FCMAT

FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

Special Education Review

January 10, 2025

Miller Creek School District

Michael H. Fine
Chief Executive Officer

January 10, 2025

Becky Rosales, Superintendent
Miller Creek School District
380 Nova Albion Way
San Rafael, CA 94903

Dear Superintendent Rosales:

In October 2024, the Miller Creek 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. Determine whether the district overidentifies students for special education services compared to the statewide and countywide averages, and make recommendations for reducing overidentification, if needed.
5. 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.

This report contains the study team's findings and recommendations. FCMAT appreciates the opportunity to serve the Miller Creek School District and extends its thanks to all the staff for their assistance during fieldwork.

Sincerely,

Michael H. Fine
Chief Executive Officer

Table of Contents

About FCMAT

Purpose and Services

FCMAT was created by the California Legislature to help California's transitional kindergarten through grade 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 office of education, 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) calculators, 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; provides LEAs with training and leadership in data management; 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, policymakers, the Legislature, parents and the public quick access to timely and comprehensive data about K-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, the LCFF Calculator, 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 42128.7, and Assembly Bill 1366 (Chapter 360, Statutes of 2005) amended Education Codes 42128.7 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 office of education to be more consistent with the principles of local control, and giving FCMAT new responsibilities associated with the process.

Introduction

Background

Located in Marin County, the Miller Creek School District serves students in transitional kindergarten through grade 8 (TK-8). The district comprises three elementary schools and one middle school. In the 2023-24 school year, the district enrolled 1,813 TK-8 students.[1]

The district is a member of the Marin County Special Education Local Plan Area (SELPA), which is a regional service delivery model for special education. In 2023-24, 13.62% of the district's students were identified as requiring special education, marking an increase of 2.65 percentage points since the 2019-20 school year.

In October 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 November 19-20, 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 Interim Chief Analyst

Shayleen Harte
FCMAT Deputy Executive Officer II

Cassady Clifton
FCMAT Technical Writer

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

[1]California Department of Education. (2023). 2023-24 Enrollment for charter and non-charter schools. *DataQuest*. Available at: https://dq.cde.ca.gov/dataquest/dqcensus/EnrCharterLevels.aspx?cds=2165318&agglevel=district&year=2023-24.

Executive Summary

Identification for Special Education

The district's census day enrollment has declined over the past five years, while its special education enrollment has increased by 2.65 percentage points.[2] In the 2023-24 school year, 13.62% of the district's students in transitional kindergarten through grade eight were identified as requiring special education.[2] This percentage is higher than the Marin County average, though slightly below the statewide average.[3]

Identifying students for special education who do not require specialized instruction increases special education costs and can be detrimental to the students. Special education students may experience stigma, reduced access to the rigorous instruction, and fewer opportunities to interact with their typically developing peers. The rising percentage of students identified for special education in the district seems to be influenced by the district's student success team (SST) process and multitiered systems of support (MTSS), as described below.

- **Student Success Team —** An SST is a school-based group that meets to identify appropriate interventions and supports for students with learning differences, behavioral needs, and/or social-emotional needs before considering a special education assessment. Every school district should have an SST process.

  Staff reported that they use the district's SST process to provide intervention and support through the general education program. However, some staff members noted that certain teachers' views on the types of learning differences that should be accommodated in the general education program may prevent the SST process from being used as intended — to provide data-driven interventions that are monitored and adjusted over time.

- **Multi-tiered Systems of Support —** MTSS is a framework of standardized supports and interventions designed to address students' academic, behavioral and social-emotional differences and needs.

  Staff reported that the district has implemented an MTSS framework, which includes tiered levels of support and interventions: Tier 1, Tier 2 and Tier 3. However, some staff members indicated that certain teachers view the special education program as the most appropriate support for a wide range of learning differences and student needs, even when these could be accommodated and supported within the general education program. This perspective may limit students' opportunities to benefit from general education interventions, increase requests for special education assessments, and result in a higher number of students being placed in the special education program.

Special Education Department's Organizational Structure and Staffing

FCMAT compared the central office staffing of Miller Creek School District's Special Education Department to the responses from seven similar-sized districts that participated in FCMAT's staffing survey. The team found that Miller Creek has 0.40 full-time equivalent (FTE) fewer administrator/leadership positions supporting special education and 0.51 FTE fewer special education administrative support positions in the central office than the other districts.

[2]California Department of Education. (2023). 2023-24 Enrollment for charter and non-charter schools. *DataQuest*. Available at: https://dq.cde.ca.gov/dataquest/dqcensus/EnrCharterLevels.aspx?cds=2165318&agglevel=district&year=2023-24.

[3]California Department of Education. (2023). 2023-24 Enrollment by ethnicity and grade. *DataQuest*. Available at: https://dq.cde.ca.gov/dataquest/dqcensus/EnrEthGrd.aspx?cds=21&agglevel=county&year=2023-24&ro=y.

Although Miller Creek's Special Education Department includes the typical positions seen in other similar-sized school districts, it lacks a behavior intervention specialist. Staff reported that student behavior support needs directly influence the assignment of 1-to-1 instructional assistants and student placements in Marin County Office of Education (MCOE) regional programs or nonpublic schools. Adding a behavior intervention specialist position would allow the district to assess students' behavioral needs, develop targeted interventions, and provide support for staff in implementing behavior intervention plans. This addition could also help the district serve more students within its own programs and reduce reliance on MCOE regional programs or nonpublic schools.

Special Education Teacher Staffing

The district's resource specialist staffing exceeds the standard set by Education Code (EC) 56362(c) by 2.04 FTE. However, because the students supported by resource specialists are not evenly distributed into groups of 28 across district schools, this additional staffing seems necessary to meet the actual needs of students.

The district's average caseload for special day classes (SDCs) for school-age students with mild-to-moderate support needs is 9.50 students-per-teacher, which is below the industry standard range of 12-15 students-per-teacher. However, given that the district operates only two SDCs, reducing SDC teacher positions based on the current caseload numbers is not feasible.

Special Education Instructional Assistant Staffing

The district's staffing for instructional assistants in the resource specialist program exceeds the industry standard by 0.95 FTE. Although the district's SDC staffing ratio for classroom instructional assistants also exceeds the industry standard, this is largely due to the grades 3-5 SDC class, where students spend part of the day in general education classrooms. Consequently, the SDC classroom instructional assistant staffing seems appropriate to meet student needs.

The district has eight instructional assistants assigned to provide 1-to-1 student support. While there is no industry standard for comparison, this number is relatively high for a district of this size when compared to other school districts across the state. The district's assessment process for determining a student's need for one-on-one instructional assistant support aligns with industry standards; however, staff reported that this process is not applied consistently.

Related Service Provider Staffing

FCMAT compared the district's staffing for occupational therapists, school psychologists, and speech and language pathologists to the Education Code or industry standard provider-to-student ratios. The district is staffed within the industry standard for speech and language pathologists. However, it is staffed 0.5 FTE above the industry standard for occupational therapists and 1.6 FTE above the industry standard for school psychologists. The district should review occupational therapist caseloads, assessment loads, direct and consultation service minutes, and student needs to determine if a reduction in occupational therapist staffing is feasible.

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,"[4] 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 structure throughout this report.

[4] WestEd. (n.d.) *About us*. Available at https://www.wested.org/about-us.

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 students in transitional kindergarten through grade 8 (TK-8) declined by 211 students, as shown in Figure 1 below.

Census Day Enrollment of District Students, 2019-20 — 2023-24

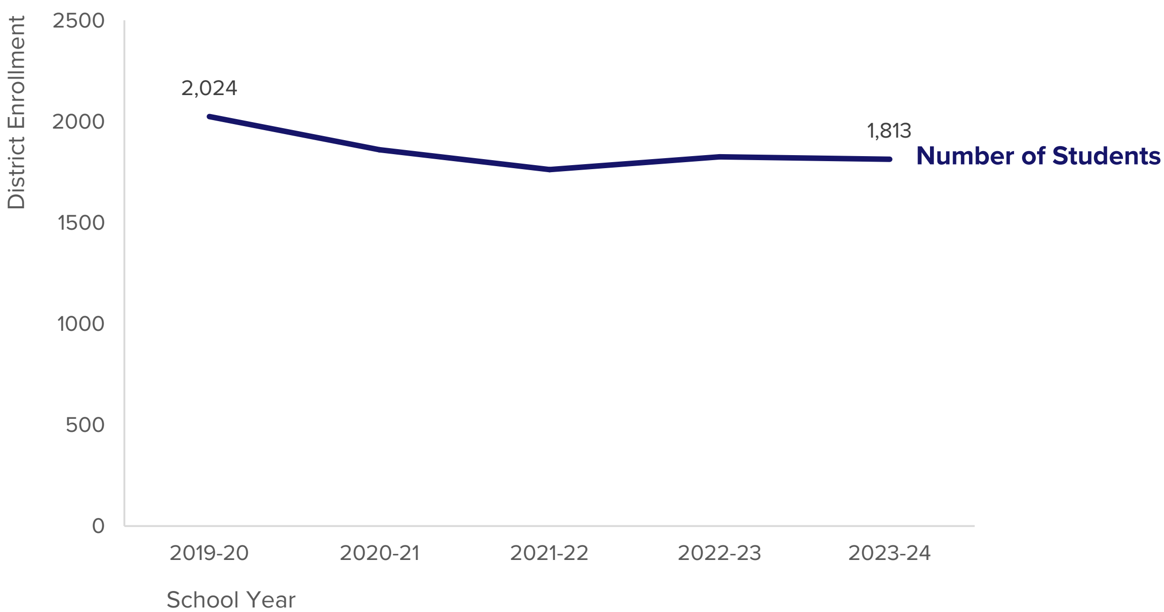

Figure 1. A graph showing a decline of 211 students in the district's census day enrollment from 2019-20 to 2023-24.

Source: Enrollment for Charter and Non-Charter Schools - Miller Creek (CDE).

Percentage of Students Enrolled in Special Education

Despite the decline in total district enrollment from 2019-20 to 2023-24, special education enrollment for students in grades TK-8 grew by 25 students during this period — a 2.65 percentage point increase, as shown in Figure 2 on the following page.

Percentage of District Students Enrolled in Special Education, 2019-20 — 2023-24

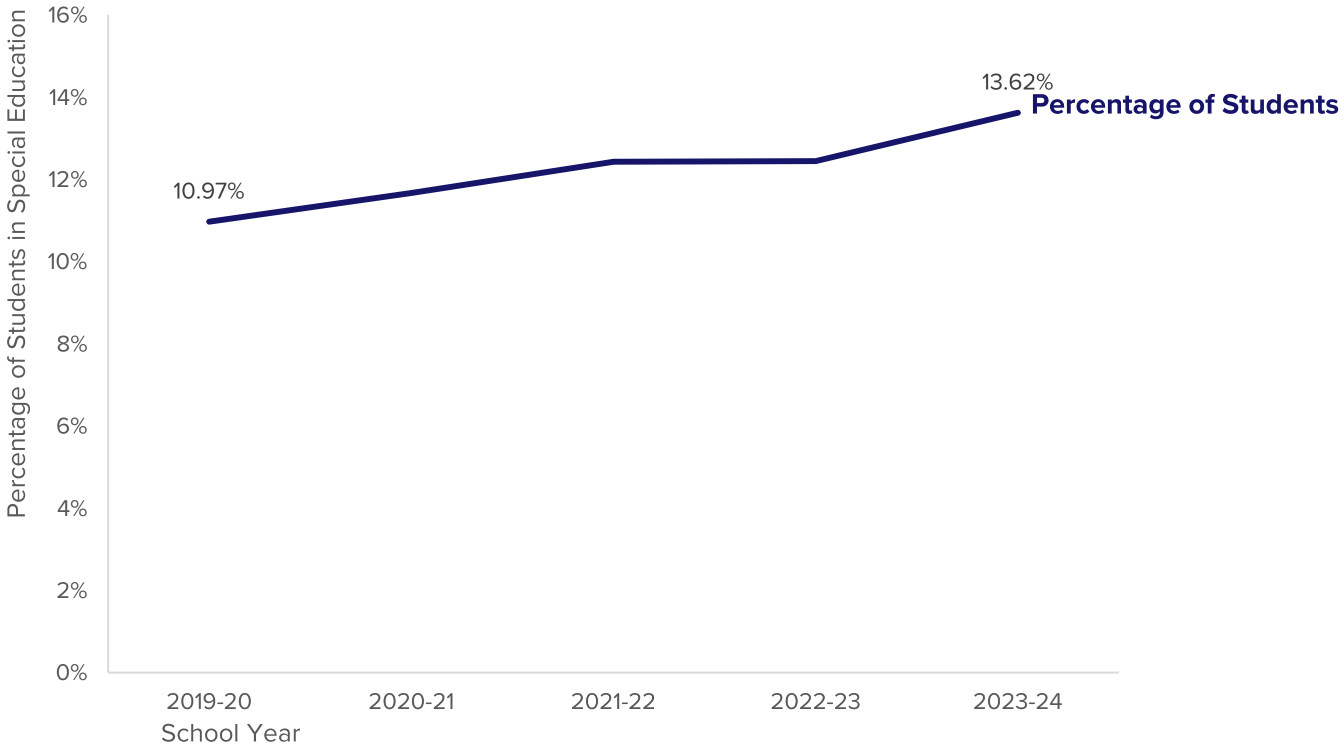

Figure 2. A graph showing the 2.65 percentage point increase in the district's special education enrollment from 2019-20 to 2023-24.

Source: Enrollment for Charter and Non-Charter Schools - Miller Creek (CDE).

Special Education Enrollment by District School

FCMAT calculated the percentage of students enrolled in special education at each school within the district, as shown in Figure 3 on the following page. Because special day class (SDC) enrollment is not equally distributed across the district's schools, FCMAT adjusted the percentage for Lucas Valley Elementary to account for its unique SDC enrollment. This involved excluding the number of students in special day classes from both the total school enrollment and the school's special education enrollment.

Percentage of Students Enrolled in Special Education by School, 2023-24

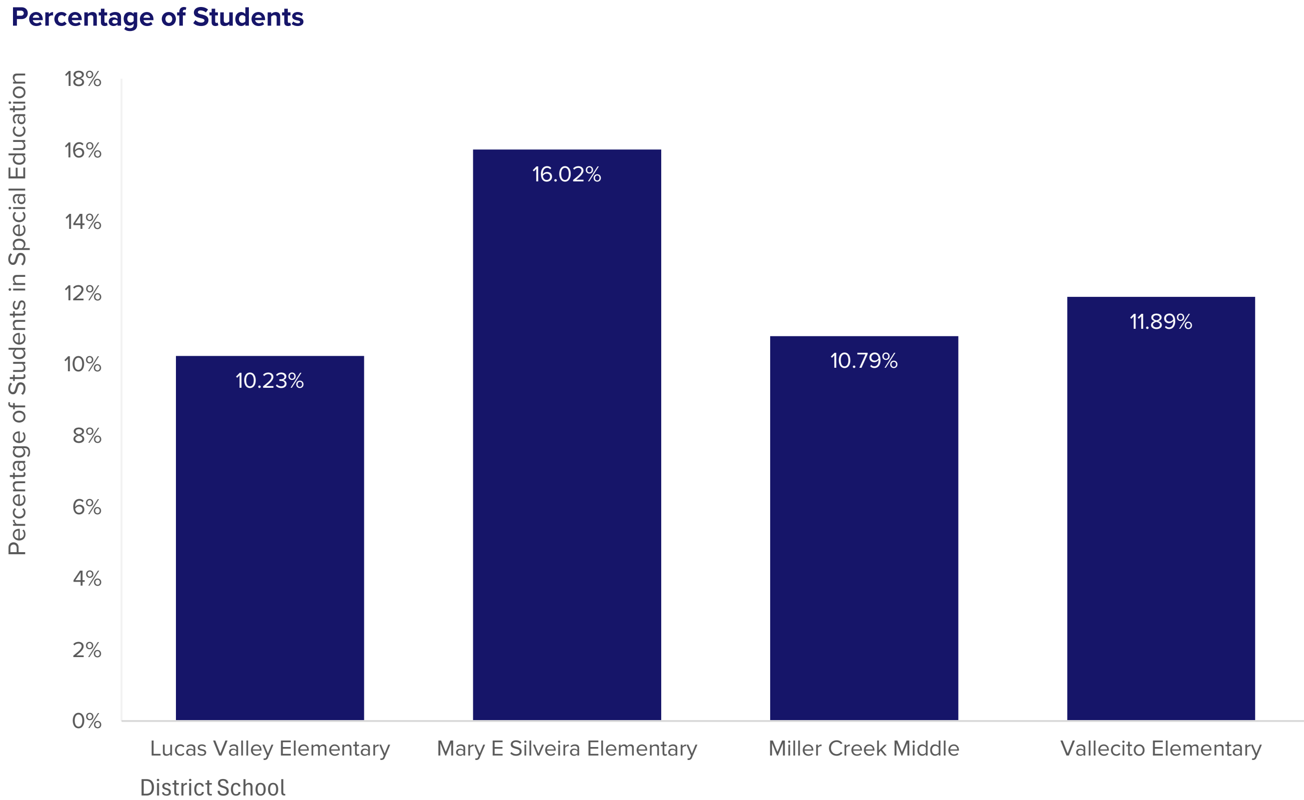

Figure 3. A chart showing the percentage of district students enrolled in special education at each school for the 2023-24 school year. The data indicates that Mary E Silveira has between 4.13% and 5.79% more students in special education compared to other schools in the district.

Source: Enrollment for Charter and Non-Charter Schools - Miller Creek (CDE) and district-provided data.

Note: The percentage for Lucas Valley Elementary School, which is the only school with district-operated SDCs, was calculated by excluding the number of students in SDCs from both the total school enrollment and the school's special education enrollment.

The percentage of students enrolled in special education at Mary E Silveira Elementary is significantly higher than that of the other district schools. The district needs to evaluate these differences in special education identification rates by school, considering the factors outlined in the "Factors Influencing Special Education Identification" section of this report.

Disproportionality in Special Education Identification

Disproportionality within special education is defined as "the extent to which membership in a given group affects the probability of being placed in a specific disability category."[5] 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.

[5]Oswald, D. P., Coutinho, M. J., Best, A. M., & Singh, N. N. (1999). Ethnic representation in special education: The influence of school-related economic and demographic variables. *The Journal of Special Education*, 32(4), 198.

Higher than Expected Identification of Students who Identify as Male in Special Education

District students who identify as male are significantly more likely to be identified for special education, comprising 53% of all students but 70% of special education students. In contrast, female students represent 47% of all students but only 30% of those in special education, as shown in figure 4 below. The district's percentage of male students in special education exceeds the statewide average of 67%, as calculated from DataQuest.

Percentage of Students Enrolled in Special Education by Gender, 2023-24

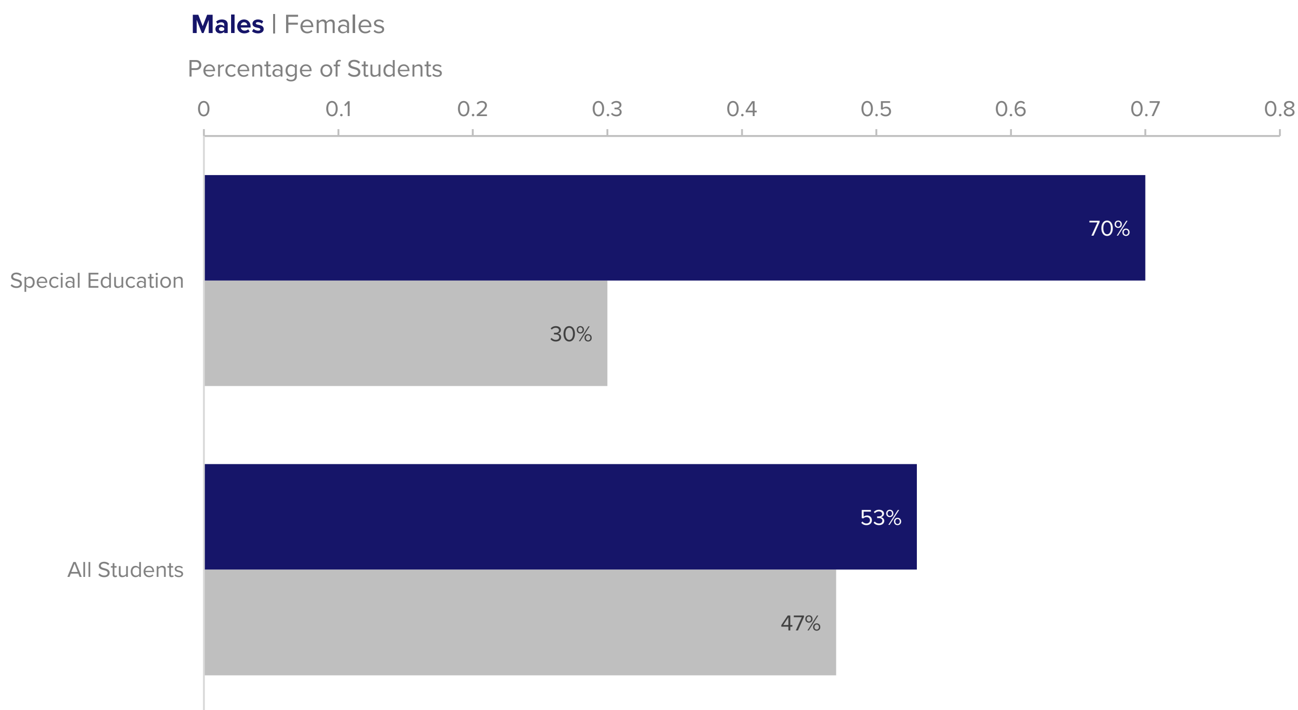

Figure 4. A chart showing the overrepresentation of male students in special education compared to the total district student population in grades TK-8 for the 2023-24 school year.

Source: Enrollment for Charter and Non-Charter Schools – Miller Creek (CDE).

The higher representation of males in special education is influenced by factors such as referral bias, where boys are more likely to be referred due to academic or behavioral challenges, and differences in how teachers perceive student behavior, with boys often receiving more negative attention. Consequently, it is important for LEAs to examine special education referral rates by gender and provide professional development to address any disparities.

Racial and Ethnic Representation in Special Education Enrollment

The racial and ethnic composition of students enrolled in the district's special education program in 2023-24 was generally proportionate to the district's total student population, as shown in Figure 5 below. However, students who identify as Hispanic or Latino are overrepresented in special education, comprising 30.8% of special education students compared to 24.8% of the total student population. Conversely, students who identify as Asian are underrepresented, making up only 2.0% of special education students, despite constituting 5.5% of the total student population.

Race/Ethnicity of Students in Special Education Compared to the District's Total Student Population, 2023-24

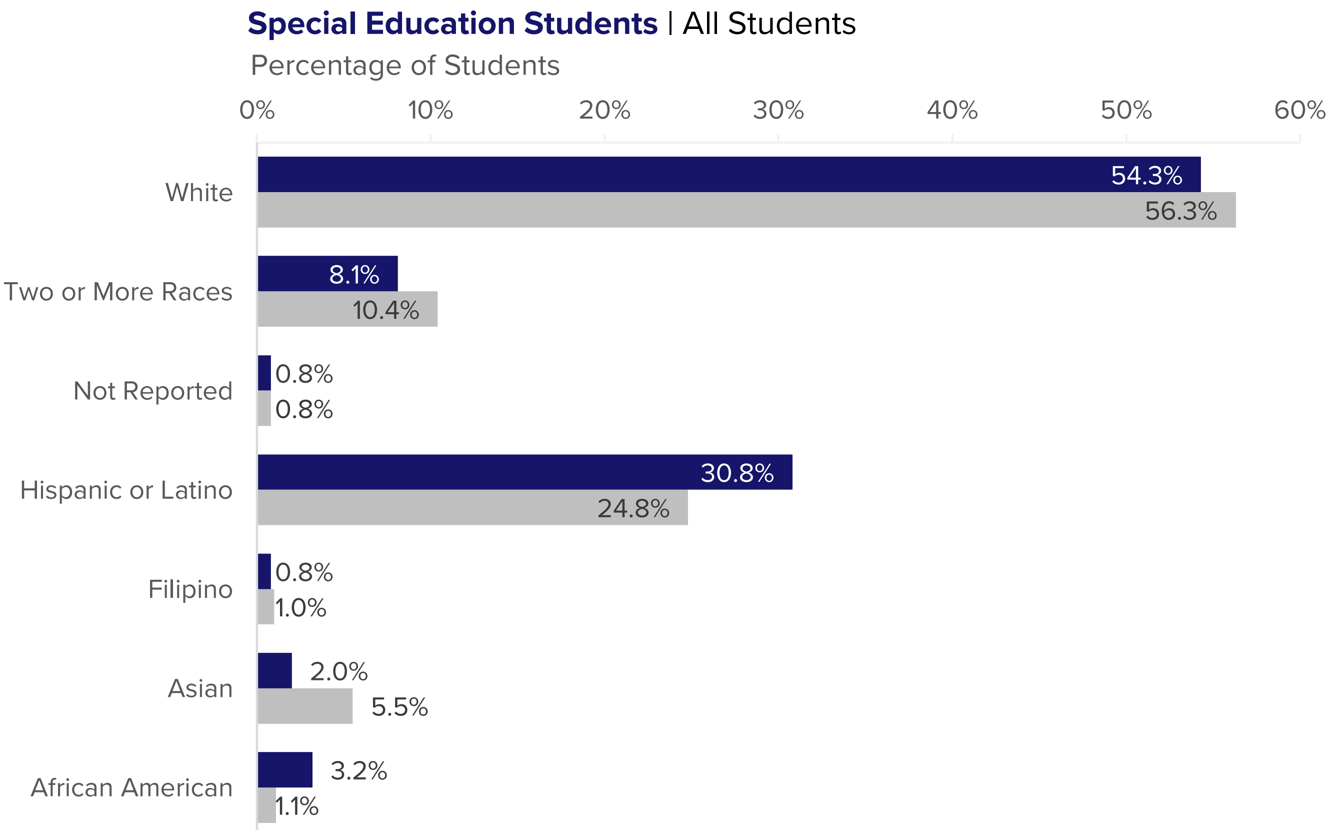

Figure 5. A chart showing the percentage of students in special education compared to the total district student population in grades TK-8, broken down by race and ethnicity, for the 2023-24 school year. The data suggests the district may be over-identifying Hispanic or Latino students and under-identifying Asian students for special education services.

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

Higher-than-Expected Identification of Students who are Hispanic and Latino in Special Education

Although the reasons for the district's higher-than-expected identification of students who are Hispanic and Latino in special education are unclear, it is imperative that the district only identifies students with disabilities who truly qualify for special education. Even the most efficient special education programs do not receive sufficient funding to support their programs, making it crucial that these limited resources are used exclusively for qualifying students. Furthermore, while special education services are critical for supporting students with disabilities, students identified for special education may face stigma, lower expectations, and reduced access to the general education curriculum and teachers. These factors can adversely affect their academic achievement and long-term outcomes.

The district needs to evaluate whether it is overidentifying Hispanic and Latino students for special education. The Association of California School Administrators has published a brief, *The Disproportionality of Latinx Students in Special Education*, which outlines common causes of disproportionality and offers strategies for addressing them. The district should review this brief and use it to guide an investigation into the possible overidentification of Hispanic and Latino students for special education.

Lower-than-Expected Identification of Students who are Asian for Special Education

The district also needs to investigate its lower-than-expected identification of students who are Asian for special education. While the reasons for this underrepresentation are unclear, academic literature provides valuable insights. In 2017, Saili Kulkarni reviewed 15 academic studies on the special education identification of Asian students and found that most studies reported an underrepresentation of Asian American students in special education.[6] This underrepresentation was often attributed to factors such as cultural differences, parental beliefs about the stigma of disability labels, and language barriers within school districts. Another commonly cited factor was the model minority myth, which stereotypes all Asian Americans as academically successful and hardworking, while overlooking the diversity within this group.

It is imperative that the district identify all students who qualify for special education services. Under the Individuals with Disabilities Education Act (IDEA), public schools are required to identify, locate, and evaluate all children suspected of having a disability. Failing to identify a student with a disability for special education can deny them their right to a free appropriate public education (FAPE) under the IDEA. This failure can negatively affect the student's academic achievement and outcomes and may also obligate the district to provide compensatory educational services.

English Learners in Special Education

English learners are frequently overidentified for special education.[7] In the 2023-24 school year, 18.41% of all California students were identified as English learners, while 23.47% of students in special education were identified as English learners.[6] This trend may also be reflected in the district's identification of English learners for special education.

In the 2023-24 school year, 14.51% of all district students in grades TK-8 were identified as English learners, but 17.00% of students in special education were identified as English learners.[8] To minimize the risk of misidentification,, the district needs to monitor the identification of English learners in special education on an annual basis and provide professional learning in proper special education identification as necessary.

[6]Kulkarni, S. S. (2017). Disproportionate representation of Asian American students in special education: A systematic review of the literature. *Multiple Voices for Ethnically Diverse Exceptional Learners*, 17(2), 19-33. Available at: http://works.bepress.com/saili-kulkarni/1/.

[7]Sanatullova-Allison, E., & Robison-Young, V. A. (2016). Overrepresentation: An overview of the issues surrounding the identification of English language learners with learning disabilities. I*nternational Journal of Special Education*, 31(2), n2.

[8]California Department of Education. (2023). 2023-24 Enrollment for charter and non-charter schools. *DataQuest*. Available at: https://dq.cde.ca.gov/dataquest/dqcensus/EnrCharterLevels.aspx?cds=2165318&agglevel=district&year=2023-24.

Percentage of District Special Education Enrollment Compared to the State

FCMAT compared the total and special education enrollment for grades TK-8 in the district to noncharter school enrollment figures for Marin County and the state, as shown in Table 1 below.

Table 1. Grades TK through 8 Total and Special Education Enrollment Comparison, 2023-24

2023-24	Miller Creek School District	Marin County	California
Grades TK-8 Total Non-Charter School Enrollment	1,813	19,373	3,461,479
Grades TK-8 Special Education Non-Charter School Enrollment	247	2,517	479,689
Percentage	**13.62%**	**12.99%**	**13.86%**

Sources: Enrollment for Charter and Non-Charter Schools - Miller Creek (CDE) and Enrollment for Charter and Non-Charter Schools - Marin County and State (CDE).

In 2023-24, 13.62% of the district's students in grades TK-8 were identified as requiring special education. This percentage is higher than the Marin County average for students attending noncharter schools in those grades but slightly lower than the statewide average for noncharter school students. However, the district needs to identify and address factors contributing to the increasing percentage of students in special education to ensure only qualifying students receive special education services.

Recommendations

The district should:

1. Annually monitor the percentage of students who qualify for special education and assess the proportionality of students in special education compared to the overall student population, at a minimum, by gender, race, ethnicity, and English learner status. Provide professional development on the proper identification of students for special education as necessary.

2. Determine why Mary E Silveira Elementary identifies a significantly higher percentage of students for special education compared to other elementary schools within the district.

Factors Influencing Special Education Identification

The rising percentage of students identified for special education in the district is influenced by the student success team (SST) process, the multi-tiered system of supports (MTSS), and parent/guardian requests for special education assessments, as outlined below.

Student Success Team Process

Education Code 56303 states, “A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.” Identifying a student for special education before implementing general education interventions does not best serve the student.

All districts should have an SST process to identify interventions and supports for students with learning differences, behavioral needs, or social-emotional needs before considering a special education assessment. Staff reported that schools are using the district’s SST process to provide intervention and support for students through the general education program. The district also has an assessment planning team that provides decision support for school teams, which use a “Closer Look” form to monitor a student’s progress in intervention and determine whether a special education assessment is necessary.

Staff reported that the assessment planning team and the “Closer Look” form were implemented to prevent the SST process from being viewed as a direct pathway to special education assessments. The goal was to ensure that the SST process serves as an opportunity for students to receive appropriate general education interventions tailored to their differing needs. However, staff indicated that certain teacher’s beliefs about the types of learning differences that should be accommodated within general education may still result in the SST process not being used as intended for some students.

Multi-tiered Systems of Support

Multi-tiered systems of support is a framework of standardized supports and interventions for students’ academic, behavioral and social-emotional differences and needs. Staff reported the district has implemented an MTSS framework with three levels of support — Tier 1, Tier 2, and Tier 3 — and uses a consultancy protocol to help teachers in offering Tier 2 interventions. However, staff noted that intervention opportunities are not equal across district schools. For example, Lucas Valley Elementary no longer has an intervention teacher due to the district’s spending reduction plan, which reallocated resources to schools with higher student needs.

Staff reported that some teachers view the special education program as the most suitable support for many learning differences and student support needs, even when these needs could be accommodated and supported within the general education program. This belief may limit students’ access to general education interventions, lead to an increase in requests for special education assessments, and contribute to a rise in the number of students placed in the special education program.

Parent/Guardian Requests for Special Education Assessments

Staff stated that district schools receive numerous parent/guardian requests for special education assessments, particularly for students in grades TK-2, and often following parent/student conferences. The district has started tracking whether students offered a special education assessment ultimately qualify for services. Staff reported that at Lucas Valley Elementary, 48% of students assessed in 2022-23 and 46% in 2023-24 did not qualify for special education. This high percentage, compared to what is observed across the state, suggests that intervention and support opportunities within the general education program may not have been fully used before the decision to pursue a special education assessment.

Staff also explained that some parent/guardian requests for special education assessments are prompted by a pediatrician's recommendation, often for conditions such as attention deficit hyperactivity disorder (ADHD). To qualify for special education, a student must meet a two-part eligibility test (commonly referred to as the two-pronged test), which requires that the student:

- Meet the definition of one of the 14 disability categories in the IDEA.
- Require specially designed instruction.

Special education services should be reserved for students who meet the eligibility criteria for specialized support. While a student with ADHD may meet the definition of one of the 14 disability categories under the IDEA, they may not require specially designed instruction. In such cases, the student would not qualify for special education.

School districts can use Section 504 Plans to support students with disabilities who do not require specialized instruction. These formal plans specify the necessary accommodations and services to be provided within the general education setting. The district needs to assess whether additional training and support for the Section 504 process are necessary to better serve these students.

Recommendations

The district should:

1. Ensure consistent application of the two-pronged test to determine eligibility for special education during students' initial and triennial IEP meetings.
2. Assess its Section 504 procedures and processes, and determine whether additional training and/or support are needed.

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.

The district's administrative cabinet includes the superintendent, the chief business official, and the deputy superintendent overseeing educational services and human resources. The director of special education reports directly to the superintendent and meets with them regularly. Staff reported that the director collaborates with other cabinet members on activities such as budget oversight, expenditure monitoring, and staffing. This positive practice promotes coherence and prevents the special education program from operating as a separate system within the district.

Special Education Central Office Staffing

In 2024-25, the district has two positions within the central office dedicated to supporting special education: a 1.00 full-time equivalent (FTE) director of special education and a 0.50 FTE administrative assistant.

Special Education Staffing Comparison

FCMAT conducted an informal survey of elementary school districts in California with student enrollment and unduplicated pupil percentages (UPP) similar to those of Miller Creek Elementary School District.[9] The survey aimed to collect information on central office staffing within the school districts' Special Education departments:

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

Table 2 on the following page compares Miller Creek's Special Education Department central office staffing with data from the seven school districts that participated in FCMAT's survey. On average, these school districts have 1.40 FTE administrator/leadership positions supporting special education in the central office, while Miller Creek reports a lower level of staffing at 1.00 FTE. For special education administrative support positions in the central office, the comparison school districts average 1.01 FTE, whereas Miller Creek reports a lower level of staffing at 0.50 FTE.

[9]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.

Table 2. 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
Moraga Elementary	Contra Costa	1,775	8.47%	1.00	0.60
Newcastle Elementary	Placer	2,131	21.78%	1.00	1.00
Plumas Lake Elementary	Yuba	1,604	44.92%	1.00	1.50
Ross Valley Elementary	Marin	1,739	14.09%	0.80	1.00
Santa Cruz City Elementary	Santa Cruz	1,768	40.60%	2.00	1.00
Saratoga Union Elementary	Santa Clara	1,605	9.84%	2.00	1.00
Soquel Union Elementary	Santa Cruz	1,566	37.64%	2.00	1.00
Average FTE				**1.40**	**1.01**
Miller Creek	Marin	1,813	25.65%	1.00	0.50

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

Notes: Miller Creek 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.

Miller Creek has 0.40 FTE fewer administrator/leadership positions and 0.51 FTE fewer administrative support positions supporting special education compared to the surveyed school districts. The higher staffing levels in these school districts may reflect the fact that most elementary school districts operate their own special education programs for preschool-age students, whereas Miller Creek does not. If Miller Creek were to begin operating its own preschool special education program, additional administrative support in the Special Education Department may be necessary.

Special Education Department Positions

Overall, Miller Creek has the types of positions typically found in other school districts to support students in special education, including special education teachers, paraeducators, speech and language pathologists, and occupational therapists. However, the district does not have a behavior intervention specialist.

There is no established industry standard for behavior intervention specialists. However, school districts of similar size to Miller Creek commonly have this position, which requires a Board Certified Behavior Analyst (BCBA) certification. BCBAs provide direct behavior support services, train and consult with teachers and staff, develop behavior intervention plans (BIPs), and conduct functional behavior assessments (FBAs).

The district may not have needed a behavior intervention specialist position in the past because the previous director of special education was a BCBA and could write BIPs and conduct FBAs. The district now has a contract with a nonpublic agency for limited behavior consultation services.

However, staff reported an increase in student behavior support needs since the return to in-person learning following the COVID-19 pandemic. Staff also indicated that some students are placed in MCOE regional programs or nonpublic schools due to behavioral challenges.

Hiring a behavior intervention specialist would help the district assess students' behavioral needs, develop BIPs, and provide staff with the support necessary to implement them effectively. This could allow the district to serve more students within its own programs, reducing the need for placements in MCOE regional programs and nonpublic schools.

Recommendations

The district should:

1. Assess the need for additional administrative support staffing in the Special Education Department if it begins operating its own preschool special education program.
2. Evaluate the need for a district behavior intervention specialist position. If warranted, create the position with a BCBA certification requirement and begin recruitment.

Special Education Teacher Staffing

This section presents FCMAT's analysis of the district's special education teacher staffing, compared to statewide guidelines and 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 individualized education programs (IEPs), and collaborating with general education teachers to support student success.

Education Code (EC) 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 district's agreement with the Miller Creek Educators Association/CTA/NEA (MCEA) does not specify a maximum caseload for RSP teachers.

In 2024-25, the district has 6.0 FTE RSP teachers. Based on caseload estimates provided by the district, these teachers managed the cases of 111 students, resulting in an average caseload of 18.5 students, as shown in Table 3 below.

Table 3. Resource Specialist Teacher Staffing, 2024-25

School	Total Teacher FTE	Total Student Caseload	Average Teacher Caseload	FTE Required per EC 56362(c)	FTE Above (+) or Below (-) Education Code Standard
Lucas Valley Elementary School	1.00	17	17.00	0.61	+0.39
Mary E Silveira Elementary School	1.00	20	20.00	0.71	+0.29
Miller Creek Middle School	3.00	55	18.33	1.96	+1.04
Vallecito Elementary School	1.00	19	19.00	0.68	+0.32
Total	**6.00**	**111**	**18.50**	**3.96**	**+2.04**

Sources: District-provided data and EC 56362(c).

Note: The district has a 0.4 FTE special education teacher responsible for administering academic achievement assessments for case managers who are not yet qualified to assess students. This position is not included in the analysis because it does not involve case management of students.

Districtwide resource specialist staffing exceeds the requirements of EC 56362(c) by 2.04 FTE. However, students receiving support from RSP teachers are not evenly distributed in groups of 28 across district schools. While the industry standard practice is to assign a resource specialist to two schools when caseloads are low, the current caseload numbers do not make this feasible. As a result, staffing levels above the EC 56362(c) requirement appear necessary to adequately serve students across the district.

Staffing Guidelines and Industry Standard Caseloads for Special Day Class Programs

Special Day Class (SDC) programs provide specialized instruction and services to students with more significant learning needs who require a structured environment for part of the school day. These classes are designed to offer intensive support in a smaller, more controlled setting, often including additional adult assistance to meet the individualized needs of students.

The Education Code does not define maximum caseloads for SDC programs. However, Article 8.7 of the district's agreement with the MCEA specifies a caseload guideline of 12 students per SDC teacher, with an adult-to-student ratio of 1-to-6. If the caseload exceeds 12 students, the district and staff will agree on and implement appropriate accommodations.

The district's SDC caseload guideline is shown alongside the industry standard range in Table 4 below.

Table 4. District Special Education Teacher Staffing Guideline and Industry Standards for Special Day Class Programs

Type of Class	District Staffing Guideline	Industry Standard Caseload Range
Mild/Moderate Support Needs Special Day Class – Cross-Categorical	12 students per teacher	12-15 students per teacher

Sources: District's agreement with the MCEA and the industry standard.

The district's staffing guideline for SDCs serving students with mild-to-moderate support needs aligns with the lower end of the industry standard range for caseloads.

Mild-to-Moderate Support Needs Special Day Class Programs

In the 2024-25 school year, the district has 2.0 FTE SDC teachers leading classes for school-age students with mild-to-moderate support needs. Based on caseload estimates provided by the district, these teachers manage the cases of 19 students, resulting in an average caseload of 9.5 students, as shown in Table 5 below.

Table 5. District Mild-to-Moderate Special Day Class Program Teacher Staffing, 2024-25

School Level	Total Teacher FTE	Total Student Caseload	Average Teacher Caseload	Industry Standard Caseload Range	Staffing Needed to Meet Industry Standard	Staffing Compared to Industry Standard
Elementary School	2.00	19	9.50	12-15 students per teacher	1.58 FTE to meet 1-to-12 teacher-to-student ratio 1.26 FTE to meet 1-to-15 teacher-to-student ratio	0.42 FTE above 1-to-12 teacher-to-student ratio 0.74 FTE above 1-to-15 teacher-to-student ratio

Sources: District provided data and the industry standard.

The districtwide caseload average for SDCs serving school-age students with mild-to-moderate support needs is 9.5 students per teacher, which falls below the industry standard range of 12-15 students per teacher. However, with only two SDCs in operation, the district cannot reduce SDC teacher staffing based on current caseloads. The district needs to continue to review caseload projections annually and assess student needs to determine whether adjustments to SDC staffing are necessary.

Moderate and Extensive Support Needs Special Day Class Programs

The district does not operate SDCs for students with moderate or extensive support needs, which is uncommon for a school district of this size based on what is observed across the state. Nevertheless, the district provides a full continuum of special education programs and services by using MCOE regional programs and nonpublic schools.

However, by not operating additional SDCs, the district may be limiting opportunities to place more students in their least restrictive environment (LRE). Expanding SDC offerings could allow the district to serve a greater number of students within district programs, promoting placements closer to their peers and community.

Special Education Annual Performance Report Measures

The IDEA sets nationwide minimum standards for providing education and related services to eligible students with disabilities, including infants, toddlers, preschoolers, and students up to age 22 in grades TK-12. It mandates that students with disabilities be educated in the LRE.

To determine the most appropriate educational setting, a student's IEP team evaluates the student's strengths and needs and considers the educational benefits of different placement options. The CDE monitors LRE placements through annual performance reports. These reports, required by the IDEA, assess school districts on 14 indicators, with performance categorized as either "met" or "not met."

According to the district's 2022-23 annual performance report — the most recent available — the district met two of the three targets for indicator 5. This indicator evaluates the district's placement of school-age students in the LRE, as shown in Table 6 below.

Table 6. District's 2022-23 Performance on Indicator 5 — School-age Students in the Least Restrictive Environment

Indicator	Rate	Target	Target Met?
5a. LRE Rate: In Regular Class More than 80%	68.88%	≥62.00%	Yes
5b. LRE Rate: In Regular Class Less than 40%	12.86%	<16.50%	Yes
5c. LRE Rate: Separate Schools	4.98%	<3.00%	No

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

The district did not meet indicator 5c, which measures the percentage of students served in separate schools, including nonpublic schools, residential facilities, or home-hospital instruction. Most regional programs are not classified as separate schools. However, the LRE for most students is typically a program located at their home school or another school within their school district of residence, rather than a regional program operated by another local educational agency.

District Students Attending MCOE Regional Programs

According to the most recent student count from December 2023, the district had 39 school-age and 4 preschool students enrolled in the MCOE SDC program. Miller Creek students are overrepresented in these programs, making up 15% of all school-age and 16% of all preschool students in MCOE SDC programs, while comprising only 6% of the SELPA's total enrollment.

Staff reported that the district has considered opening additional SDCs to serve some of the students currently attending MCOE programs. However, staff indicated that frequent turnover in the district's director of special education position in recent years has hindered efforts to expand special education programming.

Staff also noted that behavior support needs are likely the most common reason students are referred to MCOE regional programs. As recommended in the "Special Education Department Positions" section of this report, hiring a behavior intervention specialist could help the district better address these needs, and may enable more students to remain in district-operated SDCs rather than attending MCOE programs.

Recommendations

The district should:

1. Annually review caseload projections and assess student needs to determine whether staffing adjustments for RSP teachers are necessary.
2. Annually evaluate caseload projections and assess student needs to determine whether staffing adjustments for SDC teachers are necessary.
3. Review district students with mild-to-moderate disabilities placed in MCOE regional programs to determine if they could be better served in district-operated SDC classes. If appropriate, recommend a change in service location at the student's next IEP meeting.
4. Collaborate with the Marin County SELPA to explore whether there are enough similarly-aged students with comparable support needs to establish and operate a district-run SDC for students with moderate or extensive support needs.

Special Education Instructional Assistant Staffing

Special education instructional assistants, also referred to as special education aides or paraeducators, are trained professionals who support students, typically under the direction of a classroom teacher. School districts often employ special education instructional assistants under various titles with distinct job descriptions, reflecting their diverse roles in providing specialized academic instruction, specialized medical support, behavioral support, 1-to-1 student support, and special circumstance instructional assistance.

The district employs special education instructional assistants under two distinct job descriptions.

- **Instructional Assistant II –** The job description states that this position works under the supervision of special education and general education teachers, helping in implementing instructional plans for individual students. Responsibilities include supporting students' "physical, social, emotional and academic growth and well-being," "performing routine non-instructional duties," and providing "specialized instruction and clerical" support.
- **Instructional Assistant III –** The job description states that this position involves working with students who have "self-care needs, including toileting" and helping with the use of "augmentative communication devices, wheelchair[s] and G Tube[sic] feeding."

Instructional Assistant Staffing for the Resource Specialist Programs

Education Code 56362(f) states, "At least 80 percent of the resource specialists within a local plan shall be provided with an instructional aide."

In the 2024-25 school year, the district exceeds this requirement by 0.95 FTE, employing 5.75 FTE instructional assistants to support 6.0 FTE RSP teachers. According to interviews and district documents, 1.0 FTE for an instructional assistant equates to six hours of work per day.

Instructional Assistant Staffing for Special Day Class Program

The industry standard for SDC staffing is one instructional assistant per teacher for classes supporting students with mild-to-moderate and extensive support needs. For SDCs serving students with autism, the standard is two instructional assistants per teacher. Additional staffing beyond these base levels is typically determined by an adult-to-student ratio, as shown in Table 7 below.

Table 7. Industry Standard Instructional Assistant Staffing and Adult-to-Student Ratios

SDC Support Level	SDC Focus	Industry Standard Special-Education-Instructional-Assistant-to-Student Ratio	Adult-to-Student Ratio
Mild-to-Moderate	Noncategorical	1-2 six-hour special education instructional assistants per 12-15 students	1-to-7
Extensive	Noncategorical	1-2 six-hour special education instructional assistants per 10-12 students	1-to-5
All	Autism	2-4 six-hour special education instructional assistants per 8-10 students	1-to-3

Source: Industry standards.

Note: Industry standard staffing for special education instructional assistants is based on class size to meet an adult-to-student ratio, which includes both the classroom teacher and special education instructional assistant(s).

Article 8 of the district's contract with the MCEA states, "SDC classes will maintain a student to adult ratio [sic] of no more than 6:1 in order to allow for intensive small group instruction." The district's use of adult-to-student ratios to determine instructional assistant staffing is a positive practice. The MCEA contract's 1-to-6 adult-to-student ratio is slightly lower than the industry standard of 1-to-7 for SDCs supporting students with mild-to-moderate support needs.

The district exceeds the industry standard for instructional assistant staffing, with 2.42 FTE instructional assistants assigned to two SDC classrooms. This results in a student-to-adult ratio of 4.3-to-1, which is below the 6-to-1 ratio specified in the MCEA contract. The lower ratio is primarily due to the grades 3-5 SDC class, which integrates students into general education classrooms for part of the day. Consequently, the SDC classroom instructional assistant staffing seems appropriate to meet student needs.

1-to-1 Student Support

There is no established industry standard for special education instructional assistants providing 1-to-1 student support, which is one of the most restrictive environments for students. Many school districts across the state have moved away from the 1-to-1 designation because it can unintentionally reinforce the notion of one adult being exclusively assigned to one student. The prevailing practice is to refer to both the assessment process and the special education instructional assistant role as special circumstance instructional assistance (SCIA).

The district has eight instructional assistants assigned to provide intensive individual (1-to-1) support — four supporting students in SDC programs and four supporting students receiving RSP services. This level of 1-to-1 support is relatively high for a school district of this size, based on what is commonly observed across the state.

Interviews indicate that the district uses the Marin County SELPA's Summary of Special Circumstance Assistance (SCA) Rubric to determine whether a student requires 1-to-1 support. This tool clarifies decision-making and emphasizes that 1-to-1 support is a significant programmatic decision. It also highlights the importance of a thorough, data-driven evaluation and helps ensure 1-to-1 support is considered only after exploring all less restrictive alternatives.

The district's SCA assessment process aligns with industry standards by fostering individualized decision-making, maximizing existing supports, and ensuring data-driven assessments. However, interviews indicate that the process is not consistently used when determining the need for 1-to-1 instructional assistant support.

The SCA assessment process should prioritize planning for a student's transition to greater independence and facilitate the development of annual IEP goals that support this growth. However, staff reported that independence goal(s) are not consistently included when 1-to-1 instructional assistant support is added to a student's IEP.

During annual IEP meetings, teams should evaluate students' progress toward achieving independence and develop plans to gradually reduce 1-to-1 instructional assistant support when appropriate. The district should aim to assign one special education instructional assistant to support multiple students when feasible.

Staff identified parental resistance as the primary barrier to reducing or discontinuing 1-to-1 support, even when it may not be necessary or beneficial for the student. In some cases, parents may view 1-to-1 support as essential for their child's success, despite evidence suggesting that greater independence and integration into less restrictive environments could better serve the student's long-term needs and educational outcomes.[10]

Assigning more paraeducator support than necessary can be costly. Additionally, while requests from parents/guardians or staff for 1-to-1 paraeducator support may be well-intentioned, research from the University of Colorado at Denver's Paraprofessional Resources and Research Center identified potential negative impacts on student's education, as paraphrased below:

1. **Reduced Teacher Involvement:** The paraeducator may inadvertently become the student's primary service provider, limiting the teacher's involvement and interactions with the student. This issue becomes more pronounced when paraeducators lack proper qualifications or training, because students benefit most from teacher-led instruction.
2. **Overdependence:** The constant presence of a paraeducator can lead to the student becoming overly reliant on adult assistance, reducing opportunities for the student to develop independence.
3. **Social Barriers:** The presence of a paraeducator may create social barriers between the student and their peers, limiting opportunities for social interaction and integration.

[10] National Council on Disability. (2018). The segregation of students with disabilities. Available at: https://www.ncd.gov/assets/uploads/docs/ncd-segregation-swd-508.pdf.

Further, staff reported that students are more frequently perceived as needing a 1-to-1 instructional assistants when they require behavioral support. As discussed in the "Special Education Department Positions" section of this report, hiring a behavior intervention specialist could help the district meet the behavioral needs of more students and potentially reduce the need for 1-to-1 instructional assistants.

Recommendations

The district should:

1. Regularly evaluate instructional assistant staffing ratios to ensure they align with current laws, industry standards, and adequately meet student needs.
2. Determine whether classroom instructional assistants supporting the RSP can be reassigned to better align classes with EC 56362(c) while continuing to meet student needs.
3. Consistently use its SCIA assessment process to determine the need for 1-to-1 student support.
4. Ensure that all IEPs including 1-to-1 instructional assistant support, except for medically necessary support, contain goals for independence and a plan to gradually phase out support.

Related Service Provider Staffing and Caseloads

Related services are developmental, corrective and supportive services necessary to help a child with a disability to benefit from special education (Title 34, Code of Federal Regulations Section 300.34). These services are documented in students' IEPs and may include speech and language therapy, occupational therapy and other essential supports.

FCMAT reviewed the district's staffing ratios for speech and language pathologists (SLPs), school psychologists, and occupational therapists. Industry standards and Education Code requirements for these and other related service providers are detailed in Table 8 below.

Table 8. 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
Adapted Physical Education Teacher	1-to-45-55
Physical Therapist	1-to-45-55
Occupational Therapist	1-to-45-55
Vision, Orientation and Mobility	1-to-10-30
Deaf and Hard of Hearing	1-to-15-25
Nurse	1-to-2,274

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

Occupational Therapy

The district's contract with MCEA does not specify a staffing ratio for occupational therapists. In the 2024-25 school year, the district has a 1.0 FTE occupational therapist position and contracts with a nonpublic agency for an additional 0.2 FTE, resulting in a total of 1.2 FTE. Together, they provide services to 30 students, with an average caseload of 25 students, as shown in Table 9 below.

Table 9. Occupational Therapist Staffing, 2024-25

Provider	Number of FTE	2024-25 Caseload	2024-25 Average Caseload	Industry Standard Occupational Therapist-to-Student Ratio	Staffing Compared to Industry Standard
Occupational Therapist	1.2	30	25	1-to-45-55	0.53 FTE above 1-to-45 occupational therapist-to-student ratio 0.65 FTE above 1-to-55 occupational therapist-to-student ratio

Source: District-provided data and the industry standard.

Note: Only students receiving direct services from an occupational therapist were included in the total caseload and related calculations.

The district exceeds the industry standard range by 0.53 FTE for a 1-to-45 occupational therapist-to-student ratio and by 0.65 FTE for a 1-to-55 ratio. The district needs to annually review occupational therapist caseload projections, the assessment load, the number of schools served, drive time between sites, direct and consultation service minutes, and student needs to determine whether staffing adjustments are necessary.

School Psychologists

The district's contract with MCEA does not specify a maximum caseload for school psychologists. In the 2024-25 school year, the district has 3.4 FTE school psychologists serving school-aged students, with each managing an average caseload of 516.47 students, as shown in Table 10 below.

Table 10. School Psychologist Staffing, 2024-25

Provider	Number of FTE	2024 Census Day Enrollment	Average Caseload	Industry Standard Psychologist- to-Student Ratio	FTE Above (+) or Below (-) Industry Standard
TK-8 School Psychologist	3.40	1,756	516.47	1-to-977	+1.6

Source: District-provided data and Pupil Services Staff by Type (CDE).

In addition to their regular responsibilities, the school psychologists reported providing some Educationally Related Mental Health Services (ERMHS), which were not included in this analysis. ERMHS are mental health services for students who qualify for special education and have social, emotional, or behavioral needs that affect their ability to learn. The district also contracts for bilingual assessment support as needed, which is similarly excluded from this analysis.

The district's staffing for school-age program school psychologists is nearly double the industry standard. As such, it would benefit the district to collect quarterly data on the following items to help determine the necessary FTE for school psychologists and identify potential staffing reductions:

- 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.

Staff also indicated that the school psychologists manage a high volume of initial psychoeducational assessments, which places significant demands on their workload. While FCMAT did not receive specific data on the number of these assessments, the volume is likely influenced by same factors contributing to the increasing percentage of students identified for special education. As discussed in the "Factors Influencing Special Education Identification" section of this report, these factors include the district's SST process and MTSS, and parent/guardian requests for special education assessments.

To reduce the volume of psychoeducational assessments and alleviate staff workload, the district needs to continue providing teacher training on Tier 1 academic and behavior supports to better equip staff in supporting students within the general education program. Strengthening these supports may also decrease the number of requests for special education assessments.

Further, as discussed in the "Special Education Department Positions" section of this report, hiring a behavior intervention specialist could help the district meet the behavioral needs of more students, potentially decreasing the demand for initial special education and psychoeducational assessments, as well as the number of school psychologist positions needed to support students.

Speech and Language Pathologists

The district's contract with MCEA does not specify a maximum caseload for SLPs. EC 56363.3 establishes a maximum caseload of 55 students for SLPs serving students ages 5 to 22, while EC 56441.7(a) establishes a maximum caseload of 40 preschool-aged students.

The district is unique in that all speech assessments and services for preschool-aged students are delivered through SELPA regional services by MCOE employees. This approach deviates from best practices, which recommend that school districts assess incoming students in need of speech services and provide speech-only services on-site for those with less extensive needs. However, because preschool-aged students require a lower SLP-to-student ratio, the district needs to evaluate whether offering these services on-site at district schools would be cost-effective.

In the 2024-25 school year, the district has 3 FTE SLPs serving 153 students in grades TK-8, resulting in an average caseload of 51 students receiving direct services, as shown in Table 11 below.

Table 11. Speech and Language Pathologist Staffing, 2024-25

Provider	Number of FTE	2024-25 Total Caseload	2024-25 Average Caseload	Industry Standard SLP-to-Student Ratio	FTE Above (+) or Below (-) Industry Standard
School-age SLP	3.0	153	51	1-to-55	+0.22

Source: District-provided data and EC 56363.3.

Notes: Only students receiving direct services from an SLP were included in the total caseload and related calculations.

The district is staffed within the industry standard for SLPs.

Recommendations

The district should:

1. Regularly analyze related service provider staffing ratios to ensure they align with current laws, industry standards and adequately meet student needs.
2. Annually review occupational therapist caseload projections and student needs to determine whether contracted occupational therapist staffing can be reduced.
3. Collect quarterly data as outlined above to identify patterns in referrals for initial psychoeducational assessments by school psychologists, particularly for students who do not qualify for services.
4. Determine how many preschool-aged students receive speech-only services through the MCOE regional program and evaluate whether it would be cost-effective to provide these services on-site at district schools.

Appendix

Appendix A – Study Agreement

Appendix A – Study Agreement

FCMAT

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM

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 Miller Creek 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. Determine whether the district overidentifies students for special education services compared to the statewide and countywide averages, and make recommendations for reducing overidentification, if needed.

V01092024

5. 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.

6. 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 $12,000.

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.
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

ACTION	TIMELINE
	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:	Becky Rosales
Telephone:	(415) 492-3706
Email:	brosales@millercreeksd.org

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:

10/9/24

Becky Rosales, Superintendent Date
Miller Creek School District

For FCMAT:

Michael H. Fine Digitally signed by Michael H. Fine
Date: 2024.10.15 14:10:51 -07'00'

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

V010262024 8