

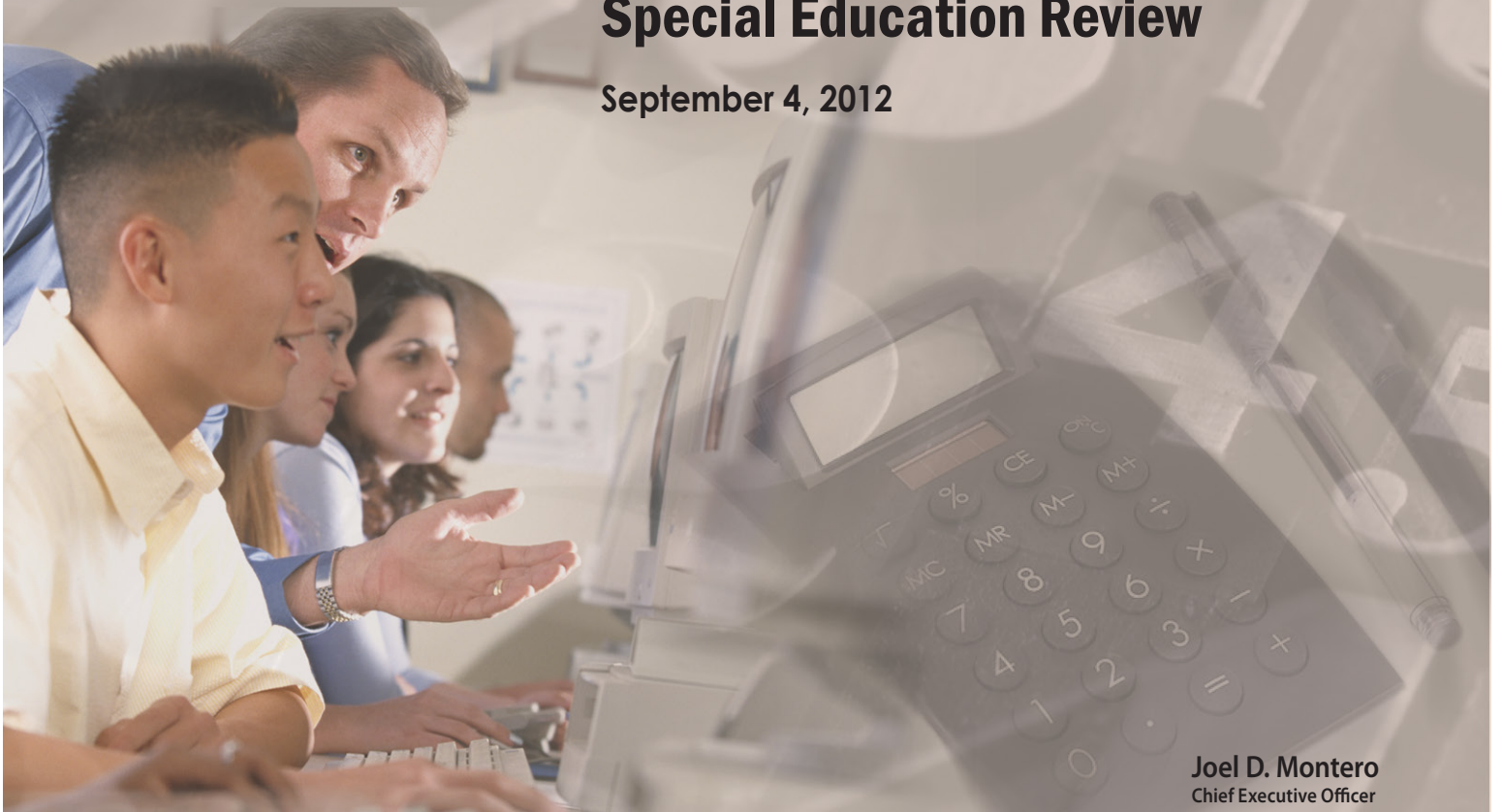


CSIS California School Information Services

Imperial County Office of Education

Special Education Review

September 4, 2012



Joel D. Montero
Chief Executive Officer





CSIS California School Information Services

September 4, 2012

Anne Mallory, Superintendent
Imperial County Office of Education
1398 Sperber Road
El Centro, CA 92243

Dear Superintendent Mallory,

In May 2012 the Imperial County Office of Education and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement to provide a review of the county office's special education programs and services. Specifically, the agreement states that FCMAT will perform the following:

1. Review the Imperial County Office of Education Special Education Department management personnel staffing structure. Determine whether ICOE has the right staffing ratio, and review chain of command process for management reporting
2. Review all COE special education staffing levels (ratio of student to certificated person assignments), including but not limited to: certificated teaching, school psychologist, speech therapy, occupational therapy, all other support personnel and determine efficiency and effectiveness.
3. Review instructional assistants' staffing and determine efficiency and effectiveness and make recommendations for improvement. Review process of ongoing ICOE recruitment for instructional aide staffing. Determine whether part-time personnel (3.5 hours) are the most efficient and effective staffing pattern, compared to FTE staffing.
4. Determine the effectiveness of instructional practice through an analysis of student achievement and proficiency levels on statewide testing.
5. Review the current SELPA structure with the ICOE as the Administrative Unit and analyze the pros and cons of having a district take over the AU duties of running the SELPA. Determine the fiscal and programmatic consequences, the timeframes for proper notification to the current AU and California Department of Education, the processes and procedures necessary for any such transfer of AU duties.

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

FCMAT

Joel D. Montero, Chief Executive Officer

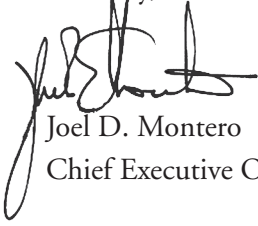
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Administrative Agent: Christine L. Frazier - Office of Kern County Superintendent of Schools

FCMAT appreciates the opportunity to serve you and extends thanks to all the staff of the Imperial County Office of Education for their cooperation and assistance during fieldwork.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel D. Montero", written in a cursive style.

Joel D. Montero
Chief Executive Officer

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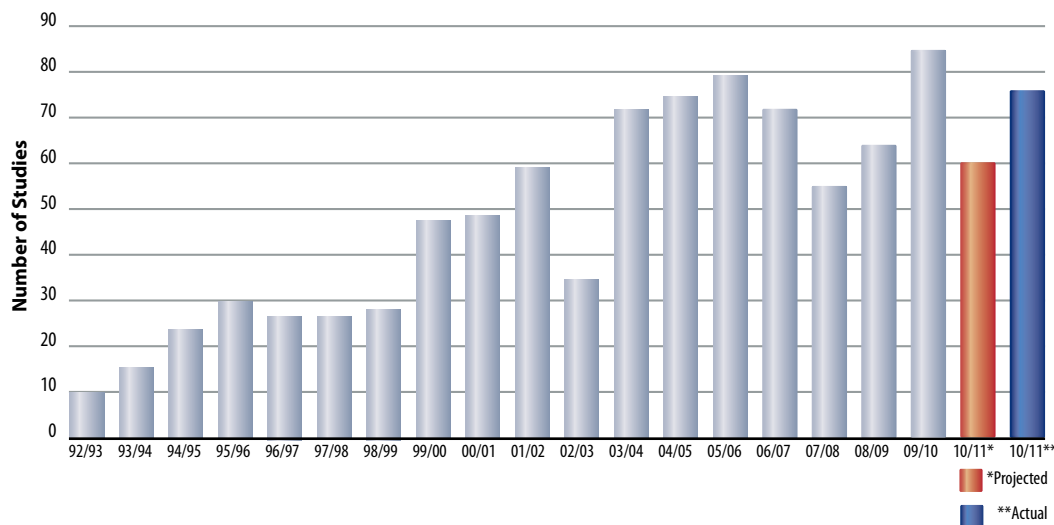
About FCMAT

FCMAT's primary mission is to assist California's local K-14 educational agencies to identify, prevent, and resolve financial and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related school business and data services. FCMAT's fiscal and management assistance services are used not just to help avert fiscal crisis, but to promote sound financial practices and efficient operations. FCMAT's data management services are used to help local educational agencies (LEAs) meet state reporting responsibilities, improve data quality, and share information.

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

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

Studies by Fiscal Year



FCMAT also develops and provides numerous publications, software tools, workshops and professional development opportunities to help local educational agencies operate more effectively and fulfill their fiscal oversight and data management responsibilities. The California School Information Services (CSIS) arm of FCMAT assists the California Department of Education with the implementation of the California Longitudinal Pupil Achievement Data System (CALPADS) and also maintains DataGate, the FCMAT/CSIS software LEAs use for CSIS services. FCMAT was created by Assembly Bill 1200 in 1992 to assist LEAs to meet and sustain their financial obligations. Assembly Bill 107 in 1997 charged FCMAT with responsibility for CSIS and its statewide data management work. Assembly Bill 1115 in 1999 codified CSIS' mission.

AB 1200 is also a statewide plan for county office of education and school districts to work together locally to improve fiscal procedures and accountability standards. Assembly Bill 2756 (2004) provides specific responsibilities to FCMAT with regard to districts that have received emergency state loans.

In January 2006, SB 430 (charter schools) and AB 1366 (community colleges) became law and expanded FCMAT's services to those types of LEAs.

Since 1992, FCMAT has been engaged to perform nearly 850 reviews for LEAs, including school districts, county offices of education, charter schools and community colleges. The Kern County Superintendent of Schools is the administrative agent for FCMAT. The team is led by Joel D. Montero, Chief Executive Officer, with funding derived through appropriations in the state budget and a modest fee schedule for charges to requesting agencies.

Introduction

Background

The Imperial County Office of Education (county office) is the primary provider of special education and related services for severely handicapped students throughout Imperial County. The county office also serves as the Administrative Unit for the Imperial County Special Education Local Plan Area (SELPA). Historically, the cost of special education programs and services has been deducted from state and federal revenues to the SELPA before this funding is distributed to SELPA members (also known as off the top funding).

The county office is focused on providing special education and related services in a cost-effective manner and has requested that FCMAT review all programs and services to ensure efficiency. Districts have raised concerns over the current reporting structure for the SELPA director, under which this position reports directly to the county office's assistant superintendent of student services rather than to the Imperial County SELPA's executive board.

In March 2012 the Imperial County Office of Education requested that FCMAT assist the county and its districts by reviewing the staffing and support levels for its programs and services as well as the management structure of the SELPA's Administrative Unit.

The study agreement specifies that FCMAT will perform the following:

1. Review the Imperial County Office of Education Special Education Department management personnel staffing structure. Determine whether ICOE has the right staffing ratio, and review chain of command process for management reporting
2. Review all COE special education staffing levels (ratio of student to certificated person assignments), including but not limited to: certificated teaching, school psychologist, speech therapy, occupational therapy, all other support personnel and determine efficiency and effectiveness.
3. Review instructional assistants' staffing and determine efficiency and effectiveness and make recommendations for improvement. Review process of ongoing ICOE recruitment for instructional aide staffing. Determine whether part-time personnel (3.5 hours) are the most efficient and effective staffing pattern, compared to FTE staffing.
4. Determine the effectiveness of instructional practice through an analysis of student achievement and proficiency levels on statewide testing.
5. Review the current SELPA structure with the ICOE as the Administrative Unit and analyze the pros and cons of having a district take over the AU duties of running the SELPA. Determine the fiscal and programmatic consequences, the timeframes for proper notification to the current AU and California Department of Education, the processes and procedures necessary for any such transfer of AU duties.

Study Guidelines

FCMAT visited the district on June 12-14, 2012 to conduct interviews, collect data and review documents. This report is the result of those activities and is divided into the following sections:

- I. Executive Summary
- II. Administrative Staffing and Structure
- III. Staffing Ratios
- IV. Imperial Valley Center for Exceptional Children
- V. Instructional Aide Staffing
- VI. Instructional Practices
- VII. Administrative Unit

Study Team

The study team was composed of the following members:

William Gillaspie, Ed.D.
Deputy Administrative Officer
FCMAT
Bakersfield, CA

Kerri Mills, Ed.D.*
Assistant Superintendent, Special Education
Santa Barbara Unified School District
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Santee, CA

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Mission Viejo, CA

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*As a member of this study team, this consultant was not representing her employer but was working solely as an independent contractor for FCMAT.

Executive Summary

The Imperial County Office of Education is the primary provider of special education and related services for severely handicapped students throughout the Imperial County. The county office also serves as the Administrative Unit (AU) for the Imperial County Special Education Local Plan Area (SELPA).

The member districts of the Imperial County SELPA have expressed concerns over the SELPA's current administrative reporting structure, under which the SELPA director reports to the county office's assistant superintendent of student services rather than to the SELPA executive board. This reporting structure is inconsistent with the supervisory provisions of the SELPA Local Plan and jeopardizes the neutrality of the SELPA. The county office's assistant superintendent of student services is simultaneously the supervisor for county office-provided special education programs and the supervisor of the SELPA director. The SELPA director is an employee of the county office of education; therefore, the county superintendent is responsible and liable for this individual's conduct.

The SELPA Local Plan outlines the responsibilities of the executive board for taking action and giving direction to the SELPA director. These responsibilities include the following:

- Developing the philosophy, goals, priorities and plans for special education throughout the local plan area.
- Approving any action taken by the AU that affects the SELPA.
- Making decisions regarding implementation, administration and operations of special education programs and services in accordance with the Local Plan.
- Recommending and presenting revisions of the Local Plan and local special education policies to the governing boards for adoption.
- Providing service priorities to the SELPA regionalized service personnel and operations committee regarding the implementation, administration and operation of the plan.
- Reviewing and approving the SELPA budget.
- Naming three members to assist the AU superintendent in hiring and evaluating the SELPA administrator, following the policies and procedures of the AU.
- Directing and controlling the SELPA goals, programs and budget.
- Annually evaluating the services provided by the SELPA.

FCMAT reviewed staffing ratios and student support at all levels including program administration, certificated and classified staffing, with a focus on mandated staffing levels in the California Education Code and staffing guidelines established by School Services of California, Inc.

FCMAT found several areas in which greater efficiency and cost savings could be realized, for a total approximate annual savings of \$320,269 in staffing costs.

The county office budget is affected by language in the collective bargaining agreement between the county office and teachers regarding caseloads, staff development and stipends. The total cost of implementing these provisions is approximately \$295,000 per year more than the standard staffing costs. Based on a review of the salary schedules, approximately \$121,651 of this total is the result of a provision for stipends of \$11.00 per child for any class that exceeds caseload limits established by contract; \$85,000 is the result of five additional work days for staff development;

\$27,238 is the result of pay for additional work (referred to as bank of hours); \$54,000 is the result of stipends for low-incidence teachers and speech therapists; and \$6,800 is the result of stipends for cell phones, which are provided for the safety of employees as they sometimes travel to and serve remote areas.

SELPA member districts do not clearly understand the responsibilities of the AU. Greater openness and communication are needed in all financial matters related to allocations of revenues to districts. The member districts should carefully discuss the advantages and disadvantages of assuming AU duties as detailed in this report. It would be beneficial to develop an AU agreement which is signed by the SELPA executive board and the AU superintendent annually.

Findings and Recommendations

Administrative Staffing and Structure

To analyze the administrative structure, FCMAT reviewed organizational charts submitted by the assistant superintendent of administrative services and conducted interviews with special education managers and certificated staff members.

Under the current reporting structure, the assistant superintendent of student services provides direct oversight of four directors, two of whom are involved with special education. One of these is the senior director of special education and another is the SELPA director.

The governance section of the Imperial County SELPA's Local Plan provides the procedures to be followed in the hiring and evaluation of the SELPA director. Specifically, on page five of the governance section it states that the SELPA executive board is to perform the following:

Name three of its members to assist the Administrative Unit Superintendent in hiring and evaluating the SELPA Administrator following the policies and procedures of the Administrative Unit.

The SELPA Local Plan also states the following on page eight of its governance section:

The AU Superintendent or designee, assisted by the three designated members of the Executive Board, shall evaluate the SELPA Administrator, including completion of a written evaluation noting strengths and areas of improvement for the SELPA Administrator.

The county superintendent has designated the assistant superintendent of student services as the evaluator of the SELPA director, after obtaining input from the three designated members of the SELPA executive board. This has led to the perception on the part of some of the districts' staff that the SELPA director is not neutral because this individual is supervised and evaluated by the assistant superintendent.

An example of the superintendents' concerns regarding neutrality is contained in the SELPA executive board minutes of Wednesday, January 13, 2010. At that meeting, the board had questions regarding interest payments of SELPA funds, the maintenance and operations charges the SELPA was paying to the county office, and indirect costs to the county office in the SELPA budget. The minutes also state the following:

The Board expressed concerns regarding the supervision of the SELPA Director, the Board does not want ICOE to control the SELPA Director position. They feel the Director position should be an advocate for all districts. With the current ICOE organizational structure the SELPA Director may be put in an awkward position should the ICOE's SH Program be involved in a situation with a district. Would the Director be able to represent the district fairly in a dispute against his immediate supervisor?

There is a perception that Mr. Leptich doesn't represent the district like they expect him to because of the relationship he has with ICOE.

The Board felt that Mrs. Mallory, Superintendent, should be given the opportunity to change the "non-trust" issues with the supervision of the director.

Having the superintendent supervise the SELPA director in keeping with the provision on page five of the Local Plan cited above could reduce the time the assistant superintendent spends on special education issues.

FCMAT analyzed the county office's organizational charts and management reporting structure. The county office has detailed organizational charts that provide departmental overview and reporting structure as well as additional details. These charts also show the various groups and committees in which the manager participates. The level of detail included on the organizational charts makes them difficult to read.

Recommendations

The county office should:

1. Continue following the provisions on page five of the SELPA Local Plan cited above. Ensure that the superintendent of the Administrative Unit assumes the responsibility of hiring and evaluating the SELPA director, in conjunction with the three designated members of the executive board, in order to protect the neutrality required in the SELPA director position; this responsibility cannot be delegated to the assistant superintendent.
2. Clarify the role of the SELPA director to ensure that the director has the ability to be neutral and fairly represent all SELPA member districts as well as the county office.
3. Revise the organizational chart to indicate the new reporting structure for the SELPA director indicated in recommendation 1 above, and remove this responsibility from the assistant superintendent of student services.
4. Develop a comprehensive organizational chart that demonstrates the reporting structure and chain of command for the major roles in the county office. Ensure that this organizational chart is clear and concise. The activities or meetings that each person is involved with do not need to be part of the organizational chart.
5. Ensure that the organizational charts clearly show which positions report to each manager to enable the reader to quickly identify the organization's reporting structure on one page.

Roles of the Program Managers

Information from interviews with the fiscal manager for special education indicates that the roles and reporting structure for the two program managers and one principal shown on the organizational chart are not clearly defined, and that the program managers and the principal have many similar functions. Community-based staff (those who live in or near the communities in which services are provided) may be assigned to report to one of these three managers. One program manager oversees staff who work with students who have autism, as well as many of the community-based staff. The other program manager focuses on supporting staff who work with deaf and hard of hearing students as well as many of the community-based staff, particularly in the secondary school programs. The principal manages the programs at the special center, the

Imperial Valley Center for Exceptional Children (IVCEC), and some of the community-based specialized staff such as occupational therapists

The number of students that each of these three positions is responsible for is as follows:

- **Principal**
291 students (includes students at IVCEC and community-based programs at sites in districts); occupational therapy program and supervision of custodians on site (IVCEC). The total compensation for this position in 2012-13 will be \$121,400, which includes a salary of \$111,660 plus \$9,740 in benefits, excluding statutory benefits.
- **Program manager #1**
155 students (includes supervision of programs for autistic students and community-based programs). The total compensation for 2012-13 will be \$114,992, which includes a salary of \$105,252 plus \$9,740 in benefits, excluding statutory benefits.
- **Program manager #2**
101 students (includes supervision of programs for deaf and hard of hearing students as well as community-based programs). The total compensation for 2012-13, based on salary schedule placement and experience, will be \$105,224, which includes a salary of \$95,484 plus \$9,740 in benefits, excluding statutory benefits.

Interviews with staff revealed significant confusion regarding the rationale for the reporting structure and which administrator is assigned to supervise them. In addition, some staff were uncertain of the level of expertise the manager had in the specialized area assigned to each position.

Rather than making their primary role serving as the administrative designee at individual education program (IEP) meetings, having program managers serve in specialized areas in which they have background can provide greater credibility and support to the classroom staff.

It would be more beneficial to use program managers to focus on program development, staff development, and staff support. For example, responsibilities for managing the program for deaf and hard of hearing students (DHH) and visually impaired (VI) students could be transferred to program specialists at the SELPA who have expertise and background in each of these respective specialized areas to better support teachers and students. A stipend currently being paid to the teacher who leads this program could be eliminated if the responsibility were transferred to the SELPA, providing an annual savings of \$6,000.

The program managers' caseloads are small. Greater efficiency could be achieved by increasing the number of students for which the program manager and principal have responsibility, thus eliminating the need for one program manager. Transferring responsibility for the DHH programs and services to the SELPA would reduce that program manager's caseload by 34 students, leaving a caseload of only 67 students, which could then be distributed between the other program manager and the principal. Eliminating one program manager position would yield an annual savings of approximately \$105,224, based on the salary schedule and interview with the county office business manager.

Recommendations

The county office should:

1. Clarify and define the roles of the principal and program managers to eliminate much of the overlap and similarity in the roles.

2. Ensure that staff clearly understand who they report to and the rationale for that decision.
3. Consider increasing the supervision of staff who oversee DHH and VI services to increase credibility and program support in these highly specialized areas.
4. Increase the caseloads for one program manager and the principal and decrease staffing by one program manager for an annual savings of approximately \$105,224.

Program Efficiency

Based on interviews with staff, the top managers in the special education department spend a significant amount of their time on matters that would typically be managed by other more specialized divisions at a county office. For example, managers and their staff are highly involved in personnel functions for special education staff. Many secretaries in the special education department support these activities, which include handling and processing many notice of employment (NOE) forms, and overseeing clerical staff who track extra hours for staff by monitoring large number of time sheets. Staff also spend a significant amount of time monitoring the budget and fiscal issues.

Recommendation

The county office should:

1. Increase special education managers' accountability for program delivery, curriculum and staff support.

Special Education Clerical Support Staff

Three full-time special education clerical staff and one fiscal manager work in the county office. These positions include general administrative support as well as processing notice of employment (NOE) forms, work orders for supplies and materials, translation of documents and Individual Education Programs (IEPs), monitoring the computerized IEP system, county truancy prevention tasks, and school attendance review board (SARB) tasks.

In addition, a total of five clerical staff support IVCEC. Three of these staff (two eight-hour-per-day positions and one four-hour-per-day position) are in the front office; one manages the special education information system (SEIS) and records; and another four-hour-per-day staff member works in the infant and toddler program. One position is currently vacant and could be eliminated to provide greater efficiency, for an annual cost savings of \$43,380, which includes salary, health and welfare, and statutory benefits.

Recommendations

The county office should:

1. Determine if clerical staff at the county office could be reduced by one position.

2. Maintain the 2012-13 clerical staff positions supporting IVCEC for a savings of \$43,380 by not filling the open position.

Administrative Staffing Comparison

Imperial County is considered a Class 4 county, which means that in 2010-11 it had a county-wide average daily attendance (ADA) of at least 30,000 but less than 60,000. According to Ed Data (www.ed-data.k12.ca.us), Imperial County's total student enrollment in 2010-11 was 36,427. The county office's assistant superintendent of administrative services explained that in past years the county office also used Class 3 and Class 5 county offices of education for salary comparisons, then set salaries at an average of those for the top 10 county offices of education in the three class levels. This was done when the county office's budgets were similar to those of Class 3 county offices because of the statewide programs it administers. However, the county office's budget is now approximately \$40 million less than in fiscal year 2007-08, which is the year upon which its last salary adjustment was based.

According to the *Special Education Personnel Data Report* submitted to the California Department of Education for 2011-12, the county office has 4.3 full-time equivalent (FTE) administrators supporting special education: the assistant superintendent of student services (0.3 FTE), the senior director of special education (1.0 FTE), a principal (1.0 FTE), and two program managers (2.0 FTE).

FCMAT compared the Imperial County Office of Education's administrative staffing with that of five other county offices of education in counties listed as Class 4 by the California County Superintendents Educational Services Association's (CCSESA) *Classification of Counties 2011* report, or in CCSESA's data from 2012.

Table 1: Comparison of Administrative Staffing Levels

County Office	Special Education Enrollment, ages 5-21	Special Education Administration FTE
Butte	368	1.0
Imperial	385	4.3*
Merced	745	8.0
Placer	324	7.0
San Luis Obispo	223	2.0
Santa Cruz	255	2.0
Average	383	4.05

Sources:

Special education enrollment figures for students ages 5-21 were obtained from Data Quest, 2010-11.

Special education administrative FTE was obtained from information on each county's website from their special education department.

*Special education administration FTE was obtained from the *Special Education Personnel Data Report*, 2011-12;

More recent data obtained from the Imperial County Office of Education based on its May 2012 pupil count, which included the following: 329 K-21, 97 preschool and 132 infant students. Preschool and infant students are not shown in the above chart.

Some representatives from member districts in Imperial County have the perception that the county office's special education administrative staffing is too high. Many districts have experienced severe budget reductions and reduced administrative staffing. The county office has not experienced the same effects of the budget crisis because the special education services it provides

are funded before the remaining funding is allocated to the SELPA members (known as off the top funding), and any excess costs are billed to districts. The districts' perceptions are that this has caused inequities in the funding model and that they have not had adequate input into the administrative staffing decisions and resulting cost.

Funding for the SELPA and member districts has been constant over the past several years. The county office has received 42.2% of the SELPA apportionment resources since 2008-09 with no adjustments to cover increased expenditures during this time. Special education program revenue sources, like those of member districts, have not kept pace with program expenditures. The county office has made reductions to the programs over the past several years to try to balance the budget, and this budget reduction information has been shared with member districts. In June 2012 the executive board approved an increase of 0.5% to the county office distribution after having deferred this increase since 2009-10. Revenue limit funding that the program for severely handicapped students receives is based on ADA and is subject to the same reductions as revenue limit funding to districts. The special education program is also affected by the revenue deficit (currently 22.54% for the county office), apportionment deferrals (approximately 40%), and other cuts equal to an additional 6.542% should the governor's tax initiative fail in November 2012.

The county office's 4.3 FTE administrative staffing is slightly higher than the 4.05 FTE average for Class 4 county offices of education in Table 1 above. The county office also manages 132 infants and 97 preschool students. Infant and preschool data was not obtained from the other Class 4 county offices of education. The Imperial County Office of Education also covers a large geographic region, which means that it takes additional time for administrators to travel to the member districts. There is a broad range of administrative support at the county offices in the above comparison, but this analysis shows that the Imperial County Office of Education's administrative staffing is consistent with the average FTE administrative staffing of other Class 4 county offices, and that its administrative staffing is within the average range for such staffing among comparable Class 4 county offices of education.

Table 2: Comparison of Special Education Administrative Staffing among Member Districts in Imperial County

District	Total Special Education Enrollment	Special Education Served by Imperial COE	Special Education Administration FTE
Brawley Elementary	271	78	1.0
Calexico USD	587	165	1.0
Central UHSD	303	45	1.0
El Centro	488	95	1.0
Imperial USD	241	70	1.0
Average	378	90.6	1.0

Sources: Special education enrollment for students ages 5-21 is from Data Quest, 2010-11. Special education administration FTE for each district is from the *Special Education Personnel Data Report*, 2011-12. The number of special education students served by the county office is from county office special education department data, including county office executive board severely handicapped program presentation, June 20, 2012. Total special education enrollment figures include students served by the county office. The districts chosen for this analysis were those that send the most students to the county office.

However, as indicated in Table 2, member districts in Imperial County have an average of 1.0 FTE special education administrator for 378 students, while the county office has 4.3 FTE

administrators for 385 students. This does indicate that the ratio of administrators to students at the county office is much higher than in the districts. It should also be taken into consideration that the students that the county office serves have the greatest and most highly specialized needs.

Recommendations

The county office should:

1. Analyze its current special education management structure and decrease its special education management FTE to achieve a staffing ratio more consistent with those of member districts.
2. Examine how special education managers could be more efficient by decreasing the amount of time spent on functions that other departments could perform with greater expertise. Examine whether this would allow a reduction in the number of management positions needed.
3. Have district administrators serve as the administrators at IEP meetings in their districts. This would reduce the need for county managers to spend such a significant amount of time in travel to the districts. Reserve use of the county administrators for the most complicated or litigious IEPs.

Special Education Administrative Salary Comparison Class 4 County Offices

Table 3: Administrative Salary Comparison in Class 4 County Offices

Last Confirmed Date	County	Annual Minimum Salary	Annual Maximum Salary	Annual Benefits Cap
3/1/11	Butte	\$93,290	\$119,065	\$10,464
3/5/10	Imperial	\$133,689	\$133,689	\$9,740
3/4/10	Merced	\$107,145	\$130,547	\$10,772
3/8/12	Placer	\$144,730	\$155,137	\$9,082
6/1/11	San Luis Obispo	\$120,260	\$153,485	\$7,878
6/4/09	Santa Cruz	\$90,660	\$115,706	\$12,294
Average		\$114,962	\$134,605	\$10,038

Source: Data obtained from the California County Superintendents Educational Services Association's (CCSESA's) Survey of Salaries for an assistant superintendent.

Based on the comparison of salaries from Class 4 County Offices in Table 3 above, the Imperial County Office of Education's assistant superintendent's salary is slightly lower than the average annual maximum salary, and the annual benefits cap is also slightly lower than the average. There is no minimum annual salary or range for the assistant superintendent position at the Imperial County Office of Education; the salary of \$133,689 is a flat rate.

Table 4: Salaries of Directors in Imperial County School Districts

District	Current Salary of Director
Calexico USD	\$110,913
Brawley Elementary SD	\$112,553
Imperial Unified	\$138,328
Average	\$120,598

Source: Data submitted by member districts at the request of the county office assistant superintendent of administrative services, 6/19/12.

The current annual salary for the senior director at the county office is \$119,724 which is slightly less than the average salary for this position at the largest member districts that provided this information. The county office has not given any pay raises since the 2007-08 school year.

Comparing salaries and positions between similar county offices of education and school districts is inherently difficult because positions with similar or identical titles can often have differing duties and responsibilities in different organizations.

Staffing Ratios

The county office's average preschool caseload for speech and language therapists is 40, which is within statutory guidelines (EC 56441.7(a)). The average caseload for K-12 speech therapy is 53, which is also within statutory guidelines (EC 56363.3). In addition to 7.0 FTE speech therapists, the county office employs 3.0 FTE speech consultants, 2.0 FTE speech language pathology assistants (SLPA), and 4.0 FTE speech and language instructional aides. The SLPAs and speech consultants provide adequate additional program support; the speech and language instructional aide positions are not needed to provide this support because of existing staffing and caseload requirements. Eliminating the four instructional aide positions would result in an annual savings of approximately \$146,045.

The school psychologists serve both district and county office-operated programs. The existing 3.0 FTE psychologist positions are sufficient to meet the needs of a county office this size and provide the additional support to individual districts based on statewide data regarding comparative county offices.

The county office is the primary service provider for all 18 severely handicapped special day class programs (SH-SDC), with the Brawley, Calexico, El Centro school districts and the county office as districts of service. The county office delivery model provides a full continuum of program options for students in the least restrictive environment (LRE) as determined by their IEPs. The county office also operates four special day classes that provide a full continuum of services for deaf and hard of hearing students in elementary through high school.

The agreement among the Imperial County Board of Education, the Imperial County Superintendent of Schools and the Imperial County Office of Education Teachers' Association, dated 2010-11, contains language regarding the required special day class sizes, student-to-teacher ratios and levels of instructional aide support (Article VIII (A)(1)), as indicated in Table 5.

Table 5: County Office Contract, Class Size and Staffing and Support Ratios

Special Day Class Setting	Staffing Ratio
Infant	30-to-1
Pre School	15-to-1 (AM/PM combined)
Grades K-3	10-to-1
Grades 4-6	11-to-1
Grades 7-8	12-to-1
Grades 9-12+	13-to-1
Multiple Disabilities	10-to-1

Source: Imperial County Office of Education and Imperial County Office of Education Teachers Association Contract

The contract specifies caseloads for members of the collective bargaining unit and provides that the member will receive an additional \$11 per hour for every student in excess of the specified caseload. The current excess cost of this contract article (Article VIII (a) (2)) for the 2011-12 school year is approximately \$121,651. In addition to the excess cost to member districts, this contract article could potentially be providing an incentive to keep students in a restrictive environment, which would be contrary to the intent of federal law (20 U.S.C. 1412(a)(5)).

Several other items in the contract between the Imperial County Office of Education and its teachers' association also have a significant effect on the county office special education budget.

The county office special education staff (teachers, nurses and speech therapists) have a contract for 187 work days, five of which are allotted for staff development (Appendix B-1 of the contract). However, the school districts in Imperial County have 180 school days. The approximate annual cost of the additional five staff development days is \$85,000 based on the average daily rate for teachers.

Appendix F of the contract with teachers states that if the state discontinues the staff development days, the teachers' work year will revert back to 180 days, and salaries will be reduced on a per diem basis. The California Department of Education eliminated staff development days from the calendar several years ago; however, this adjustment was never made in the county office contract. Because the contract has expired, the county office has an opportunity to address this issue in negotiations.

Teachers also qualify for additional compensation for hours worked in excess of a 35-hour work week under the contract's bank of hours provision (Appendix E of the contract), which allows them to bank these hours. Several activities qualify as additional work hours under this provision, including program development, staff development, parent conferences, county or school committee participation, IEP meetings, and home visits. The excess cost to member districts for the bank of hours provision in fiscal year 2011-12 was approximately \$27,238.

A total of \$54,000 in additional annual stipends is provided to teachers who work with students who have low-incidence disabilities such as visual impairment (\$6,000) and deafness and hardness of hearing (\$3,000). This also includes annual stipends of \$6,000 for all speech therapists. Stipends for these specialist areas are common in districts across the state, due in large part to the difficulty of hiring and retaining qualified staff for low-incidence disabilities and speech.

Recommendations

The county office should:

1. Consider eliminating four speech assistant positions at a savings of \$146,045.
2. Maintain school psychologist staffing at the current level
3. Use the opportunity to reopen negotiations on the teacher contract to address the areas outlined above that have a significant fiscal impact.

Imperial Valley Center for Exceptional Children (IVCEC)

The county office is the primary provider of special education and related services for severely and profoundly handicapped students throughout Imperial County. As of June 2012, the county office special education department serves 122 infants and toddlers, 100 preschool students and 331 kindergarten thru adult age students. Students are referred from the school districts in which they reside. Those with moderate to severe adaptive behavior issues and an IQ score of less than 60 are enrolled in community-based settings. Those who have a severe or profound range of adaptive behavior issues and an IQ score of less than 40 are enrolled in the Imperial Valley Center for Exceptional Children (IVCEC).

IVCEC currently serves 122 students from preschool thru age 22. Sixty-five of the students served in the county office special education program are categorized as having multiple disabilities (e.g. any student identified as having three or more disabilities including intellectual disability, predominately with an IQ of less than 30 and often accompanied by seizure disorder along with any other physical disability). Sixty of these 65 students have a secondary disability of orthopedic impairment; many are unable to feed themselves, are diapered, and several need more than one person to transfer them from their wheelchair to adaptive equipment and/or to a diaper changing table.

Most students attending IVCEC are nonverbal; they use simple gestures, signs, behaviors, and, if cognitively capable, use assistive technology devices to communicate their basic needs and wants.

Eleven of the students are assigned special circumstance instructional assistants; six of these 11 assignments are because of the student's significant medical or mobility impairments.

The special education students at IVCEC and community-based programs need and receive the following services:

Service	IVCEC	Community-Based
Health Care Plan	54	30
One-to-One Nursing	61	0
G-Tube Feeding	21	4
Catheterizations	1	2
Seizure Monitoring	21	18

Recommendation

The county office should:

1. Increase awareness of the program delivery options available through IVCEC by ongoing visits to IVCEC by all member districts of the Imperial County SELPA.

Instructional Aide Staffing

The special education and human resources departments have a lengthy and labor-intensive process for hiring instructional aides. This is not unusual because instructional aide positions are often difficult to fill.

Currently, the special education department generates each request for an instructional aide, then the position is posted, applications are reviewed, interviews are conducted and an employment offer is made. This can take from several weeks to several months, during which time positions either remain unfilled or are filled with a substitute.

Interviews are not conducted until a position is needed. Because aide positions are needed regularly, waiting until an opening occurs increases the likelihood of delay in filling the position. Regularly scheduled aide interviews would decrease the time that positions go unfilled. In addition, interviews are not conducted to determine a pool of eligible candidates who could be assigned as substitutes while awaiting open positions. This would also shorten the time between the initial request for a position and the filling of that request.

The county office has 11 different lengths of work day for instructional aides: 3.0, 3.25, 3.5, 4.0, 4.5, 4.75, 5.0, 6.0, 6.25, 6.5 and 7.0 hours. Staff reported that this situation came about as a result of changes made in two circumstances: when there was a desire to better accommodate each situation and not add time when it was not needed; or because time was added to a position for a short time or without the knowledge of the administrators and subsequently became permanent.

When an instructional aide has to lengthen their work day for any number of reasons, including a late bus, a notice of employment (NOE) form must be completed and signed by the special education director. This form is sent to the human resources (HR) and business departments to ensure that the employee is paid correctly for the time and to track their time worked and eligibility for benefits. California Education Code sections 45136 and 45137 make probationary and permanent part-time classified staff eligible for sick leave and all other benefits conferred by law, and state that when an employee works at least 30 minutes more than their regularly assigned day for 20 consecutive days, their hours must be changed to reflect the additional time being worked in order to acquire fringe benefits on a properly prorated basis.

It is not unusual for a dozen or more NOEs to be generated daily. This is time-consuming for site staff and for special education, HR and business staff, yet it is important for this time to be tracked.

Inquiries regarding which sites need NOE forms and why did not result in enough information to evaluate or analyze the use of these forms or identify possible increased efficiencies. To reduce the number of NOEs, it is important to closely evaluate how and where they are used as well as institute systems to avoid the need for additional hours. For example, if late busing is an issue, the bus situation needs to be addressed or, if the bus time cannot be changed, a plan for staffing coverage developed that does not include NOEs.

Staff reported that because of the number of different hours per day aides are assigned, there are frequent requests for positions and for moving staff from one position to another, which creates additional position vacancies. All of these changes require additional paperwork and create delays in the hiring process.

According to the special education department's calculations, it would cost the county office an additional \$400,000 per year to increase all aide positions to six hours per day. However,

this calculation did not include reducing the current 6.5-hour-per-day and seven-hour per day positions, which would reduce the estimated cost. This change would also reduce paperwork and could decrease aide turnover, but it is not cost effective because of the high cost of increasing each aide's work day to six hours. In addition, there are many cases in which a six-hour per day aide is not warranted.

Another option is to eliminate the many different lengths of work day and make all positions three, four or six hours per day. This could be done through attrition. This may not change the total number of FTE aide positions; however, it would reduce hiring paperwork and NOE paperwork for site staff and for special education, HR and business staff. In addition, it could provide more stable positions, which commonly results in reduced turnover and thus more consistency for students.

Table 6 shows the varied hours of aides as well as the differences in aide assignments. Deaf and hard of hearing (DHH), Early Start (ES) and visually impaired (VI) programs are not included in this table but are listed separately.

Table 6: Number of Aides by Hour and by Class

Aides' Hours per Work Day	3.0	3.25	3.5	4.0	4.5	5.0	6.0	6.5	7.0
Class size	Number of Aides								
13	1						3		1
7	1		1				1		
15	1		1						1
11	2			1			1		
14	1			4				1	
14				1			1 (6.25)		1
11	1			2				1	
14	4						1	1	
9					1			1	
11				1				1	
12	1				1 (4.75)			1	1
11				1		1	1		
11							2	1	
11	2			1			2		
11				1			2		
11				2			1		
8	1			1					1
14	1			2			1		1
11				2			1		
15	1				1				1
26							2		1
12	2						1		
10	3			1			2		
23				1			1		

Aides' Hours per Work Day	3.0	3.25	3.5	4.0	4.5	5.0	6.0	6.5	7.0
Class size	Number of Aides								
13	1	1					1	1	
10							2	1	
20	3						1		
12	4						2		
10	1						1	1	
Total	31	1	2	21	3	1	30	10	8

Source: County office 2011-12 special education personnel assignments

As shown in Table 6, there is only one 3.25-hour-per-day position, two 3.5-hour-per-day positions, two 4.5-hour-per-day positions, and one 4.75-hour-per-day positions. There is also one 6.25-hour-per-day position, 10 6.5-hour-per-day positions, and eight seven-hour-per-day positions, not including specialized programs.

Changing from 11 different lengths of work days to three lengths of three, four and six hours per day would save approximately \$66,000 per year. After calculating the additional hours added to instructional aide salaries for NOEs, the county office may find that a slightly different configuration than three-, four- and six-hour days is more appropriate and equally cost effective.

Tables 7, 8 and 9 show class sizes and number of hours for instructional aide assignments for the deaf and hard of hearing, Early Start and visually impaired programs.

Table 7: Instructional Aide Hours, Deaf and Hard of Hearing Program

Aides' Hours per Work Day	3.0	3.5	6.5	6.75	7.0
Class Size	Number of Aides				
8			2-SLI III		3- SLI III
8	I - IA I - SLI I		I - IA I - SLI III		2- SLI III
13		I - SLI I*	4 - SLI I I - SLI III		
6			I - SLI III	I - SLI III	

*Sign language interpreter (SLI), at pay level I or III

Table 8: Instructional Aide Hours, Early Start Program

Aides' Hours per Work Day	4.0	7.0
Number of Teachers	Number of Students	Number of Aides
3	132	2
		7

Table 9: Instructional Aide Hours, Visually Impaired Program

Aides' Hours per Work Day	6.5	8.0
Number of Students	Number of aides	
38	4	2

The programs for DHH students would only need to change one 3.5-hour-per-day and one 6.75-hour-per-day aide positions to consolidate aide hours. This would leave three lengths of work day schedules for aides serving the program. The Early Start and VI programs may need to maintain the number of hours they currently use because of specific needs in those programs, but it would benefit the department to further evaluate this.

There are two types of aide positions in county office special education programs: general aide positions and behavior aide positions. During the past year, training has been provided to all aides that has blurred the differences between the skills of these two groups. Having aides in the same classification would increase their ability to substitute and to apply for vacant positions. However, there is currently a difference of approximately \$5000 in annual pay between a six-hour-per-day behavior aide and a six-hour-per-day instructional aide. Therefore, negotiations would be needed to eliminate the separate classifications and determine an appropriate salary range. This change would not include interpreters for the DHH classes.

Although documentation is being used to support additional aides initially, it is not being completed annually. Staffing charts indicate that there are more instructional aides than are needed. It is important for management staff to regularly review aide staffing to determine how much is needed and to use the support staff assigned to them and to their site most efficiently before adding staff.

Contract language states that when a class size reaches a certain number of students, additional aide support is provided. A review of current staffing shows that only one special education class has two aides, both of which are full-time positions; all other classes have three, four, five or six aides with varying hours. Even though the county office serves the students with the greatest needs and most severe disabilities, the instructional aide support could appear to be excessive. Monitoring aide assignments with documentation, such as monitoring notes on caseloads, progress notes from teachers and follow-up discussions with administrators, would provide the openness and information needed to either support the current aide assignments or indicate where reductions could be implemented. The SELPA can provide the county office with forms and guidelines for the assignment of special circumstance aides.

Recommendations

The county office should:

1. Consider interviewing candidates for instructional aide positions regularly, such as once a month, to fill open positions.
2. Consider establishing a pool of eligible instructional aide candidates to increase efficiency.
3. Review the current NOE process to determine how it could be streamlined while accurately tracking any additional assigned aide times.
4. Conduct an in-depth review to determine why each NOE was needed, and establish systems to avoid the need for NOEs to reduce the cost of additional aide time and the clerical time needed to process NOEs.
5. Review all current aide positions, including those in specialized programs, and determine if the number of different lengths of work days could be

reduced to no more than three for more efficient program delivery and to reduce aide time.

6. Consider combining the instructional aide and behavior aide classifications to enable aides to perform the duties of both positions when trained to do so.
7. Consider completing the documentation for additional aide support yearly to ensure that the aide support is still required.
8. Assign additional support aides to classes rather than to individual students whenever possible to increase flexibility of assignments.
9. Review contract language that requires the automatic addition of aide support when a class reaches a certain size. Negotiate a change to the language so that additional support is based on documented need rather than class size.
10. Review the aide assignments in every class, and ensure that there is sufficient documentation to support the number of aides and the hours of the aides in each class.

Instructional Practices

The 1997 amendments to the Individuals with Disabilities Education Act (IDEA) required students with disabilities to participate in statewide and districtwide assessments of student progress. In California, the Standardized Testing and Reporting (STAR) program includes special education students and uses the following assessments:

- The California Standards Test (CST), the general education assessment in which most special education students participate.
- The California Modified Assessment (CMA), a modified assessment used for some special education students.
- The California Alternative Performance Assessment (CAPA), an alternative assessment for students with significant cognitive disabilities. The CAPA is used with the severely disabled students served by the Imperial County Office of Education.

The county office special education director recently completed a thorough study and report that analyzes both special education and alternative education students' performance on state testing and the educational practices of the county office-operated programs. The report is dated May 10, 2012 and was created using a template from School Innovations and Advocacy.

It was not clear from a review of the report whether it was generated by the special education staff or whether it included all county office-operated programs. The beginning of the report describes the severely handicapped special education programs operated by the county office. Then, starting on page nine, the report provides data for the alternative education programs. Combining of these two programs added some confusion to the analysis of the data.

The California Department of Education (CDE) provides the following information on its website as a guideline to help districts determine which students should take the CAPA rather than the CST or the CMA.

The CAPA is designed to assess those students with significant cognitive disabilities who cannot participate in the California Standards Tests even with accommodations and modifications. The California Department of Education (CDE) developed the CAPA to comply with the requirements of the Elementary and Secondary Education Act (ESEA).

The CAPA links directly to the California academic content standards at each grade level. These blueprints have been developed to accurately reflect the portions of the content standards from kindergarten through high school that are accessible to students with significant cognitive disabilities.

The CAPA is administered at five different levels in English–language arts (ELA) and mathematics and at four different levels in science. The level at which a student is assessed is dependent upon the grade he or she is enrolled in; Level I is the exception and is administered to any student enrolled in grades two through eleven as designated in the student's individualized education program (IEP). Each level of CAPA consists of eight performance tasks.

The blueprint for each level lists the California content standards for use on the CAPA. Standards assessed are listed by strand, and the focus of the California content standards for the alternate assessment is denoted by a check mark. The focus for the alternate assessment describes what CAPA students should know and be able to do in

relationship to the content standards. One or more focuses may be targeted for assessment in an individual task. Each standard has an equal opportunity for representation on the CAPA operational form in a given administration.

CAPA Level I is designed to assess students enrolled in grades two through eleven. CAPA Level I is intended for the students with the most significant cognitive disabilities, who are receiving instruction and curriculum aligned to the CAPA Level I blueprints. These students' IEPs must designate the use of CAPA Level I. Assessments are available English–language arts, mathematics, and science.

CAPA Level II is designed to assess students enrolled in grades two and three and is available in English–language arts and mathematics.

CAPA Level III is designed to assess students enrolled in grades four and five and is available in English–language arts, mathematics, and science.

CAPA Level IV is designed to assess students enrolled in grades six, seven, and eight in English–language arts, mathematics, and science.

CAPA Level V is designed to assess students enrolled in grades nine through eleven in English–language arts, mathematics, and science.

Source: <http://www.cde.ca.gov/ta/tg/sr/capapreface.asp>

An increase in students' scores on the CAPA is a valid indicator of the effectiveness of the instructional practice, in conjunction with the blueprint for each level referred to in the CDE guideline. Special education students in county office-operated programs who take the CAPA have improved their scores significantly over the past three years. Data for 2011-12 was not yet available.

Table 10: Percentage of County Office Special Education Students Scoring at the Proficient or Advanced Level

	2008-09	2009-10	2010-11
English/Language Arts	64%	74%	78%
Math	54%	59%	68%

Source: Imperial County Office of Education special education director's report dated May 10, 2012 using a template from School Innovations and Advocacy.

The special education students have also met the Adequate Yearly Progress (AYP) criteria.

Table 11: AYP Goals for 2010-11

	Valid Scores	At or Above Proficient	Percentage	Met AYP?
English/Language Arts	143	108	75.5%	Yes
Math	143	89	62.2%	Yes

Source: Imperial County Office of Education special education director's report dated May 10, 2012 using a template from School Innovations and Advocacy.

A breakdown of scores by individual CAPA level is helpful in determining the specific needs of students at each level.

Table 12: Number and Percentage of Students at Each CAPA Level Scoring at the Proficient or Advanced Level

	Level I Grades 2-II	Level II Grades 2-3	Level III Grades 4-5	Level IV Grades 6-8	Level V Grades 9-II
English/Language Arts	77 students (91%)	22 students (59%)	17 students (65%)	27 students (78%)	28 students (86%)
Math	77 students (84%)	22 students (23%)	17 students (47%)	27 students (59%)	28 students (59%)
Science	26 students (88%)		12 students (58%)	10 students*	6 students*

*Insufficient number of students to determine a percentage.

Source: Imperial County Office of Education special education director's report dated May 10, 2012 using a template from School Innovations and Advocacy.

IEP teams determine how students with disabilities will participate in the STAR program. If the IEP team determines that a student should be assessed using the CAPA, the IEP team is also responsible for determining if the student should take the CAPA level for that student's grade or CAPA Level I. This information is included on each student's IEP. Students with grade level designations on their IEPs must take either CAPA Level I or the CAPA level for their grade. As shown in the table above, 45% of the students taking the CAPA are in Level I, indicating that they have the most significant disabilities.

The May 10, 2012 special education report states, "CAPA Levels II and III respectively are performing at less than 'At or Above Proficient' . . . in the area of Mathematics." The report goes on to say that therefore more direct instruction and staff development is needed. Based on the data provided, additional direct instruction and staff development may also be needed in science. Although more than 50% of students in levels I and III score at or above proficient, the total number of students assessed was much lower, and there were not enough students assessed at levels IV or V to provide the data to determine percentages.

The May 10, 2012 report also includes the total number of goals written for special education students (1,456) and the percentage of goals achieved (89%). Staff indicated that goals are written to correlate with students' identified needs and the state standards; therefore, it appears that students are making progress in achieving their goals.

The report includes the county office's language arts, math, science and history/social studies curricula for students in programs for the severely disabled. These materials are reportedly available to the teachers and are being used in the classrooms. The report also lists supplemental materials. The length of this list could lead readers to assume that all of these materials are available to all teachers and are used in lieu of the curriculum listed. However, the supplemental materials listed include materials purchased by individual teachers using lottery money or through school site council grants. Therefore, not all materials are available to all teachers.

Staff also indicated that in some cases the supplemental materials are being used in place of the curriculum. This may or may not be effective instructionally. However, the curricula purchased by the county office for use in the classrooms are aligned with the state frameworks and therefore the CAPA, and therefore should be the primary instructional materials.

Staff reported that teachers use the Student Annual Needs Determination Inventory (SANDI) to assess students' levels and yearly growth and to help guide instruction. It is possible to extract data from the SANDI and correlate it with both the CAPA and the goals data. This was not carried out but would provide another objective indicator of academic performance.

Recommendations

The county office should:

1. Clarify the May 10, 2012 report by the special education director to ensure that readers know that it was generated by the county office and that it includes two separate programs.
2. Continue monitoring the levels of CAPA that students in county office-operated programs are taking to ensure that students are assessed at the correct CAPA level.
3. Continue monitoring yearly progress and the effectiveness of academic instruction by evaluating the CAPA and goals.
4. Increase direct instruction to all students in math and science.
5. Increase the number of students who take the CAPA in science.
6. Review and adjust the list of supplemental materials in the special education report to correctly show which materials are available to which staff.
7. Ensure that instruction focuses mainly on the county office curricula rather than supplemental materials. If a county office curriculum is not effective for a specific group of students, make available additional state-approved curricula.
8. Monitor the use of the SANDI, and ensure that it is also used to measure students' growth and guide instruction.

Administrative Unit

The Imperial County Special Education Local Plan Area (SELPA) is composed of 16 school districts and the Imperial County Office of Education. In the section titled “Description of Governance and Administration of Local Plan,” the SELPA Local Plan states, “The governance structure for the Imperial County SELPA is established by agreement with the school boards of the Local Education Agencies (LEA’s) which comprise the Local Plan Area.”

The SELPA’s executive board has been discussing two possible changes to the governance structure of the SELPA: reconfiguring the SELPA into a joint powers authority (JPA); and making one of the member districts the responsible local agency (RLA) or administrative unit (AU) rather than continuing to have the county office be the AU. The executive board decided not to pursue the formation of a JPA but to continue investigating the possibility of changing the AU.

The role of a SELPA AU is different from that of a district or county office, which may provide instructional programs and services either locally or regionally. Any member district of a SELPA can assume the role of the AU. In Imperial County, the county office is currently both the provider of services for severely disabled students and the AU for the SELPA, so it has two separate roles.

The description of the role of the AU in The Imperial County SELPA’s Local Plan document is very brief; it refers only to the major areas of responsibility and follows Education Code (EC) section 56205 (12)(D)(ii).

To help provide a better understanding of the role of an AU, its major areas of responsibility are listed below by category. The SELPA carries out most of these responsibilities, but the AU is the responsible party.

Fiscal

- Employ the SELPA director and the SELPA staff at the AU salary schedules.
- Receive and distribute state and IDEA special education funds as described in the SELPA Local Plan.
- Receive and distribute other specialized resources such as those for low-incidence services, regionalized services and program specialists, and mental health funds.
- Ensure that these funds are expended legally, subject to an annual independent audit.
- Complete and submit an annual budget and service delivery plan for the SELPA as adopted at a public hearing. (EC 56205(b))

State and Federal Reporting

- Coordinate and ensure appropriate data collection and management, including the California Special Education Management Information System (CASEMIS) data.
- Submit accurate and complete federal and state pupil-related reports in a timely manner.

Interagency Agreements

- Ensure that interagency agreements are current and complete as required by state and federal law. These include California Children’s Services (CCS), Head Start, and the regional center. This section included the county mental health department, but since the changes in Assembly Bill (AB) 3632 it is not always required. Proposed changes

in how services are funded through the IEP with CCS may require a revision of that interagency agreement.

Compliance monitoring

- Follow state and federal law as a condition of receiving special education funds.
- Coordinate the SELPA and implement the Local Plan.
- Coordinate a system of internal program review.
- Evaluate the effectiveness of the local plan.
- Implement an accountability mechanism for the SELPA.

Staff Development

- Develop a comprehensive plan for staff development that includes emergency behavioral interventions.
- Support and work with the special education community advisory council (CAC).

As indicated earlier in this report, there is a concern that because the SELPA director is responsible to two different supervising authorities, this position may not be accountable to all SELPA members but only to their employer of record.

Three sections of the SELPA Local Plan may assist in delineating the roles of the two supervising authorities.

The section of the Local Plan titled “Governance Structure, Responsibility of Participating Agencies,” states that the governance structure consists of the following:

. . . the Executive Board which sets policy, the Operations Committee which advises the SELPA Administrator who, through the utilization of Program Specialists, SELPA office staff and appropriate committees, carries out activities and duties assigned by the Executive Board.

Section B of the Governance Structure section of the Local Plan further defines the role of the executive board in relation to the SELPA director. Section B-6 states that it is the responsibility of the executive board to, Name three of its members to assist the Administrative Unit Superintendent in hiring and evaluating the SELPA Administrator following the policies and procedures of the Administrative Unit,” and Section B-10 states, “The Executive Board shall annually evaluate the services provided by the SELPA.

Thus the Local Plan gives the AU the responsibility of being the employer, but gives the SELPA executive board, which includes the AU superintendent, the responsibility to assign activities and duties to the SELPA director and to hire and evaluate the SELPA director. The AU pays the salaries of the SELPA employees, and all personnel matters are to be carried out in a manner consistent with the policies and procedures of the AU, but the AU does not have ultimate authority over the SELPA.

In several of the Local Plan’s governance sections, the superintendents are each given the option to have a designee take their place. Specifically, section IV states the following:

The SUPERINTENDENT OF EACH LOCAL EDUCATION AGENCY (LEA) shall be a member of the SELPA Executive Board composed of the Superintendent or his/her designee from each participating district and the County Office of Education and shall provide a liaison function between the local agency and Executive Board.

Section A 5 states the following:

The AU Superintendent or designee, assisted by the three designated members of the Executive Board, shall approve the employment of the SELPA Administrator.

Section A 6 states the following:

The AU Superintendent or designee, assisted by the three designated members of the Executive Board, shall evaluate the SELPA Administrator, including completion of a written evaluation noting strengths and areas of improvement for the SELPA Administrator.

In interviews, a variety of district staff indicated that the districts are promoting that the hiring and evaluation be performed by the AU superintendent, not delegated to a designee. The policy of having a designee in one area but not in others needs to be discussed and decided by the executive committee. The designee issue could be resolved by rewriting the Local Plan, but could also be addressed through a specific policy and procedure approved by the executive committee.

In many multi-district SELPAs, the separate roles and responsibilities of the AU and the SELPA are unclear. This is particularly true when the SELPA is housed in the AU facility. The Imperial County SELPA is located in a building that the SELPA owns but that is directly adjacent to the county office facilities that house the county office's special education department. This proximity does not allow for a clear physical separation of the two entities; however, the SELPA's ownership of the building makes a move to another facility more problematic.

In addition, the SELPA's business cards and identification badges include the AU logo, which reinforces the perception that the SELPA and the AU are one and the same.

The SELPA convenes monthly meetings of the executive board and of the district special education directors, and a twice yearly meeting of the finance committee. In addition, the SELPA director provides weekly written updates to the superintendents.

Questions have arisen regarding county office expenditures for special education. Individuals interviewed indicated that, because a portion of the revenues intended for all districts are used first for these expenditures (known as off the top funding), the SELPA finance committee and executive committee should have more information regarding these expenditures prior to approval. It is not unusual for multidistrict SELPAs to have more frequent finance committee meetings to review both county office expenditures and all SELPA expenditures. Openness and sharing of financial information increases trust and reduces frustration for all SELPA member districts.

The advantages and disadvantages of a district taking on the AU responsibilities for the SELPA are as follows:

Advantages

- This could reinforce the SELPA's independence, though the executive board would have to be careful to ensure that the same issue of the SELPA director answering to two supervisory authorities is not duplicated in the new AU.
- It would provide a fresh start for the SELPA and the executive board, and would be a time to review all policies and procedures to determine which should be developed, continued, revised or discarded.

- It may increase trust and confidence among SELPA members that the AU is an independent entity that is responsible for special education for all the districts and the county office.

Disadvantages

- The transfer of the AU would mean that the SELPA staff would come under a new AU contract and benefit package, and as a result may choose not to stay with the SELPA, which would result in a loss of experienced personnel.
- The new AU would need to negotiate with the county office regarding the SELPA location or building and would need to provide adequate facilities for SELPA operations and meetings.
- The AU currently charges SELPA members 4% for indirect costs, but a district acting as the AU would reportedly have to charge a higher rate, which would decrease special education funding that would otherwise be distributed to the SELPA members.
- The county office has the experience and the staff to support the many required functions of an AU outlined earlier in this report; another entity may not have these resources.
- The transfer of the AU would add duties to the responsible entity's human resources and business departments.

The SELPA Local Plan provides for a change in the SELPA AU. Section A of the Local Plan, titled "Procedures to Change Governance Structure," states the following:

Any change in the governance structure of the Imperial County SELPA, including dividing the SELPA into more than one operating entity, changing the designation of and/or responsibilities of the Responsible Local Agency/Administrative Unit are subject to specific provisions of Education Code Sections 56140, 56195, et seq., 56195.7 et seq., 56200 et seq., and 56205 et seq.

These education code sections do not add any specific responsibilities to the AU or in changing the designation of the AU.

The required timeline for designating the AU is in Section V of the Local Plan and reads as follows:

ADMINISTRATIVE UNIT The seventeen participating Local Educational Agencies (LEA's) are represented on the Executive Board. The issue of determining the Responsible Local Agency (RLA) or also known as the Administrative Unit (AU) is reviewed annually and designated by the Executive Board by a positive vote of 9 members. The designation of the AU shall be made by December 15th of each year, with any changes being effective July 1st of the following fiscal year.

FCMAT found no specific state regulations regarding timelines other than what is in the SELPA local plan for an AU transfer. However, it would be beneficial and in accord with best practices for the SELPA to notify the California Department of Education five months prior to any change in the AU to ensure that the new AU will receive special education funding on time.

The SELPA executive board has named the county office as the SELPA AU for the 2012-13 school year. Any changes to the AU for 2013-14 would need to be determined by December 15, 2012. The SELPA does not have a specific AU agreement signed by the executive board chair and AU superintendent. A sample AU agreement is included in Appendix A.

Recommendations

The SELPA should:

1. Thoroughly review the SELPA AU responsibilities with the member districts to ensure complete understanding.
2. Ensure that the districts understand that the SELPA is a separate entity and will continue to assist with any district or the county office in carrying out the AU responsibilities.
3. Ensure that it provides clarification regarding the SELPA's neutrality as stated in the Local Plan to alleviate concerns that the SELPA director answers to two supervising authorities.
4. Develop policies and procedures regarding superintendents appointing designees to serve on the SELPA executive board and to hire and evaluate the SELPA director.
5. Determine if there is a cost-effective way of relocating the SELPA offices if the county office continues as the AU.
6. Have the SELPA executive committee determine if the SELPA will use the AU logos on its badges, business cards and other materials, or create its own badges, business cards and other materials separate from those that identify the AU.
7. Continue the monthly meetings of the executive board and the special education directors. Consider having the finance committee meet quarterly rather than semiannually so that all fiscal matters can be discussed in advance of decisions. Continue the weekly written updates from the SELPA director to the executive board.
8. Ensure that all finance matters that affect district allocations are communicated openly and clearly.
9. Before making a decision regarding a transfer of the AU, discuss the advantages and disadvantages of having a district assume the AU duties and responsibilities.
10. Review the timeline for any possible AU transfer to ensure that decisions are made no later than December 15, 2012 for the 2013-14 school year and that CDE will be notified of any changes in the AU at least five months in advance.
11. Determine which entity should serve as the AU for 2013-14.
12. Ensure that whichever entity serves as the AU is able to maintain neutrality in the SELPA.
13. Consider developing an AU agreement that is signed by the executive board chair and AU superintendent annually.

Appendix

Study Agreement



CSIS California School Information Services

**FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM
STUDY AGREEMENT
May 10, 2012**

The FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM (FCMAT), hereinafter referred to as the Team, and the Imperial County Office of Education hereinafter referred to as the COE, mutually agree as follows:

1. BASIS OF AGREEMENT

The Team provides a variety of services to school districts and county offices of education upon request. The COE has requested that the Team provide for the assignment of professionals to study specific aspects of the County operations. These professionals may include staff of the Team, County Offices of Education, the California State Department of Education, school districts, or private contractors. All work shall be performed in accordance with the terms and conditions of this Agreement.

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

1. Review the Imperial COE Special Education Department management personnel staffing structure. Determine whether ICOE has the right staffing ratio, and review chain of command process for management reporting.
2. Review all COE special education staffing levels (ratio student to certificated person assignments), including but not limited to: certificated teaching, school psychologist, speech therapy, occupational therapy, all other support personnel and determine efficiency and effectiveness.
3. Review instructional assistants' staffing and determine efficiency and effectiveness, and make recommendations for improvement. Review process of ongoing ICOE recruitment for instructional aide staffing. Determine whether part-time personnel (3.5 hours) is the most efficient and effective staffing pattern, compared to FTE staffing.

4. Determine the effectiveness of instructional practice through an analysis of student achievement and proficiency levels on statewide testing.
5. Review the current SELPA structure with the ICOE as the AU and analyze the pros and cons of having a district take over the AU duties of running the SELPA. Determine the fiscal and programmatic consequences, the timeframes for proper notification to the current AU and CDE, the processes and procedures necessary for any such transfer of the AU duties.

B. Services and Products to be Provided

1. Orientation Meeting - The Team will conduct an orientation session at the COE to brief COE management and supervisory personnel on the procedures of the Team and on the purpose and schedule of the study.
2. On-site Review - The Team will conduct an on-site review at the COE office and at school sites if necessary.
3. Progress Reports - The Team will hold an exit meeting at the conclusion of the on-site review to inform the COE of significant findings and recommendations to that point.
4. Exit Letter - The Team will issue an exit letter approximately 10 days after the exit meeting detailing significant findings and recommendations to date and memorializing the topics discussed in the exit meeting.
5. Draft Reports - Electronic copies of a preliminary draft report will be delivered to the COE administration for review and comment.
6. Final Report - Electronic copies of the final study report will be delivered to the COE following completion of the review. The final report will be published on the FCMAT website. Written copies are available upon request by contacting the FCMAT office.
7. Follow-Up Support – Six months after the completion of the study, FCMAT will return to the COE, if requested, to confirm the COE's progress in implementing the recommendations included in the report, at no cost. Status of the recommendations will be documented to the COE in a FCMAT Management Letter.

3. **PROJECT PERSONNEL**

The study team will be supervised by Anthony L. Bridges, CFE, Deputy Executive Officer Fiscal Crisis and Management Assistance Team, Kern County Superintendent of Schools Office. The study team may also include:

- | | | |
|-----------|-------------------------------------|---|
| A. | <i>Dr. William Gillaspie</i> | <i>Deputy Administrative Officer</i> |
| B. | <i>JoAnn Murphy</i> | <i>FCMAT Consultant</i> |
| C. | <i>Anne Stone</i> | <i>FCMAT Consultant</i> |

Other equally qualified consultants will be substituted in the event one of the above noted individuals is unable to participate in the study.

4. **PROJECT COSTS**

The cost for studies requested pursuant to E.C. 42127.8(d)(1) shall be:

- A. \$500.00 per day for each Team Member while on site, conducting fieldwork at other locations, preparing and presenting reports, or participating in meetings.
- B. All out-of-pocket expenses, including travel, meals, lodging, etc. The COE will be invoiced at actual costs, with 50% of the estimated cost due following the completion of the on-site review and the remaining amount due upon acceptance of the final report by the COE.

Based on the scope of work identified in section 2 A, estimated total cost is \$13,000.

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

Payments for FCMAT services are payable to Kern County Superintendent of Schools-Administrative Agent.

5. **RESPONSIBILITIES OF THE COE**

- A. The COE will provide office and conference room space while on-site reviews are in progress.
- B. The COE will provide the following (if requested):
 - 1. A map of the local area
 - 2. Existing policies, regulations and prior reports addressing the study request

3. Current or proposed organizational charts
4. Current and two (2) prior years' audit reports
5. Any documents requested on a supplemental listing
6. Any documents requested on the supplemental listing should be provided to FCMAT in electronic format when possible.
7. Documents that are only available in hard copy should be scanned by the district and sent to FCMAT in an electronic format.
8. All documents should be provided in advance of field work and any delay in the receipt of the requested documentation may affect the start date of the project.

- C. The COE Administration will review a preliminary draft copy of the study. Any comments regarding the accuracy of the data presented in the report or the practicability of the recommendations will be reviewed with the Team prior to completion of the final report. The final report will be posted on the FCMAT website.

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

6. **PROJECT SCHEDULE**

The following schedule outlines the planned completion dates for key study milestones:

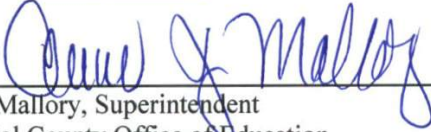
<i>Orientation:</i>	<i>June 12, 2012</i>
<i>Staff Interviews:</i>	<i>June 12-13, 2012</i>
<i>Exit Interviews:</i>	<i>June 14, 2012</i>
<i>Preliminary Report Submitted:</i>	<i>to be determined</i>
<i>Final Report Submitted:</i>	<i>to be determined</i>
<i>Board Presentation:</i>	<i>to be determined</i>
<i>Follow-Up Support:</i>	<i>if requested</i>

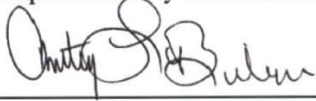
7. **CONTACT PERSON**

Name of contact person: Denise Smith, Assistant Superintendent

Telephone: (760) 312-6133 FAX: (760) 312-6137

E-mail: denises@icoe.org

 5-11-12
Anne Mallory, Superintendent Date
Imperial County Office of Education

 May 10, 2012
Anthony Bridges, CFE Date
Deputy Executive Officer
Fiscal Crisis and Management Assistance Team

