emotional disability” was previously “emotional disturbance,” which is the term defined in the IDEA and used throughout the Education Code and the California Code of Regulations. However, Assembly Bill 2173, signed by the governor in July 2024, permits California to use the less offensive term “emotional disability” in state law.

According to the [WestEd California Special Education Funding System Study](#), specific learning disabilities constitute the vast majority of identified disabilities for students in grades kindergarten through 12, followed by speech and language impairments and autism, respectively. In 2024-25, the district reported to the California Longitudinal Pupil Achievement Data System (CALPADS) that 33.27% of its special education students were eligible due to a specific learning disability. Autism and then speech and language impairment were the next two most common disability categories in the district, making up 26.29% and 20.51% of special education enrollment, respectively; this is different from the statewide trends identified by WestEd. However, the district’s data includes infants and preschool age students, whereas the data in the WestEd report does not.

Significantly, from 2019-20 through 2024-25, the number of district students who qualify for special education under the disability category of autism increased from 745 to 968, which is a 29.93% increase.

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.” In simpler terms, it refers to the disproportionate identification of student groups, such as English learners, males, and racial or ethnic minorities, for special education.

Racial and Ethnic Balance of Students

For most racial and ethnic groups, their representation as a percentage of total students enrolled in special education was proportionate to their representation as a percentage of all district students.

However, in 2023-24, 37.50% of the district’s special education students identified as Hispanic or Latino, compared to 16.10% of the district’s total student population. Conversely, 35.50% of the district’s special education students identified as Asian, compared to 65.20% of the district’s total student population.

This indicates an overrepresentation of students who are Hispanic or Latino in special education and an underrepresentation of students who are Asian, as shown in Table 2 below.

Table 2: Percentage of Students in Special Education, by Race and Ethnicity, Compared to Percentage of Total Student Population, 2023-24

	African American	American Indian	Asian	Filipino	Hispanic or Latino	Not Reported	Pacific Islander	Two or More Races	White
Percentage of Total Enrollment	1.80%	0.40%	65.20%	4.20%	16.10%	1.10%	0.50%	3.50%	7.30%
Percentage of Special Education Enrollment	4.60%	0.40%	35.50%	4.50%	37.50%	0.80%	0.60%	3.70%	12.40%
Difference	+2.80	0.00	-29.70	+0.30	+21.40	-0.30	+0.10	+0.20	+5.10

Source: Enrollment by Ethnicity for Charter and Non-Charter Schools in 2023-24 - Fremont Unified (CDE).

Overrepresentation of Students who Identify as Hispanic or Latino

The district was recognized by the CDE in its Compliance and Improvement Monitoring (CIM) process as “significantly disproportionate” because it overidentified students who are Hispanic or Latino for special education in the disability category of specific learning disability. An LEA identified as significantly disproportionate is required to take action, including reserving 15% of its IDEA funds to develop and implement a Compliance and Improvement Monitoring for Comprehensive Coordinated Early Intervening Services Action Plan (CIM for CCEIS Action Plan). The purpose of this plan is to identify and address any factors that contribute to disproportionality.

It is imperative that the district follow its plan and identify only qualifying students with disabilities. This is necessary for at least two reasons. First, even the most efficient special education programs do not receive enough funding to support their programs, so it is essential that these finite resources be used for qualifying students with disabilities. Second, although special education services are vital for students with disabilities, students identified for special education may experience stigma, reduced expectations, and less access to the general education curriculum and teachers. These factors can limit their academic achievement and outcomes.

Underrepresentation of Students who Identify as Asian

The district needs to investigate its lower-than-expected identification of Asian students for special education. The reason this is occurring is unclear; however, academic literature is informative. A review of 15 academic studies examining the special education identification of Asian students¹ found that most studies reported an underrepresentation of Asian American students in special education because of factors such as the model minority myth, which stereotypes all Asian Americans as academically successful and hard-working while ignoring the diversity within this group; cultural differences and parental beliefs about the stigma of disability labels; and lack of proficiency in Asian languages in school districts.

It is imperative that the district identify all qualifying students with disabilities. Public schools are required under the IDEA to identify, locate, and evaluate all children who are suspected of having a disability. Failing to identify a student with a disability for special education can deprive the student of their rights to a free appropriate public education (FAPE) under the IDEA. This can impede the student's academic achievement and outcomes and may obligate the district to pay for compensatory educational services.

English Learners in Special Education

In 2023-24, English learners made up 16.66% of all district TK-12 students but 32.11% of students in special education.

English learners are commonly overidentified for special education services, and this may be the case in the district as well. It would benefit the district to review its data annually to monitor for higher-than-expected identification of English learners in special education and provide professional development as needed.

District Special Education Enrollment Compared to Statewide Enrollment

From 2019-20 through 2023-24, the percentage of district TK-12 students enrolled in special education increased by 0.69 percentage points from 9.36% to 10.05%.²

FCMAT compared district total and special education TK-12 enrollment to statewide enrollment for 2023-24 (the latest data available). This data is shown in Table 3 below.

Table 3: TK-12 Total and Special Education Enrollment Comparison, 2023-24

2023-24	Fremont Unified	Alameda County	California
Grades TK-12 Total Enrollment	33,063	211,269	5,837,690
Grades TK-12 Special Education Enrollment	3,323	26,453	799,980
Percentage	10.05%	12.52%	13.70%

Sources: Enrollment for Charter and Non-Charter Schools - Fremont Unified (CDE), Enrollment for Charter and Non-Charter Schools - Alameda County (CDE), and Enrollment for Charter and Non-Charter Schools - State (CDE).

The district identified a much lower percentage of TK-12 students as requiring special education than Alameda County or the state. While the percentage of the district's TK-12 students enrolled in special

¹ Kulkarni, S. S. (2017). Disproportionate representation of Asian students in special education: A systematic review of the literature. *Multiple Voices for Ethnically Diverse Exceptional Learners*, 17(2), 19-33.

² Source: Enrollment for Charter and Non-Charter Schools - Fremont Unified (CDE).

education increased by 0.69 percentage points between 2019-20 and 2023-24, it increased by 1.42 percentage points in Alameda County and 2.00 percentage points statewide during that same period. The district needs to monitor this data and ensure it identifies all qualifying students with disabilities for special education.

Least Restrictive Environment

The IDEA establishes nationwide minimum standards for providing education services to children with disabilities, as well as related services for eligible infants, toddlers, preschoolers, children, and youth with disabilities up to the age of 22. It mandates that each state ensure the availability of a FAPE for any child with a disability who needs special education and related services, regardless of whether they have failed or been retained in a course or grade, and even if they are advancing from one grade level to another (Title 34, Section 300.101(c) of the Code of Federal Regulations (34 CFR 300.101(c))).

The IDEA also requires that students with disabilities be educated in the least restrictive environment (LRE). To determine the appropriate setting for an individual student, their IEP team reviews the student's strengths and needs and considers the educational benefit of placement in different educational settings. LRE placement is assessed by the CDE, and the results are published in its local level annual performance report. These reports, which are required by the IDEA, evaluate districts on 14 indicators for which the target is deemed to be either met or not met.

Preschool Least Restrictive Environment

In 2022-23, the district met one of the three targets for Indicator 6, which assesses the placement of preschool students in the LRE, expressed as a percentage of the total number of preschool students who receive special education services, as shown in Table 4 below.

Table 4: District's 2022-23 Performance on Indicator 6 — Preschool Students in the LRE

Indicator	Indicator	Rate	Target	Target Met?
6a	Preschool LRE: Regular Program	4.72%	≥43.00%	No
6b	Preschool LRE: Separate Class	60.94%	<29.00%	No
6c	Preschool LRE: Home	1.29%	<3.50%	Yes

Source: Local Level Annual Performance Report 2022-23 (CDE) (most recent report).

The district met just one of the three targets for preschool LRE in 2021-22 and 2022-23, but decreased the percentage of students receiving services in a separate setting, which it needs to continue.

School-age Least Restrictive Environment

In 2022-23, the district did not meet any of the targets for indicator 5, which assesses the placement of school-age students in the LRE, expressed as a percentage of the total number of school-age students who receive special education services, as shown in Table 5 below.

Table 5: District’s 2022-23 Performance on Indicator 5 — School-Age Students in the LRE

Indicator	Indicator	Rate	Target	Target Met?
5a	LRE Rate: In Regular Class More than 80%	56.50%	≥62.00%	No
5b	LRE Rate: In Regular Class Less than 40%	23.33%	<16.50%	No
5c	LRE Rate: Separate Schools	3.97%	<3.00%	No

Source: Local Level Annual Performance Report 2022-23 (CDE) (most recent report).

The district did not meet any of the targets for school-age LRE in 2021-22 or 2022-23, but slightly increased the percentage of students in regular class more than 80% of the time, which it needs to continue.

Separate Schools

Indicator 5c on the district’s local level annual performance report measures an LRE rate for students attending a separate school, which is “a school designed specifically for students with disabilities in either a public or private day school setting. It is designed to provide specialized education for students with unique needs.” District students attending a separate school attend either a nonpublic school (NPS) or State Special School.

Nonpublic Schools

In addition to in-district program options, some district students with IEPs attend an out-of-district program at NPSs. NPSs are privately operated, publicly funded schools that specialize in providing educational services for students with exceptional needs that cannot be met in a traditional public school setting.

In 2023-24, the district had 68 students attending an NPS, as shown in Figure 3 below. There was a 24% increase in the number of district students attending an NPS between 2022-23 and 2023-24.

Number of District Students Attending an NPS, 2021-22 — 2023-24

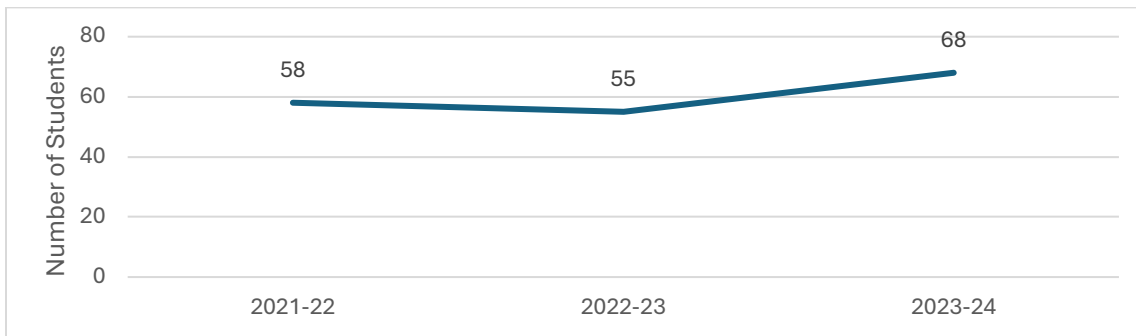


Figure 3. A graph showing an overall increase in the number of district students enrolled in special education who attend an NPS, from 58 in 2021-22 to 68 in 2023-24.

Source: District-provided data.

Staff indicated the number of district students attending an NPS is increasing due to a rise in disruptive student behavior following the return to school from the COVID-19 pandemic. However, the district projected a decrease in the number of students attending an NPS from 68 in 2023-24 to 65 in 2024-25. At the time of FCMAT’s visit, the district had 67 students enrolled in an NPS; four of these were preschool age students

and 63 were in TK through grade 12. Half of the preschool age and 65% of the school-age students attending an NPS qualify for special education under the disability category of autism, as shown in Table 6 below.

Table 6: District NPS Enrollment by Primary Disability Category, 2024-25

School Level	Autism	Deaf	Emotional Disability	Intellectual Disability	Multiple Disabilities	Other Health Impairments
Preschool	50.00%	50.00%	0.00%	0.00%	0.00%	0.00%
TK-12	65.10%	1.59%	7.94%	4.76%	3.17%	17.46%

Source: District-reported data.

Notes: The main eligibility category of “emotional disability” was previously “emotional disturbance,” which is the term defined in the IDEA and used throughout the Education Code and the California Code of Regulations. However, Assembly Bill 2173, signed by the governor in July of 2024, permits California to use the less offensive term “emotional disability” in state law.

District data indicates that its NPS expenditures went up by \$3,198,388.24 between 2021-22 and 2023-24, which is a 58.69% increase as shown in Figure 4 below.

District Nonpublic School Expenditures, 2021-22 — 2023-24

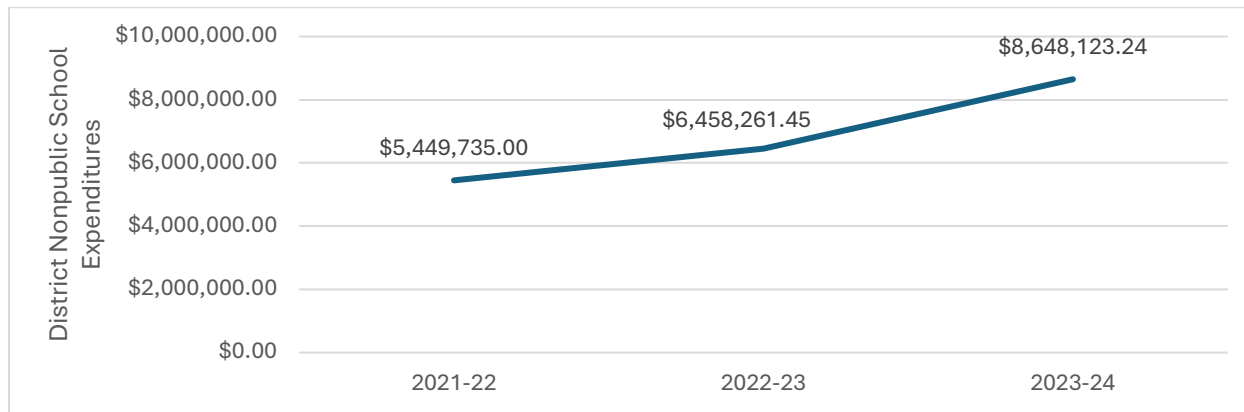


Figure 4. A graph showing an overall increase in the district’s nonpublic school expenditures, from \$5,449,735.00 in 2021-22 to \$8,648,123.24 in 2023-24.

Source: District-provided data.

In 2023-24, the district’s average cost for a student to attend an NPS was \$127,178, but it reduced its projected per student cost in 2024-25 to \$125,724. The district projected a decrease in the number of students attending an NPS and in NPS expenditures in its 2024-25 revised budget from \$8,648,123.24 in 2023-24 to \$8,172,068.91 in 2024-25. However, in 2024-25, the district’s payments for NPS services through October 31, 2024 were 38% higher than the same period in the prior year, and FCMAT projects the district has underbudgeted for the cost of all special education services (NPS/NPA) by approximately \$9.3 million.

It would benefit the district to continue to annually file for the Special Education Extraordinary Cost Pool (ECP) for Nonpublic School/Licensed Children’s Institutions (NPS/LCI) under EC 56836.21. The Special Education Extraordinary Cost Pool for NPS/LCI is ongoing state funding that was increased by almost 700% in 2022-23. The threshold amount for 2023-24 was \$97,944.15 for a single placement and services. According to its SELPA funding exhibits, the district has filed claims. However, if the district’s self-reported average cost per NPS student in 2023-24 was \$127,178 for services plus other expenses and transportation, the reimbursement requests submitted for that year seem quite low.

State Special Schools

The CDE provides administrative oversight and support to three State Special Schools for students: one California School for the Blind for students with the low prevalence disabilities of visual impairment and deafblindness, and two California Schools for the Deaf for students who are deaf and hard of hearing. The California Schools for the Deaf were established regionally in Riverside and Fremont and the California School for the Blind is in Fremont.

According to most recent data available in [DataQuest](#), in 2023-24 300 TK-12 students were enrolled at the California School for the Deaf in Fremont, and 324 TK-12 students were enrolled at the California School for the Deaf in Riverside. In 2023-24, the district reported it had 49 students enrolled at the California School of the Deaf in Fremont, of which 40 were in kindergarten through grade 12. Therefore, Fremont Unified students make up 6.41% of the California Schools for the Deaf's total TK-12 enrollment (including the Riverside and Fremont campuses). In contrast, Fremont Unified comprises 0.57% of the state's TK-12 enrollment so district students are overrepresented at the California Schools for the Deaf. Staff reported certain families move to Fremont because they want to live in proximity to one of the California Schools for the Deaf. In addition, staff explained that some families mistakenly believe that those who live in Fremont are automatically eligible to attend the California School for the Deaf. Instead, a student must be referred by their local school district and then go through a [four-part admission process](#) to determine whether the student meets the California School for the Deaf's enrollment criteria.

According to [DataQuest](#), in 2023-24 49 students in TK through grade 12 were enrolled at the California School for the Blind. In 2023-24, the district reported it had five TK-12 students enrolled at the California School for the Blind, which is 10.20% of the school's total enrollment. In contrast, Fremont Unified comprises 0.57% of the state's TK-12 enrollment so the Fremont Unified students are also overrepresented at the California School for the Blind. This is likely for the same reasons Fremont Unified students are overrepresented at the California School for the Deaf.

Recommendations

The district should:

1. Annually monitor the percentage of students who qualify for special education and assess the proportionality of students in the special education group compared to the overall student population at least by gender, race, ethnicity, and English learner status. Provide training as needed in how to properly identify students for special education.
2. Continue to implement its CIM for CCEIS Action Plan to reduce its overrepresentation of Hispanic and Latino students in special education.
3. Monitor what percentage of the school day students with IEPs spend in general education settings, with a focus on meeting or exceeding LRE targets in its Local Level Annual Performance Report.
4. Develop a better system to track the costs for each individual student attending an NPS for use in determining whether those expenses may qualify for extraordinary cost reimbursement.

District Organization and Central Office Special Education Staffing

District Organization

The organizational structure of a school district is crucial to the effectiveness of its special education program. An optimal structure fosters effective communication and collaboration across departments within the district's central office and schools. This collaboration is essential to meet the unique needs of students with disabilities and implement evidence-based practices that support inclusive education.

Interim Executive Director in the Special Education Department

In 2024-25, the district added a 0.70 FTE interim executive director in the Special Education Department. Staff explained that this position was added to create a direct line of communication between the administrative cabinet and the Special Education Department. As reported in the "Special Education Staffing Comparison" section of this report, the district has fewer administrative/leadership positions in its Special Education Department than similar districts, so it is recommended to retain this position since it facilitates communication and supports coherence.

Recruitment and Hiring of Special Education Staff

A district may use a centralized, decentralized or hybrid model to recruit and hire special education staff. In a centralized model, the central office facilitates recruitment and hiring of all special education staff. In a decentralized model, school site leaders facilitate the recruitment and hiring of special education staff. Many districts use a hybrid approach in which certain special education positions are recruited for and hired by the central office and others by school principals.

Fremont Unified uses a hybrid model to recruit and hire special education staff. Although school principals used to hire special education teachers, the assistant director in the Special Education Department now manages this process, usually including the principal from the school in interviews. Classified special education personnel are hired centrally by the Special Education Department for itinerant staff such as occupational therapists, and paraeducators are hired by school principals. However, the Special Education Department works with nonpublic agencies to fill open paraeducator positions with contracted staff. The Special Education Department completes the hiring paperwork for all special-education-related positions.

Despite the regular collaboration reported between staff in the Special Education and Human Resources departments and school sites, staff reported that the hiring process for special education staff is disjointed and excessively long. Staff believe the district loses viable candidates for special education positions because the time spent waiting to be interviewed or between being interviewed and being offered a position is excessive. Many staff suggested that if school principals were again made responsible for hiring special education teachers, the process could be quicker, more efficient, and the local needs of individual schools could be better prioritized.

FCMAT typically finds that districts the size of Fremont Unified have the Special Education Department manage recruitment and hiring of itinerant special education staff, related service providers, and contracted staff, and designate school principals to hire special education teachers and paraeducators for their schools. If the district were to make this change, it would need to consider how to coordinate its special education teacher recruitment efforts so that school principals are not all vying for the same candidates

separately. One way to address this could be to have the Human Resources Department support and coordinate special education teacher and/or paraeducator interviews so that a group of school principals conduct interviews together on the same day with a set of candidates. If the district were to do this, it would need to determine how to complete hiring paperwork and reference checks, and whether the Human Resources Department would need additional staff to support this work.

Position Control

Position control is a system of tracking information based on positions rather than employees. It is a framework of positions for all jobs in the organization regardless of whether there is an incumbent in a specific job or not. Position control includes the creation, maintenance, and monitoring of positions and the budgets for them. In school districts, position control is usually managed collaboratively between the Human Resources and Business Services departments. Position control should begin with staffing ratios based on site and department needs and consider any contract requirements.

District staff reported that the district uses a position control system, that it uses ratios to determine staffing for many special education positions, and that special education staffing projections for the coming school year are developed with input from the Special Education Department. However, staff indicated that the special education hiring process happens separately from position control. In addition, staff explained there is a lack of communication and a poor sense organizationwide of which special education staff work at which school site and for how long. For example, school principals expressed frustration about being asked to sign timecards for certain special education staff when they did not even know that person had been assigned to their school or what hours the person was supposed to work. Furthermore, school principals identified instances where they reported to the central office that a paraeducator was no longer needed at their school, and it took many months and reminders, or in rare cases up to a year, for the paraeducators to be moved to a different school site with an open position. This did not occur because of a lack of open paraeducator positions.

While examining the district's position control system is beyond the scope of work for this FCMAT study, the district needs to use its position control system when evaluating and filling all special education positions to help prevent over- or underbudgeting of staff by including all district-approved positions.

Special Education Program Support Staffing

Administrator/Leadership Positions

The Special Education Department has 13.70 full-time equivalent (FTE) administrator/leadership positions, as shown in Table 7 below.

Table 7. Administrator/Leadership Positions Supporting Special Education in 2024-25

Position Title	Number of Positions	Total FTE
Executive Director (Interim 2024-25)	1	0.70
Director	1	1.00
Assistant Director	1	1.00
Program Manager	1	1.00

Position Title	Number of Positions	Total FTE
Program Specialist	8	8.00
Preschool Program Principal	1	1.00
Preschool Program Assistant Principal	1	1.00
Total	14	13.70

Source: District-provided data.

The district also has a 0.6 FTE program specialist position supporting its infant program, which was not included in the forthcoming staffing comparison with similar districts since most do not operate infant programs.

Central Office Administrative Support Positions

The Special Education Department has 8.00 FTE administrative support staff, as shown in Table 8 below.

Table 8. Administrative Support Staff Positions Supporting Special Education in 2024-25

Position Title	Number of Positions	Total FTE
Staff Secretary II	1	1.00
Staff Secretary III	1	1.00
Data Services Technician	1	1.00
Office Assistant III	1	1.00
Account Technician II	1	1.00
School Secretary – Glankler	1	1.00
School Secretary – Rix	1	1.00
Office Assistant I – Glankler	1	0.50
Office Assistant I – Rix	1	0.50
Total	9	8.00

Source: District-provided data.

Special Education Staffing Comparison

FCMAT conducted an informal survey of unified school districts in California with student enrollment and unduplicated pupil percentages (UPP) similar to those of the Fremont Unified School District.³ The survey aimed to collect information on central office staffing within the school districts' special education departments:

³ The term UPP refers to the percentage of students who are English learners, foster youth, or eligible for free or reduced-price meals. Each student is counted only once, regardless of how many categories they qualify for.

- **Central Office Administrator/Leadership Positions** – Roles such as directors, assistant directors, coordinators, program specialists, and teachers on special assignment (TOSAs). These comparison positions do not need to require an administrative credential.
- **Central Office Administrative Support Positions** – Roles such as secretaries, administrative assistants, filing clerks, and data technicians.

Table 9 on the following page compares Fremont Unified’s Special Education Department central office staffing with data from the three school districts that participated in FCMAT’s survey. On average, these school districts have 17.27 FTE administrator/leadership positions supporting special education in the central office, while Fremont Unified reports a lower level of staffing at 13.70 FTE. For special education administrative support positions in the central office, the comparison school districts average 9.17 FTE, whereas Fremont Unified reports a lower level of staffing at 8.00 FTE.

Table 9. Administrator and Administrative Support Position Staffing Comparison

District	County	2023-24 Census Day Enrollment	2023-24 Census Day UPP%	2024-25 Administrator/ Leadership Position FTE	2024-25 Administrative Support Position FTE
Mt. Diablo Unified	Contra Costa	30,010	47.62%	21.00	8.00
Placentia-Yorba Linda Unified	Orange	22,705	47.97%	17.80	6.50
Torrance Unified	Los Angeles	22,109	38.85%	13.00	13.00
Average FTE				17.27	9.17
Fremont Unified	Alameda	33,063	33.25%	13.70	8.00

Sources: Comparisons (Ed-Data) and FCMAT survey results.

Notes: Fremont Unified was excluded from the average FTE calculations.

Teachers on special assignments were included in administrator/leadership FTE if they are ongoing positions and perform special education program support functions in the central office.

Any variances in a school district’s actual FTE are due to FCMAT’s interpretation of the survey data.

Fremont Unified has 3.57 FTE fewer administrator/leadership positions and 1.17 FTE fewer administrative support positions supporting special education compared to the surveyed school districts. Ideally a higher number of districts would have responded to FCMAT’s survey. However, the district most similar in size to Fremont Unified had 7.30 FTE more administrator/leadership positions.

Special Education Department Administrator/Leadership Positions

In addition to having fewer administrator/leadership positions than the similar districts who responded to FCMAT’s survey, Fremont Unified only has 3.7 FTE positions in its central office supporting the special education program that require an administrative services credential. This is unusual in a district this size compared to what is observed across the state and may be one cause of the inadequate support from the Special Education Department’s leadership team identified by some staff during interviews.

The Special Education Department’s eight program specialist positions do not require an administrative services credential and are similar to a teacher on special assignment (TOSA) position in that the staff work a 7.5-hour day and 192 days per year. This is far less than a typical program manager’s schedule, and these

staff cannot commit district funds and evaluate specialized itinerant and related service provider staff, which were needs identified by staff during interviews.

The Special Education Department's program specialists are viewed positively by all staff interviewed. Many staff indicated program specialists are more approachable than other central office or site leaders because they are not administrators. Staff explained that in this district, an administrator must follow steps to provide feedback to a teacher. The program specialists do not need to follow these steps, which is viewed as helpful by teachers who need support or timely feedback. Staff interviewed universally indicated the feedback and support from program specialists is helpful and that they are knowledgeable.

A drawback of the program specialist position identified during interviews is that program specialists do not serve as the administrator/administrator designee at IEP meetings. Accordingly, if a program specialist attends an IEP meeting, the school's administrator must also attend. While having both a school administrator and a program specialist attending an IEP may be optimal in certain cases, having this as the norm is not the best use of a district's finite resources.

The district assigns a special education program specialist to each of its five attendance areas, and the other three program specialists support the following: educationally related mental health services, services for infants and preschool age students, and programs for students with autism. Article 36.9.1.5 of the district's contract with Fremont Unified District Teachers Association states, "The District will maintain no fewer than three (3) positions budgeted for special education services. This number is exclusive of program specialists who work with special categories of students, including the infant program, pre-school program, or any program for which the District receives reimbursement from special funds, outside of the Special Education or General Fund."

The support provided by the Special Education Department's program specialists is valued by staff and is useful to the special education program. However, the district needs to assess the cost and benefit of converting some of the program specialist positions into program manager positions, requiring an administrative services credential, to help meet the Special Education Department leadership needs identified in interviews. For example, the district could consider converting five of the program specialist positions into program manager positions, who follow a manager's daily schedule and work year. A program manager could be assigned to each of the five district attendance areas, and these staff could support as administrative designee at high profile IEP meetings.

Recommendations

The district should:

1. Continue its executive director position in the Special Education Department to provide additional support for the special education program and a direct line of communication between the administrative cabinet and the Special Education Department.
2. Conduct regular joint meetings of the Business Services, Human Resources and Special Education departments on staffing, position control, and budget.
3. Use its position control system when evaluating and filling all special education positions to help prevent over- or underbudgeting of staff by including all district-approved positions.
4. Consider whether having school principals responsible for hiring special education teachers would make the process more efficient. Determine how the Human Resources Department would need to support the hiring process and whether it could do so with its current staffing if this change were made.

5. Perform a cost and benefit analysis to determine whether converting some of the Special Education Department's program specialist positions into program manager positions, requiring an administrative services credential, would better meet special education program needs.

Special Education Teacher Staffing

FCMAT compared the district's special education teacher staffing to statewide guidelines and/or industry standards.

Resource Specialist Program Teachers

The Resource Specialist Program (RSP) provides targeted instructional support and services to students with special education needs. RSP teachers play a critical role in managing caseloads, developing IEPs, and collaborating with general education teachers to support student success.

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.

The contract between the district and the teachers' association specifies a maximum caseload of 28 students for RSP teachers.

In 2024-25, the district has 62.4 FTE RSP teachers. Based on caseload estimates provided by the district, these teachers manage the cases of 1,592 students, averaging 25.51 students per teacher, as shown in Table 10 below.

Table 10: Resource Specialist Teacher Staffing, 2024-25

School Level	Total Teacher FTE	Total Student Caseload	Average Teacher Caseload	Staffing Needed to Meet Education Code Standard	Staffing Above (+) or Below (-) Education Code Standard
Elementary School	23.8	622	26.13	22.21	+1.59
Middle School	16.0	399	24.94	14.25	+1.75
High School	19.6	470	23.98	16.79	+2.81
COIL Charter School	3.0	101	33.67	3.61	-0.61
Total	62.4	1,592	25.51	56.86	+5.54

Sources: District-provided data and EC [56362\(c\)](#).

COIL Charter School is staffed 0.61 FTE RSP teacher below what is needed to meet the EC [56362\(c\)](#) caseload standard. Staff reported a 1.0 FTE RSP teacher was moved from COIL Charter School earlier this year because the caseload size did not warrant that teacher. However, the RSP caseload at COIL Charter School has since grown and additional RSP teacher support is now needed to meet the EC [56362\(c\)](#) caseload standard and student needs. Staff are evaluating how to increase RSP teacher support at COIL Charter School.

Districtwide resource specialist staffing is 5.54 FTE more than what is required to meet the EC [56362\(c\)](#) caseload standard. However, the students who receive support from a resource specialist are not neatly distributed into groups of 28 across district schools. Thus, having more staffing than is required to meet the EC [56362\(c\)](#) standard may be necessary. In addition, the standard outlined in EC [56362\(c\)](#) is based on a maximum caseload, which is higher than the statewide caseload average observed in LEAs that serve students using an inclusive model.

Although the definition of an inclusive model varies across California’s school districts, the intent of such a model is to enable students to attend their neighborhood schools, progress through the grade levels that match their chronological ages, and access general education classes and curricula to the greatest extent possible. As described in the section of this report that discusses placement in the least restrictive environment, the district did not meet any of the three indicators that measure school age LRE on its annual performance report. However, the district is attempting to operate an inclusive program. Accordingly, resource specialist staffing that exceeds the 1-to-28 teacher-to-student ratio may be needed to provide sufficient services to meet students’ needs; these services are based on factors such as the number of specialized academic instruction (SAI) minutes in a student’s IEP and the percentage of time a student is in general education.

As the district makes progress toward meeting the LRE targets and increases the percentage of time students receive support in general education, it will need to consider the RSP support necessary to meet student needs. The industry standard for SAI-based programs supporting students in their LRE is 20-24 students per special education teacher.

Special Day Class Staffing

The Education Code does not define caseload maximums for SDC programs. Article 12.4.2 of the district’s contract with the teachers’ association states the district will make reasonable effort not to exceed the special education class maximum size goals for its SDC programs, which are shown alongside industry standards in Table 11 below.

Table 11: District Class Maximum Size Goal and Industry Standards for Special Day Class Programs

Type of Program	District Class Maximum Size Goal	Industry-Standard Caseload Range
Mild/Moderate Support Needs Special Day Class – Cross-Categorical	Preschool through Grade 3 – 10 students per 1 teacher	Preschool - 14 students per 1 teacher
	Grades 4-12 – 12 students per 1 teacher	Transitional Kindergarten through Grade 12 – 12-15 students per 1 teacher
Extensive Support Needs Special Day Class – Cross-Categorical	Preschool – 8 students per 1 teacher	Preschool - 10 students per 1 teacher
	Kindergarten through Grade 3 – 6-10 students per 1 teacher Grades 4-12 – 6-12 students per 1 teacher	Transitional Kindergarten through Grade 12 – 10-12 students per 1 teacher
Extensive Support Needs Special Day Class – Autism Focus	No Class Size Goal in Collective Bargaining Agreement	Preschool – 9 students per 1 teacher Transitional Kindergarten through Grade 12 – 8-10 students per 1 teacher
Special Day Class – Mental Health and Behavioral Support Needs	No Class Size Goal in Collective Bargaining Agreement	8-10 students per 1 teacher

Sources: District collective bargaining agreement and industry standards.

Most of the district’s special education class size goals are aligned with the industry standards, except for its SDCs for students in preschool and in kindergarten through grade three, which have a lower class size goal than the industry standards. The district needs to evaluate whether aligning its SDC caseload guide-

lines for these programs with industry standards would allow it to reduce costs while continuing to meet students' needs.

Mild-to-Moderate Special Day Class Programs

In 2024-25, the district has 51.0 FTE SDC teachers of classes for students with mild-to-moderate support needs. Based on caseload estimates provided by the district, these teachers manage the cases of 563 students, averaging 11.04 students per teacher, as shown in Table 12 below.

Table 12: Mild-to-Moderate Special Day Class Program Teacher Staffing, 2024-25

School Level	Total Teacher FTE	Total Student Caseload	Teacher Caseload Average	Industry-Standard Caseload Range	Staffing FTE Needed to Meet Industry Standard	Staffing FTE Above (+) or Below (-) Industry Standard
Preschool	5.00	27	5.40	14 students per teacher	1.93 FTE	+3.07 FTE (above 14 students per teacher)
Elementary School	16.00	164	10.25	12-15 students per teacher	13.67 FTE needed to meet 12 students per teacher 10.93 FTE needed to meet 15 students per teacher	+2.33 FTE (above 12 students per teacher) +5.07 FTE (above 15 students per teacher)
Middle School	11.00	148	13.45	12-15 students per teacher	Within Industry-Standard Range	Within Industry-Standard Range
High School	19.00	224	11.79	12-15 students per teacher	Within Industry-Standard Range	Within Industry-Standard Range
Total	51.00	563	11.04	N/A	N/A	N/A

Sources: District-provided data and industry standards.

The districtwide mild-to-moderate SDC teacher caseload average is below the industry-standard range for preschool and elementary school classes. As a result, the district is staffed with 3.07 FTE more mild-to-moderate SDC preschool teachers and 2.33-5.07 FTE (depending on the industry-standard range of 12-15 students per teacher) more mild-to-moderate SDC elementary school teachers than what it would need to meet industry standards.

The district is staffed above the industry-standard range for mild-to-moderate preschool and elementary SDCs because it determines its staffing using class size goals that are lower than the industry standards. In addition, the district's current preschool numbers are lower than they will be at the end of the school year because preschool numbers grow as students turn 3 years old and become eligible for the program. District preschool numbers may also be trending lower overall with the phase in of the TK program. Staff reported that most students move from preschool to TK when they turn 4. Accordingly, the district needs to evaluate start and end-of-year preschool program numbers to see what trends it can identify and determine whether the current number of mild-to-moderate SDC preschool teachers are needed.

Counseling Enriched Special Day Class Program

In 2024-25, the district has 9.00 FTE SDC teachers of classes for students with social-emotional and behavioral support needs. Based on caseload estimates provided by the district, these teachers manage the cases of 85 students, averaging 9.44 students per teacher, as shown in Table 13 below.

Table 13: Counseling Enriched Special Day Class Program Teacher Staffing, 2024-25

Program	Total Teacher FTE	Total Student Caseload	Average Caseload Per Teacher	Industry-Standard Caseload Range	Staffing FTE Needed to Meet Industry Standard	Staffing FTE Above (+) or Below (-) Industry Standard
Counseling Enriched SDC	9.00	85	9.44	8 -10 students per teacher	10.63 FTE (8 students per teacher) 8.50 FTE (10 students per teacher)	Within Industry-Standard Range

Sources: District-provided data and industry standards.

The districtwide counseling enriched SDC teacher caseload average is within the industry-standard range of 8-10 students per teacher.

Moderate Support Needs Special Day Class Program

In 2024-25, the district has 39.00 FTE SDC teachers of classes for students with moderate support needs. Based on caseload estimates provided by the district, these teachers manage the cases of 392 students, averaging 10.05 students per teacher, as shown in Table 14 below.

Table 14: Moderate Support Needs Special Day Class Program Teacher Staffing, 2024-25

School Level	Total Teacher FTE	Total Student Caseload	Average Caseload Per Teacher	Industry-Standard Caseload Range
Preschool	6.00	39	6.50	No Industry Standard Available
Elementary School	19.00	201	10.58	No Industry Standard Available
Middle School	6.00	67	11.17	No Industry Standard Available
High School	5.00	57	11.40	No Industry Standard Available
Young Adult Program	3.00	28	9.33	No Industry Standard Available
Total	39.00	392	10.05	No Industry Standard Available

Sources: District-provided data.

No industry standard is available to compare with the district’s moderate support needs SDC teacher staffing. However, like the district’s mild-to-moderate SDC program, the caseload average for the preschool program is much lower than other school levels.

Extensive Support Needs Special Day Class Program

In 2024-25, the district has 28.00 FTE SDC teachers for students with extensive support needs. Based on caseload estimates provided by the district, these teachers manage the cases of 254 students, averaging 9.07 students per teacher, as shown in Table 15 below.

Table 15: Extensive Support Needs Special Day Class Program Teacher Staffing, 2024-25

School Level	Total Teacher FTE	Total Student Caseload	Average Caseload Per Teacher	Industry-Standard Caseload Range	Staffing FTE Needed to Meet Industry Standard	Staffing FTE Above (+) or Below (-) Industry Standard
Preschool	6.00	33	5.50	9 students per teacher – autism focus 10 students per teacher – cross-categorical	3.67 FTE (9 students per teacher) 3.30 FTE (10 students per teacher)	+2.33 FTE (9 students per teacher) +2.70 FTE (10 students per teacher)
Elementary School	11.00	124	11.27	8-10 students per teacher – autism focus 10-12 students per teacher – cross-categorical	Within Industry-Standard Range	
Middle School	3.00	26	8.67	8-10 students per teacher – autism focus 10-12 students per teacher – cross-categorical	Within Industry-Standard Range	
K-8	1.00	11	11.00	8-10 students per teacher – autism focus 10-12 students per teacher – cross-categorical	Within Industry-Standard Range	
High School	4.00	30	7.50	8-10 students per teacher – autism focus 10-12 students per teacher – cross-categorical	Within Industry-Standard Range	
Young Adult Program	3.00	30	10.00	10-12 students per teacher – cross-categorical	Within Industry-Standard Range	
Total	28.00	254	9.07	8-10 students per teacher – autism focus 10-12 students per teacher – cross-categorical	Within Industry-Standard Range	

Sources: District-provided data and industry standards.

The districtwide extensive support needs SDC teacher caseload average is within the industry-standard range for all school levels except for preschool, which is staffed above the industry-standard range. As a result, the district is staffed with 2.33-2.70 FTE (depending on the industry-standard range of nine or 10 students per teacher) more SDC preschool teachers for students with extensive support needs than what it would need to meet industry standards.

The district is staffed above the industry-standard range for extensive support needs preschool SDCs because it determines its staffing using class size goals that are lower than the industry standards. In addition, as previously mentioned, the district’s current preschool numbers are lower than they will be at the end of the school year because preschool numbers grow as students turn 3 years old and become eligible for the program. District preschool numbers may also be trending lower overall with the phase in of the TK program. Staff reported that most students move from preschool to TK when they turn 4. Accordingly, the district needs to evaluate start and end-of-year preschool program numbers to see what trends it can identify and determine whether the current number of extensive support needs SDC preschool teachers are needed.

Recommendations

The district should:

1. Determine how it can increase RSP teacher staffing at COIL Charter School to ensure it meets the EC 56362(c) caseload standard and student needs.
2. Continue to monitor RSP teacher staffing and caseloads to ensure they are adequate to meet the EC 56362(c) caseload standard and student needs.
3. Evaluate whether aligning its class size goals for its SDC preschool programs and SDCs for students in kindergarten through grade three with industry standards would allow it to reduce the number of teachers needed for these programs while continuing to meet students' needs.
4. Evaluate its start and end-of-year preschool program numbers for the past three years and compare them to this school year's numbers to identify trends and determine whether the current number of mild-to-moderate and extensive support needs SDC preschool teachers are needed.

Special Education Paraeducator Staffing

Special education paraeducators, also known as special education aides or instructional assistants, are trained professionals who work with students, typically under the direction of a classroom teacher. LEAs often employ special education paraeducators under different titles with distinct job descriptions to perform functions such as specialized academic instruction, specialized medical support, behavioral support, and 1-to-1 student support or intensive individual service (IIS).

Industry-Standard Paraeducator Staffing Ratios

The industry-standard base staffing for SDCs is to assign one paraeducator for every teacher of students with mild-to-moderate and extensive support needs. For SDCs serving students with autism, the standard is two special education paraeducators for every teacher. In addition, the industry standard for staffing in excess of the SDC base staffing level is determined by an adult-to-student ratio, as shown in Table 16 below.

Table 16: Industry-Standard Paraeducator Staffing and Adult-to-Student Ratios

SDC Support Level	SDC Focus	Industry-Standard Special Education Paraeducator Staffing	Adult-to-Student Ratio
Mild-to-Moderate	Noncategorical	One to two six-hour special education paraeducators for a class size of 12-15	1-to-7
Extensive	Noncategorical	One to two six-hour special education paraeducators for a class size of 10-12	1-to-5
All	Autism	Two to four six-hour special education paraeducators for a class size of 8-10	1-to-3

Source: Industry standards.

Note: Industry-standard staffing for special education paraeducators is determined by class size to meet an adult-to-student ratio, which includes the classroom teacher and special education paraeducator(s).

The district has established the following paraeducator staffing guidelines:

- Each RSP teacher is assigned one paraeducator.
- An SDC for students with mild-to-moderate support needs is assigned one to three paraeducators.
- An SDC for students with extensive support needs is assigned three to four paraeducators.

Establishing paraeducator staffing guidelines for SDC programs is a good practice, and the guidelines the district reported using are reasonable. However, because the district does not use an adult-to-student staffing ratio to determine paraeducator staffing, it may be over- or understaffed. Assigning more paraeducator support than necessary is costly and may limit students' opportunities to gain independence; however, not assigning enough paraeducators to an SDC can mean that students lack appropriate support and supervision. Therefore, the district would benefit from adding an adult-to-student ratio to its paraeducator staffing guidelines for SDCs. When using such a ratio to determine staffing, the best practice is to include the teacher and classroom paraeducators in the adult portion of the ratio, and to remove any students who have a 1-to-1 paraeducator and their assigned 1-to-1 paraeducator from the ratio.

1-to-1 Student Support

There is no established industry standard for special education paraeducators providing 1-to-1 paraeducator support. Many LEAs throughout the state have taken steps to remove the designation of 1-to-1 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 special education paraeducator role as special circumstance instructional assistance (SCIA). Accordingly, when a student requires SCIA, the district endeavors to meet student needs by assigning extra paraeducator classroom assistance instead of 1-to-1 paraeducator support.

The district uses a SCIA assessment process to determine whether a student requires 1-to-1 paraeducator support. This process clarifies decision-making procedures and recognizes that 1-to-1 paraeducator support is a significant program decision that should be based on a thorough, data-driven evaluation that includes considering all less-restrictive alternatives. The district's SCIA assessment aligns with industry standards because it focuses on personal independence, promotes individual decision-making, works to maximize existing supports, and is based on data-driven assessment.

After a school team goes through the SCIA assessment process, the district has an SCIA panel that reviews each SCIA assessment prior to assigning a 1-to-1 paraeducator. Staff reported the SCIA panel causes the SCIA assessment process to be unnecessarily long and stated there is a backlog of completed SCIA assessments waiting for SCIA panel review. Many staff indicated they do not understand the reason for the SCIA panel. The district needs to determine the amount of time completed SCIA assessments wait for SCIA panel review and evaluate its SCIA process to decide whether revisions are necessary.

In 2024-25, the district has 197.62 FTE one-to-one paraeducators assigned to provide 1-to-1 paraeducator support and 5.38 FTE paraeducators who provide 1-to-1 and classroom paraeducator support. Although there is no industry standard for comparison, this is high for a district of this size compared to what is observed across the state.

Causes and Consequences of High 1-to-1 Paraeducator Staffing

Staff explained that the number of 1-to-1 paraeducators has grown because student support needs increased following the COVID-19 pandemic and because teacher turnover results in inexperienced teachers who need additional help in certain SDCs.

As previously mentioned, assigning more paraeducator support than necessary is costly. In addition, although a parent/guardian or staff member's request for a student to have a 1-to-1 paraeducator may be well meaning, according to the [University of Colorado at Denver's Paraprofessional Resources and Research Center](#), it can negatively affect the student's education in the following ways:

- The paraeducator may become the student's primary service provider, and the teacher's involvement and interactions with the student may be limited. The University of Colorado at Denver's Paraprofessional Resources and Research Center cautions, "This practice is further exacerbated when paraeducators are not qualified and or trained. It is not in the best interest of the students with most complex needs to be taught by the least qualified staff member."
- The paraeducator's constant presence may cause the student to become overly dependent on that adult to do things they could otherwise do independently.
- The paraeducator may create social barriers between the student they are supporting and the student's peers.

Best Practices in 1-to-1 Paraeducator Assignment

In addition to using an assessment to determine whether a student requires a 1-to-1 paraeducator, LEAs should also identify when during the school day a student requires a 1-to-1 paraeducator and assign this

only for those times. The “School Day Analysis” page of the district’s SCIA assessment is designed to be used to determine which parts of the school day a student requires support (e.g., for mathematics or during recess). This is an alternative to assigning a student a 1-to-1 paraeducator for the entire school day, which is only necessary for some students. Staff reported the “School Day Analysis” page is used to determine whether a 1-to-1 paraeducator can be shared by more than one student at a school.

Part of the SCIA assessment process focuses on planning for a student’s transition to independence and developing annual IEP goals to support this. Staff reported that they do not consistently write goals for independence or plans to reduce a student’s reliance on 1-to-1 special education paraeducator support when it is added to a student’s IEP. Doing so would be a good practice because it focuses IEP services on addressing deficit areas to strengthen skills, allows the student’s IEP team to monitor annual progress, and helps them determine whether adjustments to the level of service are needed. It would also help the IEP team move away from the concept of assigning one adult to one student, which would enable the district to assign one special education paraeducator to more than one student when appropriate. Staff identified resistance from parents as the main barrier to reducing or removing 1-to-1 student support, regardless of whether this support is necessary or beneficial to the student.

Nonpublic Agency Paraeducator Staffing

The CDE defines a nonpublic, nonsectarian agency (NPA) as “a private, nonsectarian establishment or individual that provides related services necessary for a pupil with exceptional needs to benefit educationally from the pupils’ individualized education program (IEP).” Due to statewide shortages, districts commonly contract with NPAs for certain types of special education staff such as related service providers and paraeducators.

The Human Resources Department indicated it does not track contracts initiated by the Special Education Department with NPAs for special education staff. However, staff identified an inconsistency between the number of special education paraeducator position vacancies and the number of paraeducators for which the Special Education Department contracts with an NPA. Staff estimated the district contracts for 100 special education paraeducators but only has approximately 25 paraeducator vacancies.

Staff explained that the Special Education Department must request board approval of new paraeducator positions. However, when requests were denied prior to the COVID-19 pandemic, the Special Education Department began placing paraeducators, including ones contracted through an NPA, in limited-term assignments instead of board-approved positions. Thus, the Special Education Department can contract for as many paraeducators deemed necessary up to the dollar amount of its board-approved contract with the NPA without consulting with the Human Resources Department or requesting administrative cabinet approval.

School site staff reported the large number of contracted special education paraeducators in limited term assignments are difficult to keep track of and monitor. Certain principals reported they cannot provide proper oversight of these special education paraeducators. They explained that they do not always know which contracted special education paraeducators are assigned to their school or for what hours but are asked to sign timecards for these contracted staff.

Recommendations

The district should:

1. Begin using adult-to-student ratios to help determine the assignment of special education paraeducators to SDCs and determine whether it can reduce paraeducator staffing while still meeting student needs.

2. Determine the amount of time completed SCIA assessments wait for SCIA panel review and evaluate its SCIA process to decide whether revisions are necessary.
3. Consistently use SCIA assessment results to determine whether one paraeducator can provide 1-to-1 support to more than one student at a school.
4. Ensure that each IEP that calls for 1-to-1 paraeducator support, except for medically necessary support, includes goals for independence and a support phase-out plan that is actively monitored.
5. Only contract with an NPA for the number of vacant special education paraeducator positions. Obtain administrative cabinet approval for any new special education paraeducator positions.
6. Determine criteria for the use of limited term assignments for special education staff, and avoid deviating from it.

Related Service Provider Staffing and Caseloads

Related services are the developmental, corrective and other services required to help a child with a disability benefit from special education (34 CFR 300.34). These services are written into students’ IEPs and include but are not limited to physical therapy, speech and language therapy, and occupational therapy.

FCMAT analyzed staffing ratios for the district’s adapted physical education (APE) teachers, occupational therapists, physical therapists, school nurses, school psychologists, speech and language pathologists (SLPs), teachers for students who are deaf/hard of hearing, and teachers for students who are visually impaired. Staffing ratios for other related service providers were not analyzed because there is no established industry standard for them. The industry standards for related service providers are shown in Table 17 below.

Table 17: Industry-Standard Provider-to-Student Ratios

Provider Type	Industry-Standard or Education Code Provider-to-Student Ratio
Psychologist	1-to-977
SLP (preschool)	1-to-40
SLP (ages 5-22)	1-to-55
APE Teacher	1-to-45-55
Physical Therapist	1-to-45-55
Occupational Therapist	1-to-45-55
Vision and Orientation and Mobility	1-to-10-30
Deaf and Hard of Hearing	1-to-15-25
Nurse	1-to-2,274

Sources: Industry standards, Education Code 56363.3, and Pupil Services Staff by Type (CDE).

Adapted Physical Education

The district’s contract with the teachers’ association does not stipulate a caseload size for APE teachers.

In 2024-25, the district has 5.0 FTE APE teacher positions with a combined total caseload of 161 students receiving direct services, as shown in Table 18 below. All APE teachers are district employees.

Table 18: Adapted Physical Education Teacher Staffing, 2024-25

Provider	Number of FTE	2024-25 Total Caseload	Caseload Average	Industry-Standard Provider-to-Student Ratio	FTE Needed to Meet Industry Standard	Staffing Above (+) or Below (-) Industry Standard
APE Teacher	5.0	161.0	32.2	1-to-45-55	3.58 FTE (to meet 1-to-45) 2.93 FTE (to meet 1-to-55)	+1.42 FTE (above 1-to-45) +2.07 FTE (above 1-to-55)

Sources: District-provided data and industry standards.

Note: Only students receiving direct services from the district’s APE teachers were included in the total caseload and related calculations.

As shown in the table, the district is one to two FTE above the industry-standard staffing level range for APE teachers. Staff indicated that each APE teacher serves students at several schools, but they split their assignments by attendance area and reported there is no significant travel time between schools. The dis-

trict needs to review APE teacher caseload projections, assessment loads, the number of schools each APE teacher supports, driving times between schools, direct and consultation service minutes, and students’ needs to determine if it can reduce the number of APE teachers and continue to meet students’ needs.

Credentialed School Nurses

In 2024-25, the district has 16.0 FTE credentialed school nurse positions, each with an average caseload of 2,066.44 students, as shown in Table 19 below. The district also has a 1.0 FTE lead school nurse position that was not included in this analysis.

Table 19: Credentialed School Nurse Staffing, 2024-25

Provider	Number of FTE Positions	2023 Census Day Enrollment	Caseload Average	Industry-Standard Provider-to-Student Ratio	FTE Needed to Meet Industry Standard	Staffing Above (+) or Below (-) Industry Standard
School Nurse	16.0	33,063	2,066.44	1-to-2,274	14.54 FTE	+1.46 FTE

Sources: Pupil Services Staff by Type (CDE), district-provided data, and Enrollment for Charter and Non-Charter Schools - Fremont Unified (CDE).

Note: The district also has a 1.0 FTE lead school nurse position that was not included in this analysis.

As shown in the table, the district is staffed just above the industry-standard staffing levels for credentialed school nurses. The district needs to annually review its enrollment, special education enrollment, duties performed by credentialed school nurses, schoolwide needs, and students’ needs to determine whether it needs to change credentialed school nurse staffing.

Occupational Therapy

The district’s contract with the teachers’ association does not stipulate a caseload size for occupational therapists.

In 2024-25, the district has 6.0 FTE occupational therapist positions, each with an average caseload of 19.0 students receiving direct services, as shown in Table 20 below. The district contracts with an NPA for 1.0 FTE of its occupational therapist staff and the other 5.0 FTE are district employees. The district does not use certified occupational therapy assistants (COTAs).

Table 20: District Occupational Therapist Staffing, 2024-25

Provider	Number of FTE	2024-25 Total Caseload	Caseload Average	Industry-Standard Provider-to-Student Ratio	FTE Needed to Meet Industry Standard	Staffing Above (+) or Below (-) Industry Standard
Occupational Therapist	6.0	114	19.0	1-to-45-55	2.53 FTE (to meet 1-to-45) 2.07 FTE (to meet 1-to-55)	+3.47 FTE (above 1-to-45) +3.93 FTE (above 1-to-55)

Sources: District-provided data and industry standards.

Notes: Only students receiving direct services from the district’s occupational therapists were included in the total caseload and related calculations.

As shown in the table, the district has more than double the industry-standard staffing levels for occupational therapists. Staff reported that the number of students who receive consultation services from an occupational therapist increases the number of occupational therapists needed. However, the district does

not recognize that it is staffed significantly higher than the industry standard. The district needs to review occupational therapist caseload projections, assessment loads, the number of schools each occupational therapist serves, driving time between schools, direct and consultation service minutes, and students’ needs to determine if it can reduce the number of occupational therapists and continue to meet students’ needs.

Physical Therapy

The district’s contract with the teachers’ association does not stipulate a caseload size for physical therapists.

In 2024-25, the district has 4.0 FTE physical therapist positions, each with an average caseload of 14.0 students receiving direct services, as shown in Table 21 below. All the district’s physical therapist positions are filled through an NPA.

Table 21: District’s Physical Therapist Staffing, 2024-25

Provider	Number of FTE	2024-25 Total Caseload	Caseload Average	Industry-Standard Provider-to-Student Ratio	FTE Needed to Meet Industry Standard	Staffing Above (+) or Below (-) Industry Standard
Physical Therapist	4.0	56.0	14.0	1-to-45-55	1.24 FTE (to meet 1-to-45) 1.02 FTE (to meet 1-to-55)	+2.76 FTE (above 1-to-45) +2.99 FTE (above 1-to-55)

Sources: District-provided data and industry standards.

Note: Only students receiving direct services from the district’s physical therapists were included in the total caseload and related calculations.

As shown in the table, the district has more than three times the industry-standard staffing levels for physical therapists. Staff reported that the number of students who receive consultation services from a physical therapist increases the number of physical therapists needed. However, as with occupational therapist staffing, the district does not recognize that its physical therapist staffing is far higher than the industry standard. The district needs to review physical therapist caseload projections, assessment loads, the number of schools each physical therapist supports, driving time between schools, direct and consultation service minutes, and students’ needs to determine if it can reduce the number of physical therapists and continue to meet students’ needs.

In addition to being staffed significantly above the industry standard for physical therapists, in 2024-25 none of the physical therapist positions are filled with a district employee. Staff reported that the district has developed a job description for a physical therapist position, but it has not been approved. The district needs to perform a cost benefit analysis of having district-employed physical therapist positions versus continuing to contract through an NPA. By not doing so, the district may be increasing its costs. In addition to potential cost savings, hiring its own employees would give the district more control over the management of its physical therapists.

School Psychologists for School-Age Programs

Article 36.10.2.1 of the district’s contract with the teachers’ association states: “The District will maintain no fewer than the number of positions budgeted for Special Education testing for 1995-96 for the term of the Agreement. This number is exclusive of psychologists who work with special categories of students, including the infant program, pre-school program, or any program for which the District receives reimbursement from special funds, outside of the Special Education or General Fund.”

In 2024-25, the district has 40.5 FTE school psychologist positions; 36.9 FTE of these positions serve school-age programs, each with an average caseload of 896.02 students, as shown in Table 22 below. The district’s other 3.6 FTE school psychologists serve the infant or preschool programs, or exclusively provide educationally related mental health services, and were not included in this staffing comparison.

Table 22: School Psychologist Staffing for School-Age Programs Compared to Industry Standard, 2024-25

Provider	Number of FTE	2023 Census Day Enrollment	Caseload Average	Industry-Standard Provider-to-Student Ratio	FTE Needed to Meet Industry Standard	Staffing Above (+) or Below (-) Industry Standard
School Psychologist for School-Age Programs	36.9	33,063	896.02	1-to-977	33.84 FTE	+3.06 FTE

Sources: District-provided data, *Pupil Services Staff by Type* (CDE), and *Enrollment for Charter and Non-Charter Schools - Fremont Unified* (CDE).

Note: The district’s 3.6 FTE school psychologists who serve the infant or preschool programs, or exclusively provide educationally related mental health services, were not included in this staffing comparison.

As shown in the table, the district is staffed above the industry-standard staffing levels for school psychologists for school-age programs. Staff reported that school psychologists who serve the school-age program work in the comprehensive role of a school psychologist, which means they provide social-emotional and behavioral support, consult with teachers, provide one-to-one counseling, and complete assessments. Staff reported that most of these psychologists’ time is spent on initial and triennial psychoeducational assessments.

Staff reported that the high number of initial assessments, which have been ongoing since the return to schools following the COVID-19 pandemic, places significant demands on the school psychologists’ workload and increases the district’s need for school psychologists. The district needs to begin collecting quarterly data by school on:

- Referrals for assessments.
- Assessments completed.
- Students who qualify and do not qualify for services.

Tracking this data will enable the district to identify referral patterns by school, teacher or service provider, supporting more informed decisions about staffing and resource allocation.

District school psychologists identified two other factors, outlined below, which influence their workload and the number of staff needed.

- Before considering a special education assessment, students with learning differences and/or behavioral or social-emotional needs should be referred to a student success team (SST). This school-based team approach is designed to help students with a wide range of concerns related to their school performance and experience. Staff explained that the district’s SST and coordination of services team (COST) processes function well at certain schools, but do not provide adequate intervention and support in the general education program at other schools, which leads to a high number of initial assessments and influences the school psychologists’ workload.
- Staff reported school teams have a poor understanding of how the exclusionary factors, such as limited English proficiency or environment or economic disadvantage, need to be

considered when determining whether a student qualifies for special education with a specific learning disability.

In addition to addressing the items above, the district needs to annually review the following items to help determine how many FTE school psychologist positions it needs:

- The number of initial psychoeducational assessments in the current school year.
- The number of annual and triennial psychoeducational assessments expected next school year.
- The number of early reassessments expected next school year.
- Total student enrollment.
- Special education enrollment.
- Individual school needs.

Speech and Language Pathologists

Article 36.12.2.1 of the district’s contract with the teachers’ association states, “The District shall not exceed a caseload maximum beyond California Education Code limits (including those limits for Special Education Pre-School).”

Speech and Language Pathologists Serving the Preschool Program

Education Code [56441.7\(a\)](#) establishes a maximum caseload of 40 students for SLPs serving preschool students.

In 2024-25, the district has 9.0 FTE SLPs who work exclusively with preschool age students; 3.6 FTE of these SLPs only administer assessments and do not have a caseload, so they were excluded from this analysis. The remaining 5.4 FTE SLPs providing therapy for preschool age students each have an average caseload of 21.85 students receiving a direct service, as shown in Table 23 below.

Table 23: Preschool Speech and Language Pathologist Staffing, 2024-25

Provider	Number of FTE	2024-25 Total Caseload	Caseload Average	Contract and Education Code Standard Provider-to-Student Ratio	FTE Needed to Meet Contract and Education Code Provider-to-Student Ratio	Staffing Above (+) or Below (-) Contract and Education Code Standard Provider-to-Student Ratio
SLPs for Preschool	5.4	118	21.85	1-to-40	2.95 FTE	+2.45 FTE

Sources: District-provided data and EC [56441.7\(a\)](#).

Note: Only preschool-age students receiving direct services from a SLP were included in the caseload average for comparison with the EC [56441.7\(a\)](#) maximum.

The district’s 3.6 FTE SLPs who administer preschool assessments and do not have a caseload were not included in this staffing comparison. In addition, the district’s 1.0 FTE SLP serving infants was not included in this staffing comparison.

As shown in the table, the district has nearly double the industry-standard staffing levels for SLPs serving preschool age students. Staff indicated that increased student needs following the COVID-19 pandemic and a higher than usual number of speech and language initial assessments have necessitated an increase

in the district’s SLP staffing for preschool. However, since the district has 3.6 FTE exclusively performing assessments, that should not be a factor in determining the number of SLPs needed to provide direct services to students. The district needs to review SLP caseload projections and students’ needs to determine if it can reduce preschool SLP staffing while continuing to meet students’ needs.

Speech and Language Pathologists Serving School-Age Students

Education Code 56363.3 establishes a maximum caseload of 55 students for SLPs serving students ages 5-22.

In 2024-25, the district has 39.4 FTE SLPs working exclusively with school-age students who each manage an average caseload of 53.83 students receiving a direct service, as shown in Table 24 below. The district also has a 1.0 FTE SLPs supporting students in both the preschool and school age programs who was excluded from this analysis.

Table 24: School Age Speech and Language Pathologist Staffing, 2024-25

Provider	Number of FTE	2024-25 Total Caseload	Caseload Average	Education Code Standard Provider-to-Student Ratio	FTE Needed to Meet Education Code Provider-to-Student Ratio	Staffing Above (+) or Below (-) Education Code Maximum
SLPs — School-Age	39.4	2,121	53.83	1-to-55	38.56	+0.84 FTE

Sources: District-provided data and EC 56363.3.

Notes: Only students receiving direct services from an SLP who serves only school-age students were included in the caseload average for comparison with the EC 56363.3 maximum.

The district’s 1.0 FTE SLP who serves students in both the preschool and school-age programs was not included in this staffing comparison.

As shown in the table, the district is staffed almost exactly at the industry-standard staffing levels for SLPs for school-age programs.

Teachers for Students Who are Deaf or Hard of Hearing

The district’s contract with the teachers’ association does not stipulate a caseload size for teachers for students who are deaf or hard of hearing.

In 2024-25, the district has a 1.0 FTE teacher for students who are deaf or hard of hearing. This teacher has a caseload of 64.0 students receiving direct services, as shown in Table 25 below.

Table 25: Staffing for Teachers for Students Who are Deaf or Hard of Hearing, 2024-25

Provider	Number of FTE	2024-25 Total Caseload	Caseload Average	Industry Standard Provider-to-Student Ratio	FTE Needed to Meet Industry Standard	Staffing Above (+) or Below (-) Industry Standard
Teachers for Students Who are Deaf or Hard of Hearing	1.0	64	64.0	1-to-15-25	4.27 FTE (to meet 1-to-15) 2.56 FTE (to meet 1-to-25)	-3.27 FTE (below 1-to-15) -1.56 FTE (below 1-to-25)

Sources: District-provided data and industry standards.

Notes: Only students receiving direct services from the district’s teacher for students who are deaf or hard of hearing were included in the total caseload and related calculations.

As shown in the table, the district is staffed significantly less than the industry-standard staffing level for teachers for students who are deaf or hard of hearing. Staff reported that the 1.0 FTE teacher for students who are deaf and hard of hearing is working in a 1.4 FTE position this school year. The district needs to review caseload projections, the assessment load, the number of schools served, driving time between schools, direct and consultation service minutes, and students’ needs to determine whether it needs to increase staffing for teachers for students who are deaf or hard of hearing.

Teachers for Students Who are Visually Impaired

The district’s contract with the teachers’ association does not stipulate a caseload size for teachers for students who are visually impaired.

In 2024-25, the district has 2.0 FTE teachers for students who are visually impaired, each with an average caseload of 18.5 students receiving direct services, as shown in Table 26 below.

Table 26: Staffing for Teachers for Students Who are Visually Impaired, 2024-25

Provider	Number of FTE	2024-25 Total Caseload	Caseload Average	Industry Standard Provider-to-Student Ratio	FTE Needed to Meet Industry Standard	Staffing Above (+) or Below (-) Industry Standard
Teachers for Students Who are Visually Impaired	2.0	37.0	18.5	1-to-10-30	Within Industry-Standard Range	

Sources: District-provided data and industry standards.

Notes: Only students receiving direct services from the district’s teachers for students who are visually impaired were included in the total caseload and related calculations.

As shown in the table, the district is staffed within the industry-standard staffing level range for teachers of students who are visually impaired. Staff reported that they have unfilled teacher positions for students who are visually impaired, which they have been unable to recruit and fill. The district needs to annually review caseload projections, the assessment load, the number of schools served, driving time between schools, direct and consultation service minutes, and students’ needs to determine whether it needs to change staffing for teachers for students who are visually impaired.

Recommendations

The district should:

1. Annually review staffing for all related service providers to determine whether it is aligned with the industry standards and meets student needs.
2. Evaluate whether it can reduce its staffing for adapted physical education teachers, credentialed school nurses, occupational therapists, physical therapists, and SLPs for the preschool program to align with Education Code or industry standards while still meeting students' needs.
3. Collect quarterly data to identify patterns in referrals for initial psychoeducational assessments by school psychologists, particularly for students who do not qualify for services.
4. Assess its SST and COST processes to determine if improvements are needed to ensure there are adequate intervention and support opportunities in the general education program at all district schools.
5. Provide training for general education teachers and staff serving as administrative designee at IEP meetings on special education eligibility and how to consider the exclusionary factors when determining whether a student qualifies for special education with a specific learning disability.
6. Review caseload projections, the assessment load, the number of schools served, driving time between schools, direct and consultation service minutes, and students' needs to determine whether it needs to increase staffing for teachers for students who are deaf or hard of hearing.

Unrestricted General Fund Contribution to Special Education

Fiscal Background

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

Under AB 602, special education funding is based on the average daily attendance (ADA) of all students in a school district, regardless of the number of students served in special education programs or the cost to serve them. California distributes special education funds to SELPAs based on their member districts' total ADA counts.

In addition to AB 602 state funding, districts receive a small amount of federal funds. These funds are designed to supplement the general education program, not to support a standalone program.

The combined state and federal funds are insufficient to pay for even the most efficient special education programs. Districts make contributions to special education from local resources generated by all students, including those in special education. These contributions are the amount of funding districts must transfer from their unrestricted general funds to pay for the portion of special education costs that exceeds program revenues.

Federal law requires districts to spend at least the same amount of state and local funds on special education services in each successive year. This is commonly referred to as the maintenance of effort (MOE). This requirement has limited exemptions, and if a district is considering reductions to its total general fund contribution to special education, it is required to follow the guidelines in the MOE document (20 USC 1413 (a)(2)(B)). The IDEA lists the following circumstances as exceptions that allow a district to reduce the amount of state and local funds it spends on special education:

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

The year-end expenditures charged to special education goal codes in the Standardized Account Code Structure (SACS), which is the state's financial reporting format, and allocated expenses in the Program Cost Report (PCR), are used to calculate special education MOE. If special education savings are included in the district's fiscal sustainability plan, the MOE requirement must be considered. Districts need to monitor their MOE throughout the year and analyze forecasts of MOE calculations at first and second interim financial reporting periods. Districts should be mindful of what expenses are charged to special education

SACS goal codes, including for non-special education SACS resource codes, because those may increase the MOE. In addition, districts should monitor reductions in expenditures to determine if any meet one of the exceptions that may allow the district to reduce the amount of state and local funds it spends on special education.

When monitoring their MOE, districts need to analyze their PCR, which is used to calculate the total cost of each program within the general fund. The district's 2023-24 special education MOE increased significantly due to a higher proportion of expenses reported as special education in its PCR and increases in direct and indirect costs. CDE indicates that districts may restate additions to MOE because of annual PCR allocations up to the end of the year subsequent to the year of the report submitted to the CDE. The district needs to review its special education PCR allocations for 2023-24 and determine whether it may revise or reduce its MOE.

Building Comparable Data

Resource codes in the SACS are used to identify revenues and expenditures that have specific accounting or reporting requirements or that are legally restricted. Special education SACS resource codes are used to record special education spending and therefore contain vital information about a district's unrestricted general fund contribution to its special education program.

The special education financial reporting methods used by districts, county offices of education and SELPAs can vary. For example, Fremont Unified includes expenses such as classroom supplies, furniture, computer equipment, legal/settlement and transportation costs in this reporting, while other districts exclude them. There are also differences in how special education funds are allocated by SELPAs. Because of these differences, it is not always possible to accurately compare a district's unrestricted general fund contribution to those of other districts. However, a district should evaluate a contribution that is excessive compared to other districts or that is increasing disproportionately compared to other costs.

In addition, staff reports and data reviewed indicate the district provides little general education fiscal support for the special education classes. Since students with disabilities are general education students who generate Local Control Funding Formula (LCFF) revenue, most districts pay for certain expenditures for SDCs, such as classroom supplies and furniture, using general fund dollars. However, Fremont Unified does not do this.

To calculate an unrestricted general fund contribution amount that can be compared year to year and includes expenditures most districts classify as special education, FCMAT made the following adjustments to the district's SACS data:

- To improve multiyear continuity, FCMAT used only ongoing special education income. FCMAT removed one-time funding totaling \$2,674,397 in 2021-22, \$1,303,608 in 2022-23, and \$246,222 in 2023-24. It appears that special education expenditures charged to these one-time state and federal income sources were ongoing and were budgeted by the district as such beginning in 2024-25.
- FCMAT used only special education expenses in the comparison. During the review period, the district charged some non-special education expenditures to special education SACS resource codes. To ensure that the unrestricted general fund contributions analyzed are attributed solely to special education services, FCMAT excluded the following non-special education expenses from its calculation: \$679,952 in 2021-22, \$1,085,297 in 2022-23, \$1,648,207 in 2023-24 and \$2,667,270 in 2024-25.

- The district did not include in its MOE the impact of special education expenses charged to one-time non-special education SACS resource codes. Because these expenses were made from non-special education one-time revenue sources, they did not require a district contribution. These one-time revenues caused large one-time reductions in the unrestricted general fund contribution to special education and included the following:
 - Elementary and Secondary School Emergency Relief Fund (ESSER).
 - Extended Learning Opportunities Program grant.
 - WorkAbility grant.
 - Other restricted local funds.

FCMAT added the following amounts back for comparison purposes: \$2.7 million in 2020-21, \$1.6 million in 2021-22, \$2.6 million in 2022-23 and \$2.6 million in 2023-24. The impact of the one-time funding on the unrestricted general fund contribution dropped to \$1.2 million in the 2024-25 adopted budget as these funds were exhausted.

- Full indirect costs have been charged to all special education programs using the CDE’s approved rates for all the comparison years. The best practice is to charge the full indirect rate to all programs, including those with special education SACS resource codes, so that the true cost of the special education program can be determined. For continuity of data, FCMAT made minor modifications to the district’s reported prior year indirect costs charged to special education to account for the adjustments listed above.

Even with these adjustments, the district’s general fund contribution trend does not directly correlate to its increases in total special education expenditures or special education MOE. This is because transportation expenses are included in total special education expenditures for MOE purposes but are reported separately in Table 27 below. Transportation income is not reported since the California School Accounting Manual has not developed a method to match the income with the expense. For 2024-25, the district’s transportation expenses are projected to increase its special education MOE by \$13 million. However, the estimated \$4.5 million in special education transportation income for 2024-25 is not credited to the SACS special education goal code.

District Special Education Expenses

FCMAT analyzed the district’s special education income and expenditures, using only ongoing income from fiscal years 2021-22 to 2024-25 (one-time 2021-22, 2022-23 and 2023-24 income was excluded), as shown in Table 27 below.

Table 27: Comparison of Special Education Expenses Using Ongoing Income Only, 2021-22 to 2024-25

Category	Historical 2021-22	Historical 2022-23	Historical 2023-24	Projected 2024-25	Average Historical Annual Rate
Increase in Special Education Students	-4.66%	0.28%	4.46%	N/A	N/A
Increase in Ongoing Income	3.4%	10.5%	2.1%	-7.3%	5.3%
Increase in Certificated Salaries	2.6%	11.3%	12.7%	3.6%	8.9%
Increase in Non-Transportation Classified Salaries	2.7%	11.0%	14.1%	14.7%	9.3%

Category	Historical 2021-22	Historical 2022-23	Historical 2023-24	Projected 2024-25	Average Historical Annual Rate
Increase in Transportation Classified Salaries	-8.7%	45.8%	29.5%	23.8%	22.2%
Increase in Benefits	9.6%	16.8%	17.7%	16.1%	14.7%
Increase in Books and Supplies	80.3%	17.4%	-18.6%	-3.1%	26.4%
Increase in Transportation Supplies	64.8%	40.4%	-7.2%	4.6%	32.7%
Increase in Services (Excluding Transportation)	17.8%	20.4%	39.3%	21.0%	25.8%
Increase in Services (Transportation Only)	759.2%	41.5%	53.9%	20.5%	284.9%
Increase in Capital Expenditures	-100%	100%	185%	-21.1%	61.7%
Increase in Indirect Costs	-4.3%	19.6%	51.2%	0.5%	22.2%
Increase in Adjusted General Fund Contribution	18.9%	18.4%	39.2%	26.1%	25.5%
Adjusted Dollar Amount of General Fund Contribution	\$42,934,615	\$50,844,444	\$70,799,450	\$89,263,331	N/A
Adjusted Dollar Amount of Special Education Expenses	\$80,870,813	\$92,750,171	\$113,565,725	\$129,114,174	N/A

Sources: Official SACS unaudited actuals. 2024-25 data was projected using SACS first interim actual year-to-date expenses extrapolated using SACS first interim to unaudited actual ratios for the past three years, 2024-25 settlements for the classified employee and management bargaining groups, and health and welfare increases for all bargaining groups according to its public disclosure collective bargaining agreement. However, certificated instructional salaries for 2024-25 were estimated using a ratio of 2023-24 first interim to unaudited actuals, and adding step and column increases.

Notes: Official SACS unaudited actuals and 2024-25 income and general fund contribution data were reduced by one-time income in 2020-21, 2021-22, 2022-23, and 2023-24, and indirect costs were adjusted. Ongoing costs charged to non-special education resources are included in the total cost of the program but do not have a fiscal impact on the district contribution.

Amounts and percentages in the "Increase in Ongoing Income," "Increase in Adjusted General Fund Contribution," and "Adjusted Dollar Amount of General Fund Contribution" categories were adjusted to exclude expenses charged to non-special education ongoing income, and for adjusted indirect costs.

The "Adjusted Dollar Amount of Special Education Expenses" category was adjusted to match footnoted entries in the district's budget.

Special Education Funding and Expenses

The average increase in ongoing special education funding over the last three years has been 5.3% per year. In 2024-25, the district is projecting a 7.3% decrease in special education income.

In 2023-24, special education income increased by 2.1% and special education enrollment increased by 4.46%, but expenses increased more than the income. In addition to increases in the number of special education employees and their salaries, the cost of services, excluding transportation, increased by 39.3%.

Staffing Costs

From 2021-22 to 2023-24 there was an average annual increase of over 25% per year in paraeducator expenses, which include raises, positions and/or services. Based on classified payroll documents from July 2024 through FCMAT's visit, FCMAT estimates that the district's paraeducator expenses will increase by another 15% this year and that the district is approximately \$3.8 million under budgeted as of first interim. One cause of this is that the district's special education hiring process happens separately from position

control, as mentioned in the “District Organization” section of this report. So there is an inconsistency between the number of special education paraeducator position vacancies and the number of paraeducators for which the Special Education Department contracts with an NPA. As explained in the “Nonpublic Agency Paraeducator Staffing” section of this report, staff estimated that the district contracts for 100 special education paraeducators, some of whom are placed in limited-term assignments, and correspond to only approximately 25 paraeducator vacancies in the budget.

For its 2024-25 projection, FCMAT used public disclosure collective bargaining agreement documents to account for negotiated compensation increases, which were approved by the district’s governing board on October 23, 2024. This included a one-time 3.5% payment off the salary schedule and adding employee dental coverage. No other settlements occurred prior to first interim in 2024-25 with the district teachers’ union or Service Employees International Unit (SEIU). Even without these settlements all bargaining group salary increases exceeded average income increases in the review period.

Cost of Services

The cost of NPA/NPS services per student enrolled in special education has increased from \$6,488 in 2021-22 to \$11,300 in 2023-24, which is a 74.17% increase. The cost of legal fees and settlements appears to have stabilized since an escalation in 2022-23 and only increased by 4.5% between 2022-23 and 2023-24. Therefore, the continuing increase in services is probably not driven by one-time expenditures.

Transportation Costs

Ninety percent of the capital expenditure budget is set aside for transportation. Transportation supply costs, primarily fuel, continue to increase at a higher rate than other expenses, and service costs are increasing at approximately the same rate as other educational services. Despite an increase of 22.2% in transportation salaries, positions and/or services, there has been no corresponding reduction in transportation-related contracted services.

District Unrestricted General Fund Contribution

The district’s adjusted unrestricted general fund contributions, including expenditures for adjusted indirect costs and increases or reductions for one-time income and redirected income, are shown in Table 28 below.

Table 28: District’s Adjusted Unrestricted General Fund Contributions to Special Education, 2020-21 through 2023-24

Category	2020-21	2021-22	2022-23	2023-24
Adjusted Unrestricted General Fund Contribution	\$36,124,010	\$42,934,615	\$50,844,444	\$70,799,450
Percentage of Adjusted Special Education Costs	47.74%	53.09%	54.82%	62.34%

Sources: Official SACS unaudited actuals data.

Note: Official SACS unaudited actuals income and unrestricted general fund contribution data were adjusted for one-time income in 2020-21, 2021-22, 2022-23 and 2023-24. Expenses include adjusted indirect costs.

In 2023-24, the district’s unrestricted general fund contribution (using adjusted indirect costs and excluding one-time income) was 62.34% of adjusted special education costs. The fluctuations in expenses observed in 2020-21 and 2021-22 were associated with declines in expenses during periods when students were

generally not in attendance because of the COVID-19 pandemic. Since 2021-22, the district has incurred significant employee collective bargaining settlement costs and increased staffing expenses.

In 2024-25, the district's unrestricted general fund contribution as a percentage of total special education costs, inclusive of adjusted indirect costs, is projected to increase to 69.14% based on first interim actual projections and the district budget.

Recommendations

The district should:

1. Review its special education PCR allocations for 2023-24 and determine whether it may revise or reduce its MOE.
2. Disaggregate, monitor and track transportation, NPA and NPS costs, and annually analyze trend data to use for budgeting.
3. Conservatively budget for transportation, NPA and NPS costs, and compare year-to-date actuals to budget at interim reporting.
4. Use position control information in budget development for special education salaries and benefits, particularly if the revenue source is not a special education SACS resource.
5. Review position control as it relates to paraprofessional placements. Reconcile payroll to position to budget, paying particular attention to positions filled with contractors.
6. Continue to monitor its unrestricted general fund contribution to the special education program.

School Transportation

State Funding for School Transportation

Historically, school transportation has been one of the most poorly funded areas in California's education budget. Before 1977, school transportation was fully funded. School districts reported their operational costs and were fully reimbursed in the subsequent school year. However, after the adoption of Proposition 13, the state began reducing the percentage of reimbursement for school transportation. By 1982-83, districts were reimbursed at 80% of their reported costs, and the state imposed a cap, limiting reimbursements to the costs reported by school districts in that particular year.

Between 1982-83 and 2012-13, costs rose significantly, cost-of-living adjustments (COLAs) were only occasionally granted, demographics underwent changes, and the demand for special education transportation surged dramatically. The subsequent economic downturn during the great recession, beginning in 2007 and lasting several years, prompted the state to reduce all categorical programs, including school transportation, by approximately 20%.

In the 2013-14 fiscal year, California adopted the LCFF. Under this formula, school transportation funding was allocated as an add-on to each district's base grant. This funding must be spent on school transportation expenses, and districts must meet an MOE requirement, ensuring that they spend at least the amount received to maintain the same level of funding.

The Budget Act of 2022 increased school transportation funding. Starting in 2022-23, the LCFF home-to-school transportation add-on receives the cost of living adjustment (COLA). In addition, districts may receive 60% of total prior year transportation costs (reported in Function 3600), less the LCFF home-to-school transportation add-on.

In addition, the Budget Act of 2022 trailer bill language reinstated school transportation data collection and required each district in California to adopt a plan by April 1, 2023, articulating how it will offer pupil transportation to the district's unduplicated students (those who are English learners, socioeconomically disadvantaged, or are foster youth or homeless). The district developed and adopted its Transportation Services Plan as required so it may receive school transportation funding equal to 60% of the prior year's student transportation expenditures reported in Function 3600. Subsequent Transportation Services Plans adopted by the district's governing board must be adopted each year by April 1 unless the district chooses to adopt a multiyear plan.

District School Transportation Funding

Since the inception of LCFF, the district has received \$379,937 for school transportation. Its 2022-23 unaudited actuals financial report indicates that the district spent \$7,551,920 for school transportation. The district did not report any capital expenses in 2022-23, which would have reduced its eligible transportation related expenses for reimbursement. Sixty percent of the district's eligible school transportation expenditures was \$4,531,152.

District School Transportation Costs

Total Transportation Program Cost

The district's transportation program expenses doubled between 2021-22 and 2023-24 as shown in Table 29 below. The district's 2024-25 adopted budget projects a decrease of \$4,653,339 in transportation expenditures over the previous year. However, based on historical program expenditures and a review of transportation expenditures for the first half of the 2024-25 fiscal year, FCMAT estimates the district will spend approximately \$13.4 million for transportation in 2024-25.

Table 29: District Transportation Expenses, 2021-22 to 2024-25

Fiscal Year	Source	Total Transportation Expenditures	Percent Increase
2021-22	District 2021-22 Unaudited Actuals	\$5,212,686	N/A
2022-23	District 2022-23 Unaudited Actuals	\$7,551,920	+44.88%
2023-24	District 2023-24 Unaudited Actuals	\$10,780,496	+42.75%
2024-25	District 2024-25 Adopted Budget	\$6,127,157	-43.16%
2024-25	FCMAT Projected Based on Expenditures to Date at the Time of FCMAT's Visit	\$13,400,000	+24.30%

Sources: District-provided data.

Transportation Cost Per Student

The district's unaudited actuals financial report shows it spent \$11,642 per student for school transportation in the 2023-24 fiscal year. Considering the total number of students the district transports and the most recent state comparisons, this is a high average per-student cost. The state stopped collecting school transportation data with the implementation of the LCFF, but the Budget Act of 2022 required school transportation data collection to resume. Upon its publication, the district can conduct a thorough comparison of recent per-student transportation costs.

The district is projecting to spend \$14,470 per student for school transportation in 2024-25. This is a high per-student cost and is partially caused by the district's heavy reliance on a contracted external transportation provider that has a low student load ratio of one to three students per vehicle. Many districts contract with external transportation providers using low student load ratios per vehicle because it is necessary to support certain student needs. However, Fremont Unified contracts with an external transportation provider using low student load ratios per vehicle to transport a significant percentage of the district's students who receive transportation service. This is costly and needs to be reduced. The district needs to explore expanding its district-operated bus routes to achieve a significantly greater student load ratio per bus run, which could reduce its heavy dependence on contracted transportation providers and its annual per student transportation expense.

Under the new law, districts may receive state funding for reimbursement of up to 60% of expenses associated with contracted external transportation providers if the district tracks these expenses in Function 3600. Based on the CDE Home-to-School Transportation Apportionment for the period 2022-23 Annual, it appears the district is not tracking all student transportation-related expenses under Function 3600. As a result, the district may not receive the full 60% of its student transportation-related expenses annually. All district staffing and external contract services related to student transportation should be identified under Function 3600 to ensure the district is receiving up to 60% reimbursement based on its student transportation-related expense.

Staff reported that the district reimburses 72 parents/guardians for mileage for transporting their student in lieu of receiving district-provided transportation service. The district uses a standard parent in-lieu transportation contract using the prevailing mileage rate set by the IRS and pays for one round trip per school day of attendance. This use of parent in-lieu transportation contracts increases efficiency, and it is a positive practice.

Recommendations

The district should:

1. Ensure it tracks all student transportation expenses to Function 3600 so the district can receive 60% reimbursement for these expenses.
2. Explore expanding its district-operated bus routes to achieve a significantly greater student load ratio per bus run to improve cost efficiency.
3. Reduce its high dependency on contracted transportation providers that transport only a few students per vehicle.

Student Transportation Program

In 2024-25, the district reported it provides transportation services for 1,207 students. Of these, 281 students receive transportation for the district's Regional Occupational Program (ROP) and 926 receive transportation as a related service in their IEPs.

The district augments its internal student transportation program by using contracted external transportation providers, including Student Transportation of America (STA) and a transportation network company (TNC), Pawar Transportation. As shown in Table 30 below, 32.7% of all special education students receiving transportation support are assigned to Pawar Transportation. Use of a TNC for contracted external transportation services is not unusual, but the volume of students transported by Pawar Transportation is one of the highest observed across the state in recent years.

Table 30: Number of Vehicles Used, Number of Students Transported, and Average Student Load Ratio by Student Transportation Provider, 2024-25

Student Transportation Provider	Number of Vehicles Used	Number of Students Transported	Percentage of Total Students Transported	Average Student Load Ratio
District Internal Transportation Operation	39 School Buses	533	57.60%	13.7 Students Per Vehicle
STA	10 School Buses	90	9.72%	9.0 Students Per Vehicle
TNC Pawar Transportation	165 Passenger Vehicles	303	32.72%	1.8 Students Per Vehicle
Total	214	926	N/A	N/A

Sources: District-provided data.

Note: The number of students includes students receiving transportation as a related service in their IEP and homeless students transported under the federal McKinney-Vento Assistance Act.

The district's use of internal and contracted external transportation resources ensures comprehensive support for its diverse student population, including those requiring transportation as a related service in their IEPs and those identified under McKinney-Vento.

Students with disabilities often require a more restrictive transportation model. For example, many require curb-to-curb service, while others may be assigned to corner or centralized bus stops depending on their needs. Individualized transportation is often dictated by the student's disability. Consequently, this service model, combined with program locations outside a student's residence school, often results in longer ride times and lower student load ratios on buses and passenger vehicles.

Student Load Ratios

In urban and suburban regions like Fremont, school bus load ratios of 10-15 students are typical. Factors such as distance from a student's residence to their program, regional traffic, and the need for specialized transportation equipment can influence these ratios. TNCs and other alternative transportation passenger vehicle providers are typically used for highly specialized individual transportation needs. Such providers often transport only one to three students per trip due to limited seating or unique program schedules.

The district's student load ratios for school buses and alternative transportation passenger vehicles are consistent with state norms. However, its heavy reliance on TNCs and alternative transportation passenger vehicle providers significantly increases its per-student transportation cost. The district needs to consider a routing model adjustment to increase the number of students per vehicle or add more district-operated or contracted school bus routes.

While partnerships with TNCs and alternative transportation passenger vehicle providers can supplement internal transportation, these services must balance meeting students' needs with cost effectiveness. Historical routing challenges, exacerbated by the COVID-19 pandemic, have contributed to the district's dependency on these providers. A nationwide shortage of licensed school bus drivers, coupled with competition from the Bay Area's technology sector, has further strained recruitment efforts. Many districts statewide have similarly turned to alternative transportation passenger vehicle providers to address driver and vehicle shortages.

Effective use of TNCs or alternative transportation passenger vehicle providers is essential but should not replace the cost efficiency of school buses, which can transport significantly more students. To address these challenges, the district needs to focus on recruitment strategies to attract and retain school bus drivers. Some districts have successfully created transitional positions, employing candidates as alternative transportation vehicle operators while training them for commercial bus driver certification. Others have implemented guaranteed-time contracts or combined driver roles with additional responsibilities to enhance job appeal. As discussed in the "[Driver Training and Safety](#)" section of this report, the district needs to ensure it has adequate training staff to prepare both commercial school bus drivers and alternative transportation vehicle operators.

Contracted Transportation Services

As previously mentioned, the district contracts with two external transportation providers: Pawar Transportation and STA.

Pawar Transportation

Pawar Transportation, a TNC, typically subcontracts driver operators who transport one to four students in alternative passenger transportation vehicles. Districts typically use TNCs to meet individual or small-group transportation needs, such as to transport a student to a unique program location with limited student attendance or an out-of-district program in which using a district school bus for just a few students would be inefficient. Operators of alternative passenger transportation vehicles must comply with driver and vehicle standards established under Senate Bill 88 (Chapter 380, Statutes of 2023), which include minimum inspection requirements and basic driver qualifications. Although this transportation model is generally more costly, it can provide savings when district staff or smaller vehicles are unavailable.

Student Transportation of America (STA)

STA is a yellow school bus external service contractor, operating buses in small-, medium-, and large-chassis configurations designed to transport larger groups of students. Its drivers are commercially trained and licensed, meeting stringent regulatory and operational standards. School districts often use external yellow bus contractors to either fully manage their student transportation needs or supplement their internal operations. Yellow buses, like those operated by the district, achieve significantly higher student load ratios compared to TNCs or alternative transportation passenger vehicle providers.

In 2024-25, FCMAT’s projected per student transportation cost for the district’s two contracted external transportation providers is similar, approximately \$14,500 per student as shown in Table 31 below.

Table 31: FCMAT’s Projected Costs for the District’s Contracted External Transportation Providers, 2024-25

Contracted External Transportation Provider	FCMAT Projected 2024-25 Expense	District Reported Number of Students	FCMAT Projected Per Student 2024-25 Expense	FCMAT Projected 2024-25 Daily Expense	District Reported Number and Type of Vehicles	Student Load Ratio
Pawar Transportation	\$4,400,000	303	\$14,521.45	\$80.67	165 Alternative Transportation Passenger Vehicles	1.8 Students Per Vehicle
STA	\$1,300,000	90	\$14,444.44	\$80.25	10 School Buses	9.0 Students Per Vehicle
Total	\$5,700,000	393	N/A	N/A	175	N/A

Sources: District-provided data.

Note: The projected 2024-25 total expense, per student expense, and daily expenses are based on the regular school year (180 days).

The district needs to evaluate its reliance on external transportation contractors, prioritizing a reduction in dependency on Pawar Transportation. Expanding internal school bus operations by recruiting, training, and adding additional school bus routes could help achieve this goal. Given the current district student load ratio of 13.7 students per bus run, adding 10 new school bus routes with an average load of 14 students per route could reduce reliance on Pawar Transportation by nearly 50%.

Recruiting and training 10 additional school bus drivers would require approximately four to six months. To ensure the success of this initiative, the district needs to have sufficient state-certified bus driver instructors and behind-the wheel-instructors in place as described in the “Transportation Department Staffing” section of this report. A well-planned classroom and behind-the-wheel training schedule will be essential for timely and successful licensing.

Recommendations

The district should:

1. Explore routing models to increase the number of students per route or vehicle or consider adding district-operated or contracted school bus routes.
2. Develop alternative driver recruitment strategies to attract and retain certified school bus drivers and alternative vehicle operators to enhance its internal transportation capacity and reduce reliance on costly contracted external transportation providers.

Use of Special Education Transportation and Decision Tree

The IDEA explicitly states that transportation should not be a barrier to a student accessing their IEP and receiving a FAPE. A best practice is to use a transportation decision tree, which is a graphical representation of different options, when assessing a student's need for special education transportation as a related service.

The district reported it created a transportation decision tree to ensure that only students meeting disability or program location criteria receive district transportation services. However, the number of students with IEPs requiring student transportation as a related service raises questions about the effectiveness and proper application of the decision tree during IEP development.

Based on what is observed across the state, 10%-15% of special education students in most districts require transportation as a related service. In contrast, the district reported that 27.8% of students with IEPs receive transportation services, which includes students whose parent/guardian receives in-lieu compensation. This high percentage suggests that transportation as a related service may be identified too broadly and not be aligned with IDEA guidelines. Additionally, it may indicate inconsistent use of the transportation decision tree when determining transportation needs. The high percentage of students receiving transportation as a related service significantly contributes to the district's overall high transportation costs.

Recommendation

The district should:

1. Review its transportation decision tree to ensure it aligns with legal requirements and best practices for authorizing transportation as a related service in a student's IEP, and ensure it is consistently used.

Transportation Department Staffing

The district's Business Services Division supports its transportation program, and the district's director of transportation oversees both internal transportation operations and manages the contracted external transportation providers. Day-to-day transportation program duties include school bus routing and scheduling, dispatch services, managing school bus drivers, facilitating vehicle maintenance by trained mechanics, and organizing a robust driver training program that covers initial certifications, renewals, and ongoing in-service training. The district's director of transportation maintains a thorough understanding of school trans-

portation laws and regulations. The district has cultivated strong relationships with its contracted external transportation providers, which contribute to efficient and reliable transportation services.

In addition to facilitating daily student transportation, the district’s Transportation Department coordinates and schedules extracurricular and cocurricular activity trips. These are often supplemented through contracts with external charter bus companies that employ Special Pupil Activity Bus (SPAB)-licensed operators and vehicles to ensure compliance with safety regulations.

In 2024-25, the district’s Transportation Department has the positions listed in Table 32 below. Table 32 also outlines recommended staffing changes, which are intended to reduce the district’s heavy reliance on contracted external transportation providers and support the recruitment and training of additional district school bus drivers and training personnel.

Table 32: Transportation Department Positions and Full-Time Equivalent or Number of Staff and Recommended Staffing Changes, 2024-25

Position	FTE or Number of Positions	Recommended Staffing Change
Director of Transportation	1.0 FTE	None
Transportation Supervisor	1.0 FTE	None
State Certified Trainer-Driver/Safety	1.0 FTE	Add 1.0 FTE
Driver/Designated Behind-the-Wheel Instructor	0 FTE	Add 3.0 FTE
Dispatchers	3.0 FTE	Reduce by 1.0 FTE
New Technical Position Such as Transportation Router	0 FTE	Add 1.0 FTE
Vehicle Maintenance Coordinator	1.0 FTE	None
Equipment Mechanic-Lead	1.0 FTE	None
Equipment Mechanics	5.0 FTE	None
Equipment Mechanic-Sub	1.0 FTE	None
Staff Secretary III	1.0 FTE	None
Office Assistant III	1.0 FTE	None
Account Clerk III	1.0 FTE	None
Bus Driver I and II	10 Positions	Increase by 10 Positions
Van Drivers	13.0 FTE	None
Bus Driver Sub II	1.0 FTE	Increase to Create a Substitute Driver Pool Equivalent to 10% of Total Bus and Van Routes

Source: District-reported data.

The district’s current transportation staffing includes 13.0 FTE van drivers. Depending on the district’s plans to expand school bus or passenger vehicle routes, the recommended FTE increase for school bus drivers can be adjusted to align with its goals.

The district employs a 1.0 FTE substitute bus driver. Industry standards suggest maintaining a substitute driver pool equivalent to 10% of the total number of bus and passenger van routes. The district needs to consider increasing its substitute driver pool to meet this benchmark and ensure sufficient coverage.

Recommendations

The district should:

1. Consider adjusting its staffing in accordance with the recommendations in Table 32 to support the expansion of its internal transportation service, including additional school bus or passenger van routes, and to reduce its reliance on contracted external transportation service providers.
2. Increase the substitute driver pool to approximately 10% of the total number of bus and passenger van routes.

Vehicle Maintenance, Fleet and Facilities

The district operates its own internal school bus fleet and is responsible for fleet maintenance. The fleet includes 85 school buses of varying sizes and 10 passenger vans. The transportation vehicle maintenance team also supports 250 additional district vehicles, bringing the total fleet to approximately 345 vehicles.

Safety Compliance Report/Terminal Record Update

California regulations require all school buses to receive a full inspection from the California Highway Patrol (CHP) Motor Carrier Safety Unit. The CHP Motor Carrier Inspector Unit also inspects all vehicle maintenance records, driver on-duty records, driver timekeeping records, and federal drug and alcohol testing records. The unit produces a report of its findings entitled the “Safety Compliance Report/Terminal Record Updates,” commonly referred to as the CHP terminal grade.

The district earned grades of “satisfactory” on its most recent CHP terminal grade inspections in May 2022, June 2023, and November 2024. This designation is the highest grade awarded to any motor carrier and indicates that the carrier generally complies with the laws and regulations governing school bus safety. Conversely, a grade of “unsatisfactory” indicates a serious deficiency or deficiencies. In such cases, the CHP clearly advises that failure to correct the deficiencies may lead to severe consequences, including a recommendation to the Public Utilities Commission (PUC) to revoke the district’s motor carrier operating authority, filing a complaint with the district attorney for potential prosecution, and seeking an injunction. Failing to correct these issues may result in criminal charges against the governing board and the superintendent. Given the district’s satisfactory CHP terminal grades, it is operating a safe and compliant school transportation program.

School Bus Safety Inspections and Maintenance

School buses are required to be inspected every 45 days or 3,000 miles, whichever occurs first per Title 13 of the California Code of Regulations, Section 1232 (13 CCR 1232). In addition, this code requires that each motor carrier have a written preventive maintenance program for its vehicles. FCMAT audited the district’s school bus inspection reports and school bus maintenance records and found that the 45-day, 3,000-mile inspections are performed at the required intervals.

As the district transitions to using electric vehicles, specialized training will be essential. The district currently manages four Thomas Built electric buses but faces infrastructure challenges related to charging systems, which are being addressed with the bus distributor and charger vendor.

Transportation Department Fleet and Facility

Fleet Expansion and Replacement

Based on current staffing and fleet capacity, the district can add 10 to 20 new school bus routes without requiring additional buses. However, if passenger van routes are also expanded, additional vans will need to be acquired.

Staff reported that the district is already aggressively pursuing electric vehicle and infrastructure support grants through various funding opportunities. These efforts align with California Air Resources Board (CARB) regulations requiring all new school buses purchased after 2035 to be zero-emission. The district needs to remain vigilant for potential adjustments or delays to these regulations under new federal administration policies and update its fleet replacement plans accordingly.

Transportation Facilities

The district has a well-equipped transportation terminal that is located with other district support services. The facility includes:

- Four double-door maintenance bays with two in-ground lifts, one above-ground lift, and one set of portable lifts.
- Adequate parking for the district-owned fleet and space for future electric-vehicle infrastructure.
- Above-ground fuel storage tanks for gasoline and diesel, meeting current double-walled protection standards.
- An electronic fuel management system for efficient fuel tracking.

Recommendations

The district should:

1. Continue to pursue electric vehicle and related infrastructure support grants.
2. Evaluate passenger vehicle needs if it decides to expand both school bus and passenger van routes.
3. Monitor changes in emission standards at the state and federal levels and adjust fleet replacement plans as necessary.

Driver Training and Safety

School Bus Driver Training

School bus driver training in California is highly regulated. Pursuant to EC 40080-40089, prospective school bus drivers are required to complete a minimum of 20 hours of classroom training and 20 hours of behind-the-wheel training, using a curriculum developed by the CDE's Office of School Transportation (CDE's OST). Typically, classroom training takes approximately 35 hours to cover all the units, and behind-the-wheel training requires a similar amount of time. Furthermore, in accordance with EC 40084.5, school bus drivers must also complete at least 10 hours of annual in-service training.

All annual classroom and behind-the-wheel training sessions must be conducted by a state-certified school bus driver instructor. Additionally, behind-the-wheel training may also be administered by a designated behind-the-wheel instructor, another classification of instructor allowed by law and certified by the CDE's OST.

Current Training Resources

The district has one state-certified bus driver instructor. To support the recommendations in the “Contracted Transportation Services” section of this report about increasing the number of district-operated school bus routes and district transportation staffing, the district needs to consider:

- An additional state-certified bus driver instructor.
- Training up to three qualified district drivers as designated behind-the-wheel instructors to assist with behind-the-wheel training under the guidance of the certified instructors.

Proficiency and Safety Programs

Title 13, Section 1229 of the California Code of Regulations mandates that every commercial driver must demonstrate proficiency for each type of vehicle before operating it on the road without supervision. The district has implemented a safety and training program to meet this requirement.

The district also maintains a Transportation Safety Plan compliant with Education Code 39831.3. This plan outlines protocols for post-route bus checks to ensure no students are left unattended and must be regularly updated to reflect current practices. The plan must be available at each school site and accessible to CHP officers upon request.

Employer Pull Notice Program

All school bus drivers are enrolled in the California Department of Motor Vehicles' Employer Pull Notice program in compliance with the California Vehicle Code. This provides annual driver records and real-time updates on moving violations, accidents, or incidents involving driving under the influence. Under Senate Bill 88, the district must also enroll any staff who transport students in district vehicles, such as teachers and coaches, to ensure compliance with this regulation. At the time of this report, the district indicated that it is aggressively moving towards full compliance with the numerous sections of SB 88.

Evacuation Drills and Student Safety

Education Code 39831.5 requires districts to conduct school bus emergency evacuation drills annually. Since all but two of the district's bus routes are for students in special education, physical evacuations are conducted only by students able to perform the evacuation drill. Districts must also maintain specific records for students in TK through grade eight who ride school buses. Specific safety information must also be announced before every field trip. Staff reported that the Transportation Department is aware of these regulations and has already conducted and documented, or calendared, the required drills to meet the annual requirement in 2024-25.

Since the district primarily transports special education students, staff reported that evacuation drills are carefully planned to accommodate the needs and capabilities of these students. Physical evacuation drills are conducted only for students able to perform them safely, and plans are tailored to each route to ensure effective emergency preparedness.

Recommendations

The district should:

1. Add one state-certified bus driver instructor to meet the increased training and licensing demands for additional school bus drivers.
2. Identify and train up to three qualified district school bus drivers as designated behind-the-wheel instructors to assist with training efforts as necessary.
3. Continue to enroll all staff who operate district vehicles, or any volunteer who transports students, in the California Department of Motor Vehicles' Employer Pull Notice program.
4. Continue to ensure that all required evacuation drills are completed as early as possible each school year and provide accommodations for students with disabilities.

Appendix

Appendix A: Study Agreement



FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM STUDY AGREEMENT FOR MANAGEMENT ASSISTANCE

This study agreement, hereinafter referred to as Agreement, is made and entered into by and between the Fiscal Crisis and Management Assistance Team, hereinafter referred to as the Team or FCMAT, and the Fremont Unified School District, hereinafter referred to as the Client; collectively, FCMAT and Client are hereinafter referred to as the Parties. This Agreement shall become effective from the date of execution hereof by FCMAT.

1. BASIS OF AGREEMENT

FCMAT provides a variety of services to local education agencies (LEAs) as authorized by Education Code (EC) 42127.8(d). The Client has requested that the FCMAT assign professionals to study specific aspects of the Client's operations. The professionals will include FCMAT staff and may include professionals from county offices of education, school districts, charter schools, community colleges, other public agencies or private contractors. All professionals assigned shall work under the direction of FCMAT. All work shall be performed in accordance with the terms and conditions of this Agreement.

FCMAT will notify the Client's county superintendent of schools of this Agreement.

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

1. Analyze special education teacher staffing ratios, class sizes and caseloads using statutory requirements for mandated services and statewide guidelines, and make recommendations for improvement, if any.
2. 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 considerations related to the least restrictive environment and the processes for monitoring the assignment of paraeducators and determining the need for continued support from year to year (including classroom and 1-to-1 paraeducators).
3. Analyze staffing and caseloads for related service providers, including but not limited to speech pathologists, psychologists, occupational/physical therapists, adaptive physical education teachers, and other staff who may be related service providers, and make recommendations for improvement, if any.
4. Review the Special Education Department's organizational structure and staffing in the district's central office to determine whether its administration, clerical and administrative support, program specialists, teachers on special assignment and

overall function are aligned with those of districts of comparable size and structure, and make recommendations for greater efficiencies, if any.

5. Review nonpublic school and nonpublic agency costs and placements, and make recommendations for improving the process for placement and cost efficiencies, if any.
6. Review the district's unrestricted general fund contribution to special education and make recommendations for greater efficiency, if any.
7. Review special education transportation for efficiency and effectiveness, and provide recommendations for potential cost-saving measures, if any. The review will include but not be limited to the role of individualized education programs, routing, scheduling, operations, and staffing.
8. The Team will present the final report to the district's board of trustees at a public meeting following the completion of the review.

B. Services and Products to be Provided

1. **Orientation Meeting**
The Team will conduct an orientation session at the Client's location to brief the Client's management and supervisory personnel on the Team's procedures and the purpose and schedule of the study. This orientation meeting is normally held at the beginning of fieldwork for the study.
2. **Fieldwork**
The Team will conduct fieldwork at the Client's office and/or school site(s), or other locations as needed. Limited fieldwork may also be conducted remotely via telephone or videoconferencing services, in addition to the Public Safety Considerations outlined in Section 13 below.
3. **Exit Meeting**
The Team will hold an exit meeting at the conclusion of the fieldwork to inform the Client of the status of the study. The exit meeting will include a review of the scope of work; outstanding items, including documents, data and interviews not yet received or held; and the estimated timeline for a draft report. The meeting will not memorialize details regarding findings because the Team's conclusions may change after a complete analysis is finished. Exceptions to this will be findings of immediate health and safety concerns for students or staff, and other time-sensitive items that include the potential for risk or exposure to loss.
4. **Exit Letter**
Approximately 10 business days after the exit meeting, the Team will issue an exit letter briefly memorializing the topics discussed in the exit meeting.

5. **Draft Report**
An electronic copy of a preliminary draft report will be delivered to the Client's point of contact identified below for review and comment.
6. **Final Report**
An electronic copy of the final report will be delivered to the Client's point of contact and to the Client's county superintendent of schools following completion of the study. FCMAT's work products are public and all final reports are published on the FCMAT website.
7. **Board Presentation**
Presentations to the Client's board are optional and are made at the request of the Client. If a board presentation is requested, it will be noted in the scope and objectives of the study or can be added as a change in scope at a later date.
8. **Follow-Up Review**
If requested by the Client within six to 12 months after completion of the study, FCMAT, at no additional cost, will assess the Client's progress in implementing the recommendations included in the report. This follow-up support is primarily a document review-based study. Progress in implementing the recommendations will be documented to the Client in a FCMAT management letter. FCMAT will work with the Client 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 the date of the final report.

3. PROJECT PERSONNEL

The personnel assigned to the study will be led by a FCMAT staff person (job lead) and will include at least one other professional. FCMAT will notify the Client of the assigned personnel when the fully executed copy of this Agreement is returned to the Client.

FCMAT will communicate to the Client any changes in assigned project personnel.

4. PROJECT COSTS

The cost for studies requested pursuant to EC 42127.8(d)(1) and 84041 shall be as follows:

- A. \$1,100 per day for each FCMAT staff member while on site conducting fieldwork. The cost of independent FCMAT consultants will be billed at their daily rate for all work performed. On-site is defined as either 1) physically at the Client's office or school site(s), or 2) in a scheduled virtual meeting with the Client's personnel, representatives or others associated with the scope of work pursuant to Section 13 below.
- B. All out-of-pocket expenses, including travel and its associated costs, and miscellaneous items necessary to complete the scope and objectives of the study.
- C. The applicable indirect rate at the time work is performed on the study will be added to all costs billed.

- D. The Client will be invoiced for 50% of the not-to-exceed cost shown below following completion of fieldwork (progress payment) and the remaining amount shall be due upon the issuance of the final report or presentation to the Client's board, whichever is later (final payment). The Parties agree that changes documented in a revised study agreement may change the original not-to-exceed amount shown below. If changes are made before or during fieldwork, the new not-to-exceed amount documented in such a revised study agreement will constitute the basis for the progress payment. If changes are made after fieldwork, 100% of the total changed value documented in a revised study agreement, less progress payments made, will constitute the final payment due. All payments shall be due immediately based on the terms of the invoice.

Based on the scope and objectives of the study, the total not-to-exceed cost of the study will be \$35,000.

- E. Any change to the scope of work will affect the total cost. Changes may include, but are not limited to, delays, revisions to the scope of services, and substitution or addition of personnel. The need for changes shall be communicated by FCMAT to the Client in advance in the form of a revised study agreement.

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

5. RESPONSIBILITIES OF THE CLIENT

- A. Return current organizational chart(s) that show the Client's management and staffing structure with the signed copy of this Agreement. Organizational charts should be relevant to the scope of this Agreement.
- B. Provide private office or conference room space for the Team's use during fieldwork.
- C. Provide for a Client employee to upload all requested documents and data to FCMAT's online SharePoint repository per FCMAT's instructions. Provide FCMAT with the name and email of the person who will be responsible for collecting and uploading documents requested by FCMAT with the signed copy of this Agreement.
- D. Provide documents and data requested on the Team's initial and supplementary document request list(s) by the date requested.

All documents and data provided shall be responsive to FCMAT's request, in quality condition, readable and in a usable form. With few exceptions, documents and data requested are public records and records maintained by LEAs in the routine course of doing business. Some data requested may require exporting LEA financial system reports to Microsoft Excel or another usable format agreed to by FCMAT.

All documents shall be provided to FCMAT in electronic format, labeled as instructed by FCMAT. Upon approval of this Agreement, access will be provided to FCMAT's online SharePoint repository, to which the Client will upload all requested documents and data.

- E. Ensure appropriate senior-level staff are available for the orientation and exit meetings.

- F. Facilitate access to requested board members, officers and staff for interviews.
- G. Facilitate access to requested information and facilities to include, but not be limited to, files, sites, classrooms and operational areas for observation.
- H. Review a draft of the report and return it to FCMAT by the date FCMAT requests with any comments regarding the accuracy of the report's data or the practicability of its recommendations. The Team will review this feedback in a timely manner and make any adjustments it deems necessary before issuing the final report.
- I. Return the requested evaluation survey to FCMAT as described below.

6. **PROJECT SCHEDULE**

Time is of the essence. The Parties acknowledge that the goal of the scope and objectives of the study under this Agreement is to produce a timely and thorough report that adds value for the Client. To accomplish this goal, the Parties agree to communicate and mutually agree to honor established time commitments. These commitments include the Client providing requested documents, setting and keeping interview appointments and returning comments on the draft report consistent with the established project schedule.

The following project schedule milestones will be established by FCMAT upon receipt of a signed Agreement from the Client:

ACTION	TIMELINE
FCMAT provides the Client with a draft Agreement.	Draft Agreements are usually provided within 20 business days of the Client's initial request for services.
Client returns partially executed Agreement to FCMAT along with the applicable organizational chart and the name and email of the of person who will be responsible for collecting and uploading documents requested by FCMAT.	Draft Agreements are valid for 30 business days.
FCMAT returns a fully executed Agreement to the Client and identifies the project schedule and the lead and other personnel assigned to the job.	Within five business days of the Client's return of the signed Agreement.
Client uploads initial requested documents and data to FCMAT's online SharePoint repository.	Within 10 business days of the Client's receipt of the FCMAT document and data request list.
Fieldwork	Mutually agreed upon; usually, to commence within 10 business days of FCMAT's receipt of requested documents and data.
Orientation meeting	First day of fieldwork.

ACTION	TIMELINE
Exit meeting	Last day of fieldwork.
Follow up fieldwork, if needed (e.g., rescheduled interview, additional interviews).	Mutually agreed upon; usually, within five business days of FCMAT's request.
Client uploads supplemental documents and data to FCMAT's online SharePoint repository.	Within two business days of the Client's receipt of FCMAT's supplemental document and data request(s).
Draft report submitted to the Client.	To be determined, usually, within eight weeks of the conclusion of fieldwork and receipt of all documents and data requested.
Client comments on draft report	Within 10 business days of FCMAT providing a draft report to the Client.

The Client acknowledges that project schedule deadlines build upon and are contingent on each previous deadline. Missed deadline dates will affect future deadline dates and ultimately the timing of the final report. For example, if the Client does not provide requested documents and data by the specified date, the fieldwork may not be able to proceed as originally planned.

FCMAT acknowledges that the Client has an educational program to administer, is balancing many priorities, and in some cases may have records management difficulties, staffing capacity issues, staff on various types of leave, or other circumstances, all of which will affect the project schedule.

The Parties commit to regular communication and updates about the study schedule and work progress. FCMAT may modify the usual timelines as needed.

7. COMMENCEMENT, TERMINATION AND COMPLETION OF WORK

FCMAT will commence work as soon as it has assembled an available and appropriate study team, taking into consideration other jobs FCMAT has previously undertaken, assignments from the state, and higher priority assignments due to fiscal distress. The Team will work expeditiously to complete its work and deliver its report, subject to the cooperation of the Client and any other related 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 report. In the absence of extraordinary circumstances, FCMAT will not withhold preparation, publication and distribution of a final report once fieldwork has been completed.

Prior to completion of fieldwork and upon written notice to FCMAT, the Client 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 Client does not provide written notice of termination prior to completion of fieldwork, the Team will complete its work and deliver its final report and the Client will be responsible for the full costs.

FCMAT may terminate this Agreement at any time if the Client fails to cooperate with the requested project schedule, provide requested documents and data and/or make staff available for interviews as requested by FCMAT.

8. INDEPENDENT CONTRACTOR

FCMAT is an independent contractor and is not an employee or engaged in any manner with the Client. 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 Client in any manner without prior express written authorization from an officer of the Client.

9. RECORDS

The Client understands and agrees that FCMAT is a state agency and all FCMAT reports are public records and are published on the [FCMAT website](#). Supporting documents and data in FCMAT's possession may also be public records and will be made available in accordance with the provisions of the California Public Records Act.

FCMAT has a records retention policy and practice, and every effort will be made to maintain records related to this Agreement in accordance with this policy.

10. CONTACT WITH PUPILS

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

11. 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 Client, automobile liability insurance in the amount required by California state law, and workers' compensation as required by California state law. Upon the request of the Client and receipt of the signed Agreement, FCMAT shall provide certificates of insurance, with the Client named as additional insured, indicating applicable insurance coverages.

12. HOLD HARMLESS

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

13. PUBLIC SAFETY CONSIDERATIONS

Whether due to public health considerations, extreme weather conditions, road closures, other travel restrictions or interruptions, shelter-at-home orders, LEA closures or other related considerations, at FCMAT's sole discretion, the Scope of Work, Project Costs, Responsibilities of the Client, and Project Schedule (Sections 2, 4, 5 and 6 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, or other means. References to fieldwork shall be interpreted appropriately given the circumstances.
- B. Activities performed remotely that are normally performed in the field shall be billed hourly as if performed in the field (excluding out-of-pocket costs that can otherwise be avoided).
- C. The Client may be relieved of its duty to provide conference and other work area facilities for the Team.

14. FORCE MAJEURE

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

15. EVALUATION

In the interest of continuous improvement, FCMAT will provide the Client with an evaluation survey at the conclusion of the services. FCMAT appreciates the Client's honest assessment of the Team's services and process. The Client shall return the evaluation survey within 10 business days of receipt.

16. CLIENT CONTACT PERSON

The Client's contact person designated below shall be the primary contact person for FCMAT to use in communicating with the Client on matters related to this Agreement. At any time when this Agreement or FCMAT's process requires that FCMAT send information, document request lists, draft report or final report, or when FCMAT makes other requests for the Client to act upon, this is the person whom FCMAT will contact. The Client may change the contact person upon written notice to FCMAT's job lead assigned to the study.

Name: Daniel Hillman, Associate Superintendent

Telephone: (510) 659-2572

Email: dhillman@fusdk12.net

17. SIGNATURES

Each individual executing this Agreement on behalf of a party hereto represents and warrants that he or she is duly authorized by all necessary and appropriate action to execute this Agreement on behalf of such party and does so with full legal authority.

For Client:



9/26/24

Erik Burmeister, Superintendent
Fremont Unified School District

Date

For FCMAT:



9/30/24

Shayleen Harte, Deputy Executive Officer
Fiscal Crisis and Management Assistance Team

Date