FCMAT

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM

Special Education Review

February 7, 2023

Reed Union School District

Michael H. Fine
Chief Executive Officer

FCMAT FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM

February 7, 2023

Kimberly McGrath, Ph.D., Superintendent
Reed Union School District
277 A Karen Way
Tiburon, CA 94920

Dear Superintendent McGrath:

In September 2022, the Reed Union School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to conduct a review of the district's special education program. The agreement stated that FCMAT would perform the following:

1. Review the district's implementation of student success team, response to intervention and multi-tiered system of supports, and make recommendations for improvement, if any.
2. Analyze special education teacher staffing ratios, class and caseload size using statutory requirements for mandated services and statewide guidelines, and make recommendations for improvement, if any.
3. Review the efficiency of staffing allocations of special education paraeducators, per education code requirements and/or industry standards, and make recommendations for improvement, if any. Review the procedures for identifying the need for paraeducators, including least restrictive environment and the processes for monitoring the assignment of paraeducators and determining the need for continued support from year to year (include classroom and 1-to-1 paraeducators).
4. Analyze staffing and caseloads for related service providers, including but not limited to speech pathologists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education, and other staff who may be related services providers, and make recommendations for improvement, if any.
5. Determine whether the district overidentifies students for special education services compared to the county and statewide averages, and make recommendations that will reduce overidentification, if needed.
6. Analyze whether the district provides a continuum of special education and related services from preschool through age 22, including placements in the least restrictive environments, and make recommendations for improvement, if any.
7. Review 504 placements after a student is exited from special education and related services, and make recommendations for improvement, if any.
8. Review COE, nonpublic school and nonpublic agency costs and placements and make recommendations for improving the process for placement and cost efficiencies, if any.
9. Review the organizational structure and staffing of the special education department in the district's central office to determine whether administration, clerical and administrative

support, program specialists, teachers on special assignments and overall functionality align with those of districts of comparable size and structure and make recommendations for greater efficiencies, if needed.

10. Review the costs of due process, mediations, and settlements for the past three years and make recommendations for improvements, if any.

11. Review the district's unrestricted general fund contribution to special education and make recommendations for greater efficiency, if any.

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

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

Sincerely,

Michael H. Fine
Chief Executive Officer

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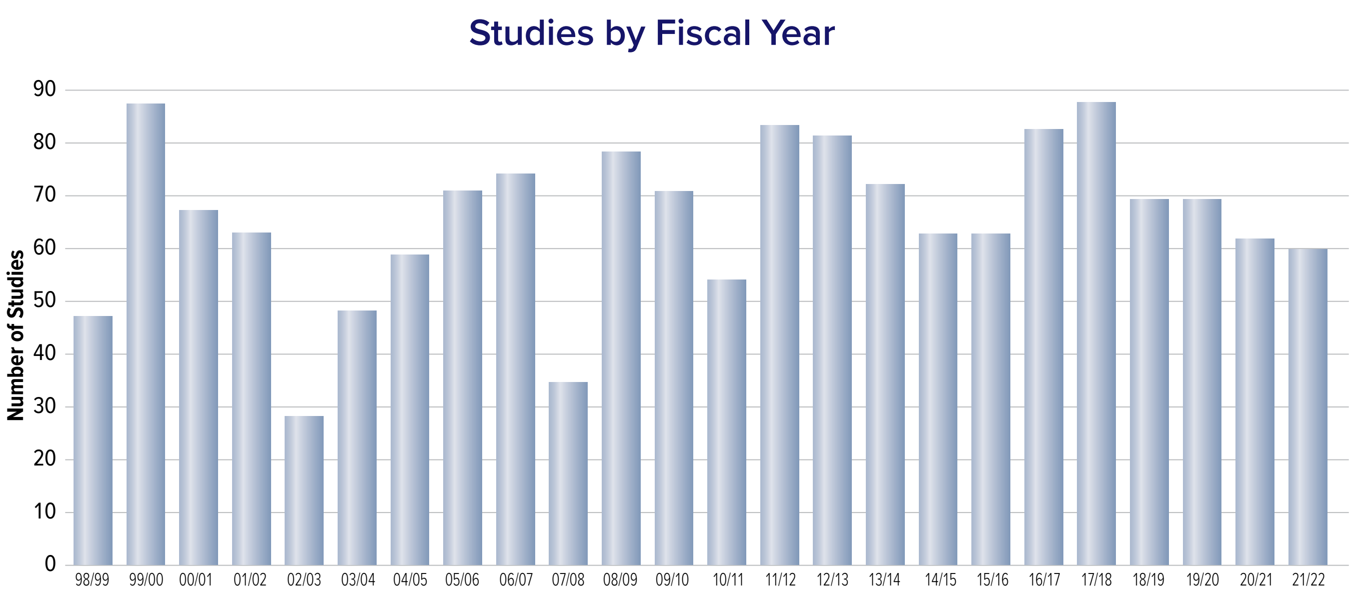
About FCMAT

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

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

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



FCMAT has continued to make adjustments in the types of support provided based on the changing dynamics of TK-14 LEAs and the implementation of major educational reforms. FCMAT also develops and provides numerous publications, software tools, workshops and professional learning opportunities to help LEAs operate more effectively and fulfill their fiscal oversight and data management responsibilities. The California School Information Services (CSIS) division of FCMAT assists the California Department of Education with the implementation of the California Longitudinal Pupil Achievement Data System (CALPADS). CSIS also hosts and maintains the Ed-Data website (www.ed-data.org) and provides technical expertise to the Ed-Data partnership: the California Department of Education, EdSource and FCMAT.

FCMAT was created by Assembly Bill (AB) 1200 in 1992 to assist LEAs to meet and sustain their financial obligations. AB 107 in 1997 charged FCMAT with responsibility for CSIS and its statewide data management work. AB 1115 in 1999 codified CSIS' mission.

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

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

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

Since 1992, FCMAT has been engaged to perform more than 1,400 reviews for LEAs, including school districts, county offices of education, charter schools and community colleges. The Kern County Superintendent of Schools is the administrative agent for FCMAT. The team is led by Michael H. Fine, Chief Executive Officer, with funding derived through appropriations in the state budget and a modest fee schedule for charges to requesting agencies.

Introduction

Background

The Reed Union School District is an elementary district serving the southern Marin County communities of Belvedere, Tiburon and a portion of east Corte Madera. According to DataQuest, 1,022 kindergarten through grade eight (K-8) students were enrolled in 2021-22. The district is composed of three schools, including Reed Elementary School (transitional kindergarten through grade two), Bel Aire Elementary School (grades three through five), and Del Mar Middle School (grades six through eight). It is a member of the Marin County Special Education Local Plan Area (SELPA). In 2021-22, 10.01% of the district's K-8 students were identified as requiring special education, which was below the statewide average of 12.65%.

In September 2022, the Reed Union School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to conduct a review of the district's special education program. The study agreement specifies that FCMAT will perform the following.

- Review the district's implementation of student success team, response to intervention and multi-tiered system of supports, and make recommendations for improvement, if any.
- Analyze special education teacher staffing ratios, class and caseload size using statutory requirements for mandated services and statewide guidelines, and make recommendations for improvement, if any.
- Review the efficiency of staffing allocations of special education paraeducators, per education code requirements and/or industry standards, and make recommendations for improvement, if any. Review the procedures for identifying the need for paraeducators, including least restrictive environment and the processes for monitoring the assignment of paraeducators and determining the need for continued support from year to year (include classroom and 1-to-1 paraeducators).
- Analyze staffing and caseloads for related service providers, including but not limited to speech pathologists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education, and other staff who may be related services providers, and make recommendations for improvement, if any.
- Determine whether the district overidentifies students for special education services compared to the county and statewide averages, and make recommendations that will reduce overidentification, if needed.
- Analyze whether the district provides a continuum of special education and related services from preschool through age 22, including placements in the least restrictive environments, and make recommendations for improvement, if any.
- Review 504 placements after a student is exited from special education and related services, and make recommendations for improvement, if any.
- Review COE, nonpublic school and nonpublic agency costs and placements and make recommendations for improving the process for placement and cost efficiencies, if any.
- Review the organizational structure and staffing of the special education department in the district's central office to determine whether administration, clerical and administrative

support, program specialists, teachers on special assignments and overall functionality align with those of districts of comparable size and structure and make recommendations for greater efficiencies, if needed.

- Review the costs of due process, mediations, and settlements for the past three years and make recommendations for improvements, if any.
- Review the district's unrestricted general fund contribution to special education and make recommendations for greater efficiency, if any.

Study and Report Guidelines

FCMAT visited the district on November 17 and 18, 2022, to conduct interviews with district administrators, special education teachers, special education aides and related service providers. Following fieldwork, FCMAT reviewed and analyzed data and documents. This report is the result of those activities and is divided into the following sections:

- Executive Summary
- Background and Context – Transforming Education to Improve Outcomes for Students with Disabilities
- District Organization and Structure to Support Students Receiving Special Education Services
    - Special Education Central Office Staffing
- Continuum of Service Options for Special Education
- Special Education Student Identification and Outcomes
    - District Special Education Identification Rate
    - District 504 Placements
    - District Outcomes for Students Who Receive Special Education Services
- Student Success Teams, Response to Instruction and Intervention and Multi-Tiered System of Supports
- Special Education Teacher Staffing Allocation
- Special Education Aide Staffing Allocation
- Related Service Provider Staffing and Caseloads
- Unrestricted General Fund Contribution to Special Education
    - Fiscal Considerations
    - Unrestricted General Fund Contribution to Special Education
    - Nonpublic Agencies
    - Cost of Out of District Placements
    - Cost of Due Process, Mediation and Settlements

FCMAT's reports focus on systems and processes that may need improvement. Those that may be functioning well are generally not commented on in FCMAT's reports. In writing its reports, FCMAT uses the Associated Press Stylebook, a comprehensive guide to usage and accepted style that emphasizes conciseness and clarity. In addition, this guide emphasizes plain language, discourages the use of jargon and capitalizes relatively few terms.

Study Team

The study team was composed of the following members:

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

Nelarie Romo
FCMAT Consultant

Cassady Clifton
FCMAT Technical Writer

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

Executive Summary

The Reed Union School District is composed of three schools, including Reed Elementary School (transitional kindergarten through grade two), Bel Aire Elementary School (grades three through five), and Del Mar Middle School (grades six through eight). It is a member of the Marin County Special Education Local Plan Area (SELPA). While Reed Union's census day enrollment has declined over the past five years, its special education enrollment has increased. In 2021-22, just over 10% of the district's K-8 students were identified as requiring special education, which was below the state average. FCMAT believes the district's student success team (SST) processes and response to instruction and intervention (RtI^2) systems are effective in identifying and providing intervention for students struggling academically, which contributes to the district's relatively low special education identification rate. While the district's RtI^2 system appears effective in providing intervention for students struggling academically, the district needs to adopt a positive behavior intervention system (PBIS) to better support students' social, emotional and behavioral growth.

The district's director of student services is responsible for supporting the special education program and staff; he reported spending approximately 75 percent of his time on special education-related job duties. The director of student services lacks administrative support except for one district staff member who is paid according to a timecard for hours worked as needed to manage the Special Education Information System (SEIS). As a result, the district's central office cannot monitor student individual education programs (IEPs) for compliance with the Individuals with Disabilities Education Act's (IDEA's) procedural or substantive requirements, nor can it perform regular IEP file maintenance.

FCMAT conducted an informal survey of central office special education department staffing in several Northern California elementary and unified school districts with similar enrollment to that of Reed Union. FCMAT received responses from nine districts. The comparison districts have an average of 1.83 full-time equivalent positions (FTEs) providing special education support in the central office; Reed Union has 0.75 FTE. The district's use of a split director position to support special education is adequate to meet the district's needs and is typical of comparable districts. However, similar-sized districts all reported having dedicated clerical/administrative support for special education and SEIS management, and it would benefit Reed Union to provide that same support.

Reed and Bel Aire Elementary Schools offer resource specialist program (RSP) services through a push-in or pull-out model depending on students' needs. Del Mar Middle School offers RSP services through a pull-out model where students take a strategies course. It also offers a special day class (SDC) in which an education specialist teaches modified mathematics, English language arts and social studies courses. K-8 students in need of more restrictive environments can be considered for placement in Marin SELPA regional SDC programs or nonpublic schools (NPSs) outside of the district. FCMAT believes the district offers a full continuum of special education services for students in prekindergarten through grade eight.

The district used to operate an elementary SDC program, but the program was closed because of low enrollment. Several staff reported that elementary SDCs are essential because certain students with disabilities who have mild to moderate service needs cannot be supported in general education environments with push-in or pull-out specialized academic instruction. These beliefs directly contradict the 2015 report on One System that stipulates special education services are a program under the umbrella of general education rather than a place where students go to receive more or different services. Consequently, the district needs to focus on understanding what professional learning and other resources staff need to support these students in general education.

District students in special education performed worse or significantly worse on the 2022 California School Dashboard Academic Indicators compared to the population of all district students. Most noteworthy was the significantly worse performance on the English language arts and mathematics indicators (students with disabilities – low, versus all students – very high). To improve the academic performance of students with disabilities, the district needs to focus on access and meaningful inclusion in general education settings. The district needs to establish that students with disabilities are general education students first and ensure these students have access to core curriculums, rigorous instruction from core content teachers, typically developing peers and high expectations in general education settings to the greatest extent possible. Additionally, it would benefit the district to use a continuous improvement process to understand the causes of the significantly lower performance of students with disabilities in English language arts and mathematics so it can then formulate action plans to improve achievement for the students with disabilities group.

The district employs 4.0 FTE education specialists, 3.0 FTE RSP teachers and an 1.0 FTE SDC teacher. The district has an unfilled 1.0 FTE education specialist position at Del Mar Middle School. It would benefit the district to consider whether there is an operational advantage to filling the vacant 1.0 FTE education specialist position with an itinerant inclusion specialist who can be a districtwide case manager for select students with disabilities.

The district employs two types of special education aides with distinct job descriptions and pay rates and contracts with a nonpublic agency (NPA) for 1-to-1 behavior aides who provide intensive individual services (ISS) for students. Staff reported it has been difficult to recruit and retain special education aides. It would benefit the district to conduct a salary study and adjust its special education aide salaries, if necessary, so they are competitive with other districts in the region. The district may also consider offering special education aides a signing bonus. Additionally, there may be an operational advantage to revising the current special education aide job descriptions, qualifications and requirements so that one of the positions requires a registered behavior technician (RBT) certification. Doing so may help the district provide better positive behavior supports to students.

FCMAT analyzed related service provider staffing for school psychologists, speech language pathologists (SLPs) and nurses. The district is adequately staffed for these positions compared to industry standards. FCMAT does not recommend changing related service provider staffing, but the district needs to monitor caseload averages and student need annually to determine if staffing changes are necessary.

FCMAT reviewed the district's unrestricted general fund contribution to special education, which is comparable to the last statewide average calculated by School Services of California. The district does not apply an indirect rate to special education resources to account for indirect costs, which are agencywide general management costs (e.g., accounting, payroll preparation, personnel services, purchasing), but needs to so the true cost of special education is known.

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, students with disabilities remain among the lowest performing subgroups. In 2013, California convened a statewide special education task force to end persistent poor outcomes for students with disabilities, including infants, toddlers, preschoolers, students in California kindergarten through grade 12 (K-12) schools and those up to age 22. The task force's purpose was to study the complex systems for serving students with disabilities and to forward recommendations to the State Board of Education, the Commission on Teacher Credentialing, and the California Department of Education (CDE). In March 2015, the task force published "One System: Reforming Education to Serve ALL Students, Report of California's Statewide Task Force on Special Education," as well as an executive summary.

The 2015 report on One System 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 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.

This report explained that operating special education as a separate program is contrary to current research that suggests:

> 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.

The 2015 report on One System identified the following 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 was 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 2015 report on One System identified a need to transform our understanding of special education from being:

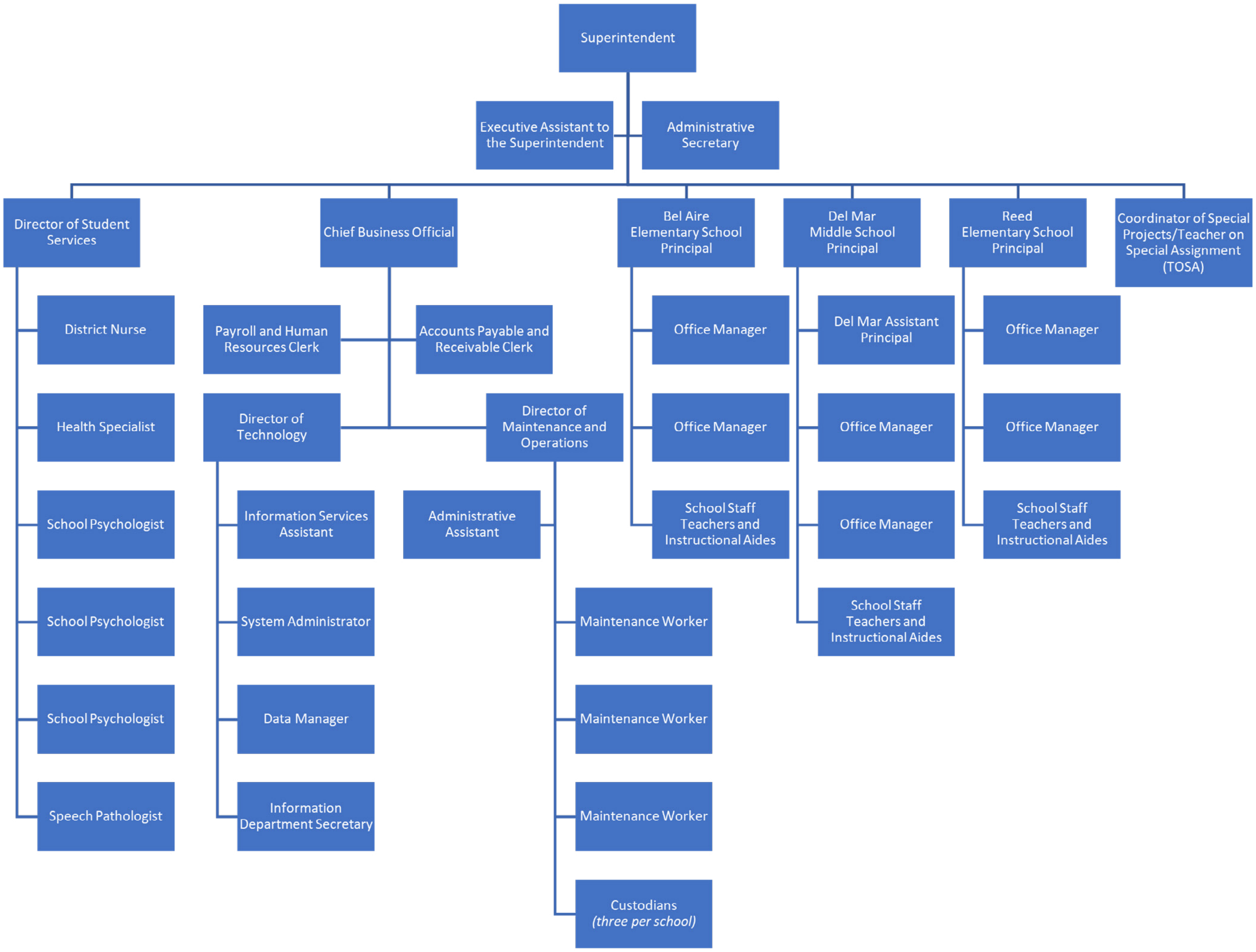
> A place where students go to receive more or different services, to a viewpoint that includes special education services as one of many programs of support under the umbrella of general education.

In 2020, the CDE tasked WestEd with reporting on policy and system changes that have affected 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," explains that the 2015 report on One System was intended to create momentum and discourse in California's efforts to reform special education. To evaluate special education reform efforts, WestEd examined the 2015 report on One System's seven focus areas and then made additional recommendations in each area. WestEd concludes, "Numerous improvements have been made to California's general and special education landscapes."

Using the 2015 report on One System and the 2021 West Ed report as guides, districts will need to focus on coherence, inclusive practices and integrated systems to develop a comprehensive system of education to support positive outcomes for all students. Districts need to recognize that students who receive special education services are general education students first and need to operate with the understanding that special education services are one of the many programs of support under general education rather than a place where students go to receive more or different services. These tenets will be used throughout this report to analyze the district's organization, staffing and practices, and to inform recommendations for improvement.

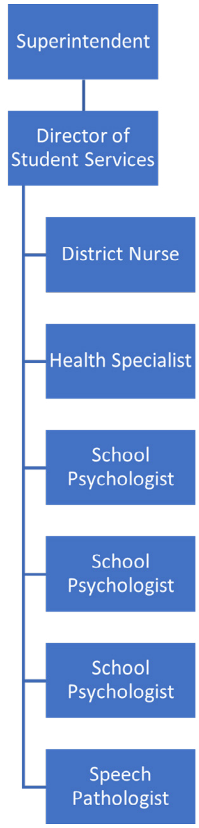
District Organization and Structure to Support Students Receiving Special Education Services

The district is organized as shown below.



Source: District-provided data.

The district's director of student services supports the special education program and staff. The director of student services supervises the positions shown below.



Source: District-provided data.

According to the district's job description, the director of student services is responsible for:

> All special education and student support programs including, but not limited to, special education, academic and social emotional supports, Section 504 and student study teams, wellness including psychologists and nursing, family partnerships, staffing related to these areas, and other support initiatives as assigned by the superintendent.

The director of student services reported spending approximately 75 percent of his time on special education-related job duties. The general fund and a special education resource each fund 50% of this position. The director of student services lacks administrative support except for one district staff member who works as needed and is paid according to a timecard for managing the Special Education Information System (SEIS). As a result, the district's central office cannot monitor student IEPs for compliance with the IDEA's procedural or substantive requirements.

Special Education Central Office Staffing

FCMAT conducted an informal survey of several elementary and unified school districts in Northern California with similar enrollment. Reed Union is a basic aid district or excess tax district, meaning it is not dependent on state monies to fund enrollment. Instead, its revenue from local property taxes exceeds what it would receive under the Local Control Funding Formula (LCFF), and it keeps the excess local property tax revenue and uses it for educational programs and services at its discretion. According to the Public Policy Institute of California, 13% of districts in California are basic aid.

The table below shows the responses from two basic aid districts and seven additional LCFF-funded districts that replied to FCMAT's request for information on central office special education department staffing. The comparison districts have an average of 1.83 FTE providing special education support in the central office; Reed Union has 0.75 FTE.

District	County	2021-22 Census Day Enrollment**	FTE Supporting Special Education in Central Office***
Esparto Unified	Yolo	961	0.85
Fall River Joint Unified	Shasta	1,176	1.75
Healdsburg Unified*	Sonoma	1,274	1.10
John Swett Unified	Contra Costa	1,240	1.75
Kelseyville Unified	Lake	1,849	4.00
Lakeport Unified	Lake	1,386	2.00
Saint Helena Unified*	Napa	1,145	0.50
Willits Unified	Mendocino	1,839	3.00
Winters Joint Unified	Yolo	1,557	1.45
Average			1.83****
Reed Union*	Marin	1,022	0.75

*Basic aid district.

**EdData - Comparisons (EdData).

***Informal FCMAT survey.

****Reed Union was not included when calculating average FTE.

Sources: EdData and informal FCMAT survey. For comparison purposes, these FTE are for the director of special education or other management positions performing similar functions. Any variances in FTE are due to FCMAT's interpretation of the information shared in its informal survey.

Five additional similar-sized districts surveyed (Colusa Unified, Keyes Union, Pierce Joint Unified, Williams Unified and Willows Unified) do not employ their own special education staff. Instead, their local SELPA provides administrative and clerical support for special education.

Like Reed Union, most of the comparable districts surveyed do not have a director of special education devoted full-time to special education, as shown below.

District	FTE Administration Special Education Support*	FTE Clerical / Administrative Special Education Support	FTE Other Providing Direct Administrative Special Education Support	Total Central Office FTE Supporting Special Education
Esparto Unified	Split Position -Director of Instructional Support (0.50 FTE dedicated to Special Education)	0.35	None	0.85
Fall River Joint Unified	Director of Special Education (1.0 FTE, but also performs School Psychologist functions)	0.75	None	1.75
Healdsburg Unified	Split Position – Director of Special Education (0.60 FTE) and Student Services (0.40 FTE)	0.50	None	1.10

District	FTE Administration Special Education Support*	FTE Clerical / Administrative Special Education Support	FTE Other Providing Direct Administrative Special Education Support	Total Central Office FTE Supporting Special Education
John Swett Unified	Split Position - Director of Special Education (0.80 FTE) and Curriculum and Instruction (0.20 FTE)	0.95	None	1.75
Kelseyville Unified	Special Education Director (1.0 FTE, but also performs select student services functions)	2.0	1.0 Program Specialist	4.0
Lakeport Unified	Special Education Director (1.0 FTE)	1.0	None	2.0
Saint Helena Unified	Split Position - Director of Curriculum and Instruction and the Chief Academic Officer (0.25 FTE dedicated to Special Education)	0.25	None	0.50
Reed Unified	Split Position – Director of Special Education (0.75 FTE) and Student Services (0.25 FTE)	0	None	0.75
Willits Unified	Special Education Director (1.0 FTE, but also responsible for multi-tiered system of supports (MTSS), Foster Youth and McKinney-Vento Homeless Assistance Act)	1.0	1.0 Program Specialist	3.0
Winters Joint Unified	Split Position – Director of Special Education (0.60 FTE) and Student Services (0.40 FTE)	0.65	0.2 Speech Coordinator	1.45

*For comparison purposes, these FTE are for the director of special education or other management positions performing similar functions.

Source: Informal FCMAT survey. Any variances in FTE are due to FCMAT's interpretation of the information shared in its informal survey.

Compared to the districts that responded to FCMAT's survey, Reed Union employs the second lowest number of FTEs who provide special education support in the central office. The district's use of a split director position to support special education is typical of comparable districts and is adequate to meet the district's needs. However, comparable districts all reported having dedicated clerical/administrative support for special education, and it would benefit Reed Union to provide that same support.

Recommendations

The district should:

1. Analyze administrative/clerical job duties districtwide to determine whether an existing administrative assistant can provide clerical/administrative support for special education and SEIS management or whether the district needs to hire a part-time employee to do so.
2. Develop procedures for IEP file maintenance and storage, including an IEP checklist to evaluate compliance with procedural and substantive IDEA requirements.

Continuum of Service Options for Special Education

The IDEA establishes nationwide minimum standards for services to children with disabilities and related services for all eligible infants, toddlers, preschoolers, children and youth with disabilities up to age 22. Each state must ensure that a free appropriate public education (FAPE) is available to any child with a disability who needs special education and related services, even if he or she has not failed or been retained in a course or grade and is advancing from grade level to grade level (Title 34, Section 300.101(c) of the Code of Federal Regulations — 34 CFR 300.101(c) —). Districts need to align their practices and systems with the 2015 report on One System. In addition, and as noted in the 2015 report on One System, they need to shift the mindset to one where students in special education are general education students who receive specialized services.

FCMAT analyzed whether the district provides a continuum of services, including whether it places students in the least restrictive environment (LRE) as outlined below.

Early Intervention Programs

The Marin County Office of Education offers a variety of programs for preschool-aged children living in Marin County who require special education services. Children living in Reed Union's attendance area who are three- to five-years-old and not yet age-eligible to attend kindergarten can receive instruction through the county office geared to their individual needs. The county office's service delivery models include non-intensive services, non-intensive-plus services, and a variety of SDCs, including those for students with autism and those with mild to moderate and extensive support needs.

Transitional Kindergarten through Grade Eight

Reed and Bel Aire Elementary Schools offer resource specialist services through a push-in or pull-out model depending on student need. Students in kindergarten through grade five in need of a more restrictive environment can be considered for placement in Marin SELPA regional SDC programs or NPSs outside of the district. Staff reported space in Marin SELPA regional programs has been limited and certain parents and guardians do not want their child(ren) to attend a school outside of the Reed Union School District. The district operated an elementary SDC program in the past; however, the program is not operating in 2022-23 because of low enrollment. Staff conveyed conflicting opinions on whether the district needs to offer an elementary SDC.

Certain staff believe students with disabilities who have mild to moderate service needs cannot be supported in general education environments with push-in or pull-out specialized academic instruction. This belief directly contradicts the 2015 report on One System that stated special education services are a program under general education and not a place where students go to receive more or different services. Therefore, it would benefit the district to focus on understanding what professional learning and other resources staff need to support students with disabilities who have mild to moderate service needs in general education environments. During interviews staff advised that general education teachers would benefit from additional training in disability awareness and differentiation strategies, and on how to provide accommodations and modifications. It may also benefit the district to consider offering ongoing professional development for general education teachers, education specialists and paraprofessionals in universal design for learning (UDL), scaffolding (a method in which teachers offer different types of supports to help students learn new concepts or skills), and having a growth mindset for all students to support meaningful inclusion of students with disabilities in general education environments.

Del Mar Middle School offers resource specialist services through a pull-out model where students take a strategies course to work on IEP goals, practice study skills and receive support with executive functions and coursework. Del Mar Middle School also offers an SDC in which an education specialist teaches modified mathematics, English language arts and social studies courses. Students in grades six through eight who need a more restrictive environment can be considered for placement in Marin SELPA regional SDC programs or NPSs outside of the district.

FCMAT believes the district offers a full continuum of special education services for students in prekindergarten through grade eight through district programming, Marin SELPA regional programs and NPSs. Instead of considering reopening an elementary SDC program, the district needs to focus on providing ongoing professional development for general education teachers, education specialists and related service providers on how to support students with IEPs in general education environments through push-in and pull-out specialized academic instruction and related services.

Least Restrictive Environment

The IDEA requires that students with disabilities are offered a FAPE, and that these students need to be educated in the LRE. It is the IEP team's responsibility to determine what environment is the LRE for each individual student. To determine the appropriate setting for an individual student, IEP teams need to review the student's strengths, weaknesses and needs, and consider the educational benefits of placement in different educational settings. Based on the district's "Local Level Annual Performance Report 2020–21" (the most recent report), the district met the target for indicator 5, which assesses the percentage of children with IEPs aged six through 21, as shown below. The district needs to monitor its LRE data annually.

	Local Level Annual Performance Report Indicator	District Data	Target	Target Met
5a	LRE Rate: In Regular Class more than 80%	69.52%	≥58%	YES
5b	LRE Rate: In Regular Class less than 40%	10.48%	≤19.5%	YES
5c	LRE Rate: Separate Schools	2.86%	≤2.9%	YES

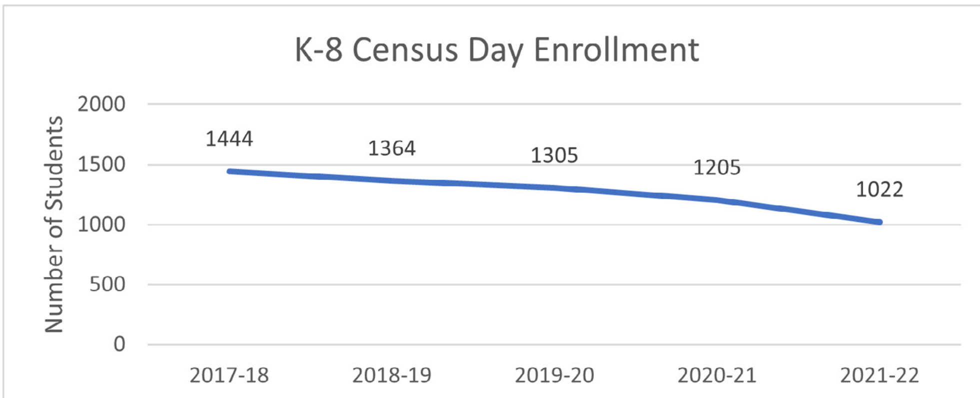
Source: Local Level Annual Performance Report 2020-21 (CDE).

Special Education Student Identification and Outcomes

In addition to considering central office staffing and the continuum of service options available to students receiving special education services, it is important that the district evaluate whether students are being properly identified for special education and what their outcomes are under the district's organization and structure.

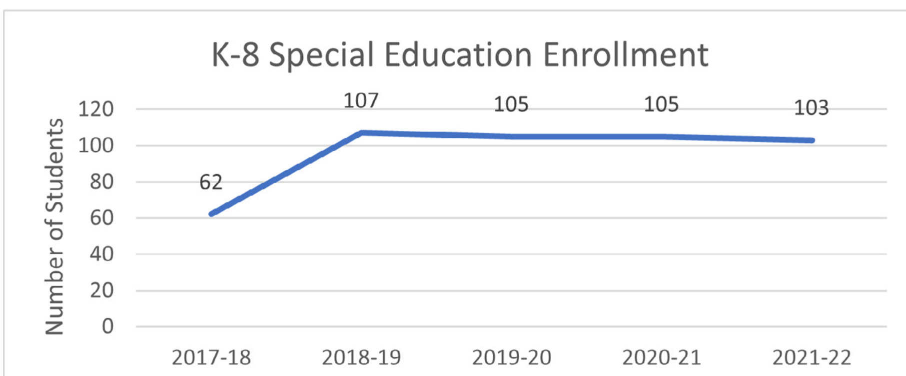
District Special Education Identification Rate

Between 2017-18 and 2021-22, the district's census day enrollment decreased by 422 students.



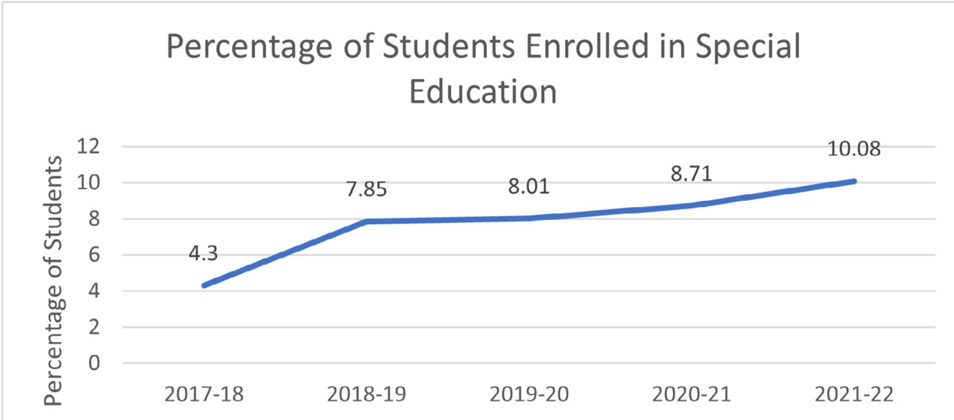
Source: DataQuest – Enrollment by Subgroup for Charter and Non-Charter Schools - Reed Union Elementary (CDE).

The district's special education enrollment increased by 41 students between 2017-18 and 2021-22.



Source: DataQuest – Enrollment by Subgroup for Charter and Non-Charter Schools - Reed Union Elementary (CDE).

The percentage of the district's K-8 students in special education increased by 5.78% between 2017-18 and 2021-22, and increased by 2.07% over the past three years.



Source: DataQuest – Enrollment by Subgroup for Charter and Non-Charter Schools - Reed Union Elementary (CDE).

In 2021-22, 10.08% of the district's K-8 students were identified as requiring special education. Despite the recent increase in the percentage of district students requiring special education services, this is a lower percentage than the K-8 countywide and statewide averages. Staff reported the district's relatively low special education identification rate is because of the robust response to intervention program, early intervention literacy support through the district reading specialist, and use of evidence based instructional practices.

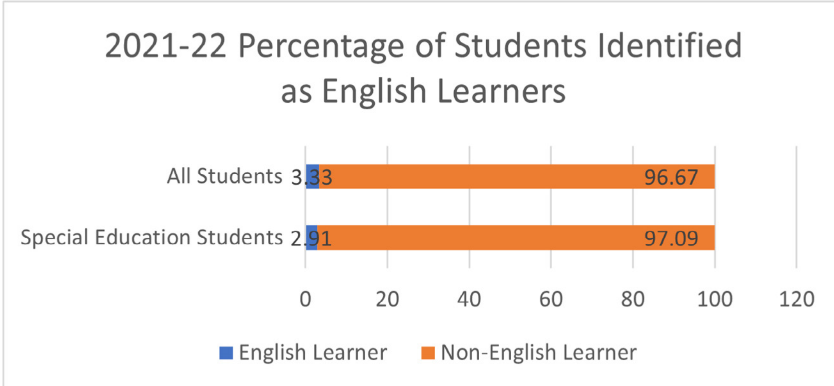
2021-22	Reed Union	Marin County	State
K-8 enrollment	1,022	20,096	3,936,345
K-8 enrollment of students with disabilities	103	2,364	482,093
Percentage of K-8 enrollment of students with disabilities	10.08%	11.76%	12.25%

Source: DataQuest — 2021-22 Enrollment by Ethnicity and Grade - Marin County (CDE).

Disproportionality in Special Education Identification

The National Association of School Psychologists defines disproportionality as "the extent to which membership in a given group affects the probability of being placed in a specific disability category." In other words, it is the under- or overrepresentation of racial or ethnic groups in special education. Based on the most recent local level annual performance report, the district was not disproportionate in the representation of racial and ethnic groups in special education and related services. The district needs to monitor for disproportionality in special education identification annually and provide professional development addressing proper special education identification as necessary.

English learners are commonly overidentified for special education. In 2021-22, 3.33% of all district students were identified as English learners. Of the district's 103 K-8 students in special education, three, or 2.91%, were identified as English learners. Because the percentage of English learners in special education is proportional to that in the district as a whole, the district does not appear to overidentify English learners for special education.



Source: DataQuest — 2021-22 Enrollment for Charter and Non-Charter Schools - Reed Union Elementary (CDE).

District 504 Placements

At the time of FCMAT's visit, 50 district students had a 504 plan (a formal plan schools develop to provide support for a student with disability).

	Reed Elementary	Bel Aire Elementary	Del Mar Middle
Number of Students with a 504 Plan with a Previous IEP	0	1	3
Number of Students with a 504 Plan without a Previous IEP	0	18	28
Total Number of Students with a 504 Plan	0	19	31

Source: District-provided data.

Staff reported the district has not had districtwide 504 plan processes, procedures or forms in recent years. However, each school reported having a process to evaluate and provide 504 plan accommodations and services to students. The district is beginning to use BeyondSST, an online platform that will be used for 504 plan forms and tracking. Additionally, staff recently received training from the district's attorney on 504 plan laws, procedures, and appropriate use of 504 assessments.

District Outcomes for Students Who Receive Special Education Services

California School Dashboard

California's school accountability system is based on multiple measures that assess how local educational agencies and schools are meeting students' needs. The state reports districts' performance on these measures with the California School Dashboard. For each district, student groups are classified into change and status levels based on how well they perform on five indicators:

- Chronic Absence Rate – Grades K-8
- Suspension Rate – Grades K-12

- Graduation Rate – Grades nine through 12
- College/Career Readiness– Grades nine through 12
- Academic Performance (ELA and Mathematics) – Grades three through eight, 11

Status levels (very high, high, medium, low, very low) are based on a group's current year performance on an indicator. Change levels (increased significantly, increased, maintained, declined, declined significantly) capture how much a group's performance changed on an indicator from the prior year. Combined change and status level data results in five color-coded performance levels for each indicator. From highest to lowest, the performance levels are blue, green, yellow, orange and red. Revisions to the dashboard have prioritized student group metrics, which now include students with disabilities as a significant student group that requires both state and federal monitoring for compliance.

2019 District Dashboard Performance

Because of the COVID-19 pandemic, state law suspended the reporting of state indicators on the 2020 and 2021 dashboards. The table below shows the district's 2019 performance levels (color) for the populations of all district students and all district students with disabilities. English learner progress was not reported on the 2019 Dashboard.

	Chronic Absenteeism	Suspension Rate	Graduation Rate	College/ Career	ELA	Mathematics
All Students	Orange	Orange	N/A	N/A	Blue	Blue
Students with Disabilities	Orange	Orange	N/A	N/A	Yellow	Green

Source: 2019 District Performance Overview Reed Union Elementary (California School Dashboard).

Compared to all district students, those with disabilities performed similarly on the chronic absenteeism and suspension rate indicators (orange), one performance level worse on the mathematics indicator (blue versus green), and two performance levels worse on the English language arts indicator (blue versus yellow).

2022 District Dashboard Performance

After the COVID-19 pandemic, state law allows the 2022 Dashboard to use only the current year of data (known as status). For 2022, performance levels are reported using one of the five status levels (very high, high, medium, low, very low) for state measures. The status levels for the chronic absenteeism and suspension rate indicators are reversed (very low, low, medium, high, very high). Below is the district's 2022 Dashboard performance.

	Chronic Absenteeism	Suspension Rate	Graduation Rate	College/ Career	ELA	Mathematics
All Students	High 12.2% Chronically Absent	Medium 1.7% of Students Suspended at Least One Day	N/A	N/A	Very High 68.9 Points Above Standard	Very High 58.6 Points Above Standard

	Chronic Absenteeism	Suspension Rate	Graduation Rate	College/ Career	ELA	Mathematics
Students with Disabilities	Very High 20.8% Chronically Absent	High 3.3% of Students Suspended at Least One Day	N/A	N/A	Low 31.2 Points Below Standard	Low 42.6 Points Below Standard

Source: 2022 District Performance Overview Reed Union Elementary (California School Dashboard).

Compared to the population of all district students, those with disabilities perform one performance level worse on the chronic absenteeism indicator (very high versus high), one performance level worse on the suspension rate indicator (very high versus high), two performance levels worse on the suspension rate (high versus medium), and significantly worse on the English language arts and mathematics indicators (low versus very high).

The district's lower performance for students with disabilities across many of these indicators is not unusual. Policy Analysis for California Education (PACE) published a brief in 2020 about districts that were eligible for differentiated assistance (DA) in 2019 based on the performance of their students with disabilities. Under California's system of support, DA provides supports to eligible districts to increase the performance of their student groups. According to the 2020 PACE brief, DA eligibility was driven in part by the performance of students with disabilities for 187 of the 333 eligible districts. Those 187 districts were most frequently identified for DA based on the performance of students with disabilities in priority 4 (pupil achievement – English language arts and mathematics) and priority 5 (pupil engagement – graduation rate or chronic absenteeism).

To help these students improve performance, the PACE 2020 brief recommends districts use their continuous improvement process to understand the causes of what PACE believes are intersectional challenges (i.e., when more than one aspect of a student's experience and identity affects the support he or she needs) facing students with disabilities. In recommending a causes analysis, PACE states:

> Districts should consider conducting finer grained analyses of the kinds of students facing these complex challenges—including by students' disability type, and also by their gender, race, and ethnic background. Doing so can, for instance, shed light on disproportionate challenges that can lie at the intersection of a child's race and disability status. This more intersectional approach can reveal who is most in need of supports so that assistance can be tailored and targeted to improve their performance. Knowledge of how challenges play out at both the system and student levels can be critical in developing more holistic and robust strategies to promote the performance levels of students with disabilities.

PACE's intersectional approach may be useful even in districts like Reed Union where most students are represented in student groups that traditionally perform well on state performance measures. According to DataQuest in 2021-22, 74.9% of district K-8 students are white and 95.21% are not socioeconomically disadvantaged. However, the population of district students in special education has higher percentages of students in groups that historically perform worse on state performance measures. For example, 8.74% of K-8 students in special education are socioeconomically disadvantaged compared to 4.79% of all K-8 district students. Additionally, 9.69% of all K-8 district students are two or more races compared to 12.62% in special education. Although these differences are not large, they are worth monitoring. The district may benefit from leveraging a continuous improvement process as outlined in the 2020 PACE brief. Doing so may help the district understand the causes of the intersectional challenges faced by students with disabilities, with an emphasis on how race-related societal factors and/or economic status combined with disability may be affecting the achievement and outcomes of students with disabilities.

District students in special education perform worse or significantly worse on the 2022 Dashboard indicators compared to the population of all district students. Most noteworthy is the significantly worse performance on the English language arts and mathematics indicators (students with disabilities – low, versus all students – very high). To improve the academic performance of students with disabilities, the district needs to focus on access and meaningful inclusion in general education settings. The district also needs to establish that students with disabilities are general education students first and ensure they have access to core curriculums, rigorous instruction from core content teachers, typically developing peers, and high expectations in general education settings to the greatest extent possible.

Additionally, the Carnegie Foundation published a white paper in 2013 on continuous improvement in education. It would benefit the district to use a continuous improvement process like the one outlined in this paper to understand the causes of the significantly lower performance of students with disabilities in English language arts and mathematics. Once the causes are better understood, the district can develop action plans to improve achievement in English language arts and mathematics for the students with disabilities group.

Special Education Annual Performance Report

The CDE publishes the Special Education Annual Performance Report Measures to distribute educational data about students with disabilities. These reports are required by the Individuals with Disabilities Education Act (20 United States Code 1416(b)(2)(C)(ii) and 34 CFR 300.602). Districts are evaluated based on 14 indicators for which the target is met or not met. The district's "Local Level Annual Performance Report 2020-21" is shown below.

No.	Indicator	Rate	Target	Target Met?
1	Graduation Rate*	Not Counted (NC)	>90%	N/A
2	Dropout Rate*	NC	≤11%	N/A
3	Assessment: English Langage Arts (ELA) Participation	N/A	N/A	N/A
3	Assessment: Math Participation Rate	N/A	N/A	N/A
3	Assessment: ELA Achievement Rate	N/A	N/A	N/A
3	Assessment: Math Achievement Rate	N/A	N/A	N/A
4a	Discipline (>10 days) Rate*	0%	<2.18	YES
4b	Discipline (>10 days) Areas Disproportionate*	0%	0%	YES
5a	LRE Rate: In Regular Class more than 80%	69.52%	≥58%	YES
5b	LRE Rate: In Regular Class less than 40%	10.48%	≤19.5%	YES
5c	LRE Rate: Separate Schools	2.86%	≤2.9%	YES
6a	Preschool LRE: Regular Program	NC	>39%	N/A
6b	Preschool LRE: Separate Class	NC	<33%	N/A

No.	Indicator	Rate	Target	Target Met?
6c	Preschool LRE: Home	NC	<3.5%	N/A
7a	Positive Socio-Emotional Skills Substantially Increased	NC	>85.2%	N/A
7a	Positive Socio-Emotional Skills Functioning Within Age Expectations	NC	>76%	N/A
7b	Acquisition of Knowledge/Skills Substantially Increased	NC	>76%	N/A
7b	Acquisition of Knowledge/Skills Functioning Within Age Expectations	NC	>76%	N/A
7c	Use of Appropriate Behaviors Substantially Increased	NC	>76%	N/A
7c	Use of Appropriate Behaviors Functioning Within Age Expectations	NC	>76%	N/A
8	Parent Involvement Rate	100%	>95%	YES
9	Overall Disproportionality Areas	0%	0%	YES
10	Disproportionality by Disability Areas	0%	0%	YES
11	Rate of Eligibility Determined within 60 days	100%	100%	YES
12	Rate of Part C to Part B Students with Timely IEPs	NC	100%	N/A
13	Rate of Students with Transition Goals/Services	NC	100%	N/A
14a	Rate of Post School Outcomes: Higher Education	NC	>55%	N/A
14b	Competitive Employment or Higher Education	NC	N/A	N/A
14c	Any Employment or Education	NC	>87%	N/A

Source: 2020-21 Annual Performance Report Measures - Data Collection and Reporting (CDE).

The district met all targets on its local level annual performance report. The CDE explains that performance on these measures should not be viewed as the sole determinants of the quality of a district's special education program; however, it can help districts examine their programs and prioritize focus areas. The district's annual performance report needs to be analyzed annually to help the district prioritize areas of focus for its improvement efforts.

Recommendations

The district should:

1. Use the 2015 report on One System and the 2021 West Ed report as guides to focus on coherence, inclusive practices and integrated systems to develop a comprehensive system of education to support positive student outcomes for all students, one in which special education students are viewed as general education students first and all educators understand they have a collective responsibility for all students.

2. Provide ongoing professional development for general education teachers, education specialists and related service providers on how to support students with IEPs in the LRE.

3. Monitor the district's LRE data annually.

4. Monitor the percentage of students who qualify for special education, and provide professional development in proper identification of students for special education as necessary.
5. Develop and train staff on districtwide 504 plan expectations, procedures and forms. Ensure all district schools use BeyondSST to track 504 plans.
6. Use a continuous improvement process to understand the causes of the significantly lower performance of students with disabilities in English language arts and mathematics, then develop action plans to address these causes. Prioritize serving students with disabilities in the LRE to improve their academic achievement.
7. Use the local level annual performance report and California School Dashboard annually to prioritize areas of focus for improvement efforts for students with disabilities.

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

Special education should be reserved for students who are eligible to receive these specialized services. To be eligible for special education a student must qualify under the two-pronged test that is defined in the next section of this report. Identifying a student for special education before implementing general education interventions does not best serve the student. Students in special education can experience stigma, less access to the rigorous instruction given in the general education curriculum, limited interaction with their typically developing peers, and lower expectations, which can limit their progress and outcomes. Additionally, serving a student in special education through an IEP is costlier than serving one through interventions and general education supports. Therefore, it is essential the district identify only qualifying students with disabilities for special education, a process which is influenced by a district's implementation of multi-tiered system of supports (MTSS), RtI^2 system of supports and SSTs.

Two-Pronged Test for Special Education Eligibility

Students must qualify for special education per the two-pronged test: they must meet the definition of one of the 13 disability categories in the IDEA, and they must require specially designed instruction. Identifying students for special education before implementing general education interventions using an RtI^2 system does not best serve them. Additionally, serving students in special education through an IEP is costlier than serving them through interventions and general education supports. However, failing to identify students with disabilities for special education can deprive them of their rights under the IDEA to a FAPE. This can impede students' learning and may obligate the district to pay for compensatory educational services. Consequently, to ensure proper identification for special education, the district needs to track referrals, assessments and eligibility rates to identify trends and areas of need for professional development.

Student Success Teams

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

All district schools reported using an SST process involving data review, goal setting and identification of interventions. Staff reported that in recent years, the district has lacked districtwide procedures and forms. The district is beginning to use the BeyondSST online platform, which will house SST forms for districtwide use.

Response to Instruction and Intervention

Response to Instruction and Intervention is a nationwide approach that focuses on individual students who are struggling academically and mobilizes resources from the district, school and/or community to promote students' success. It is systematic and data-driven, with tiered levels of intervention. The CDE coined the term RtI^2 to define a general education approach of high-quality, culturally responsive differentiated instruction and early intervention, prevention, and behavioral strategies. It uses universal screening and data analysis of all students' learning in the general education classroom. A comprehensive districtwide RtI^2 system also prevents students from being inappropriately identified as needing special education and supports serving students in the LRE. A comprehensive RtI^2 system should define the following for tiers 1 and 2:

- Type of intervention (e.g., literacy, mathematics, positive behavior supports)
- Who is selected for the intervention
- Program/materials/curriculum to be used
- When students will receive instruction
- Who will deliver the intervention
- How students will be grouped
- Time (i.e., duration and frequency)
- Assessments to be used (e.g., for progress monitoring, entry or exit from the support)

Staff described various tiered systems of support at all district schools that included all eight components of the comprehensive RtI^2 system outlined above. Staff identified tier 1 supports such as small class sizes, cognitively guided instruction, the momentum writing program, classified staff member support in classes, and small group instruction. Tier 2 supports varied by school, but included reading fluency support, academic workshops, strategies classes, and a reading specialist and math club. Staff described teacher collaboration occurring through grade level team meetings and intervention team meetings to support students struggling academically. FCMAT believes the district's RtI^2 system is effective in identifying and providing intervention for students struggling academically, which contributes to the district's relatively low special education identification rate (below county and state averages) and the high overall district performance in English language arts and mathematics on the California School Dashboard.

Multi-Tiered System of Supports

California's MTSS focuses on aligning initiatives and resources to meet the needs of all students. It is an integrated, comprehensive framework that aligns academic, behavioral, and social-emotional learning; it is a method of organization. MTSS focuses on content standards and relies on data gathering through universal screening, data-driven decision making and problem-solving teams. MTSS aligns the entire system of initiatives, supports and resources, and implements continual improvement processes throughout the system. MTSS includes both RtI^2 and PBIS. PBIS focuses on the emotional and behavioral learning of students, which leads to an increase in engagement and a decrease in problematic behavior over time. PBIS helps districts adopt and organize evidence-based behavioral interventions.

Although the district's RtI^2 system appears effective in providing intervention for students struggling academically, the district has not adopted PBIS. After the COVID-19 pandemic, staff reported a heightened need for counseling services and behavioral support. PBIS provides evidence-based, positive and proactive practices that support and respond to students' social, emotional and behavioral needs in classrooms. In 2022, the Center on Positive Behavioral Interventions and Supports updated its practice guide, "Supporting and Responding to Students' Social, Emotional, and Behavioral Needs: Evidence-Based Practices for Educators." It would benefit the district to use this guide as a resource to expand its focus on supporting students' social, emotional and behavioral growth.

The CDE provides information explaining that MTSS has a broader scope than RtI^2 and states that MTSS also includes:

- Focusing on aligning the entire system of initiatives, supports, and resources.
- Promoting district participation in identifying and supporting systems for alignment of resources, as well as site and grade level.
- Systematically addressing support for all students, including gifted and high achievers.
- Enabling a paradigm shift for providing support and setting higher expectations for all students through intentional design and redesign of integrated services and supports, rather than selection of a few components of RtI^2 and intensive interventions.
- Endorsing universal design for learning (UDL) instructional strategies so all students have opportunities for learning through differentiated content, processes, and product.
- Integrating instructional and intervention support so that systemic changes are sustainable and based on common core state standards (CCSS)-aligned classroom instruction.
- Challenging all school staff to change the way in which they have traditionally worked across all school settings.

Considering this broader scope of MTSS along with the 2015 report on One System and the 2021 West Ed report, the district needs to focus on the following components of its MTSS:

- All district staff need to receive ongoing training to implement UDL instructional strategies so all students have opportunities for learning through differentiated content, processes and product. In this way students with disabilities can be better supported in the LRE and considered general education students first, which will help maximize their development and potential.
- Instructional and intervention support need to be based on CCSS-aligned classroom instruction, including pull-out specialized academic instruction and strategies classes for students on IEPs. Again, by maximizing the access students with IEPs have to CCSS, the district will be maximizing students' development and potential.
- Reimagining how general education and special education staff work together, regardless of which students they are assigned to serve, to collectively address the needs of all students. This includes thinking strategically about how related services providers serve all district students.

Recommendations

The district should:

1. Develop districtwide SST procedures, expectations and forms, and provide training for all education partners involved in SSTs. Require all schools to use BeyondSST and its forms to store SST information.

2. Explore implementing PBIS districtwide to better support students and their social, emotional and behavioral learning needs.

3. Determine related service providers' roles in the MTSS, and provide training and support for them.

Special Education Teacher Staffing Allocation

The district employs 4.0 FTE education specialists, 3.0 FTE RSP teachers and 1.0 FTE SDC teacher. The district has an unfilled 1.0 FTE education specialist position allocated to Del Mar Middle School. The district has been unable to fill this position following an employee's resignation at the end of the 2021-22 school year. The district is paying the two education specialists at Del Mar Middle School an additional 0.2 FTE each to meet the student support needs resulting from the unfilled position. The district does not have caseload ratios in its collective bargaining agreements, policies or procedures.

Resource Specialist Program

Education Code (EC) Section 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.

All district schools are staffed with a full-time RSP teacher. Specialized academic instruction is provided through co-teaching, push-in or pull-out support, or a strategies course taught by a RSP teacher. At the time of FCMAT's visit and based on the caseload estimates provided by the district, none of the special education teachers in the RSP were over the caseload maximum, as shown below.

School	Teacher FTE	Total Caseload	Staffing FTE Above (+) or Below (-) EC Maximum of 1-to-28
Reed Elementary	1.0	13	+0.54
Bel Air Elementary	1.0	19	+0.32
Del Mar Middle*	1.0	28	At caseload maximum
Totals	3.0	60	+0.29

*The SDC teacher employed at Del Mar Middle School is serving as the case manager for five additional students in the school's RSP.

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

Although the districtwide RSP is staffed above the EC Section 56362(c) maximum standard, FCMAT does not recommend reducing RSP teacher staff because the district's RSP resembles an inclusive model. The term "inclusive model" has many definitions across California's school districts. The intent of an inclusive model is for all students to attend the school located within their home boundaries in the grade level that matches their chronological age and in general education classes where they can access the general education curriculum. It is also the intent of this model that students who require specialized academic instruction receive this service either in the general education classroom or through a pull-out service for specific skill building, depending on students' needs. The district's RSP model meets the intent of an inclusive model and requires the current RSP teacher staffing to support student needs.

Special Day Class Program

The district operates one SDC at Del Mar Middle School for students with mild to moderate service needs. The SDC teacher teaches self-contained, modified mathematics, language arts and social studies courses for students in special education. Students in the Del Mar Middle School SDC are mainstreamed (placed in general education classes) for part of their day and supported by special education aides. The SDC teacher case manages 13 students at Del Mar Middle School: eight students in the SDC and five students in the

RSP. The SDC teacher's caseload at Del Middle School is within the industry standard range, as shown below.

School	Teacher FTE	Total Caseload	Industry Standard Caseload Range
Del Mar Middle	1.0	13	12-15

Sources: District-provided data and industry standards.

The district's greatest need is to fill the vacant 1.0 FTE education specialist position at Del Mar Middle School, which is why the district pays the two middle school education specialists an additional 0.2 FTE each to meet student need. It may benefit the district to consider whether there is an operational advantage to filling the vacant 1.0 FTE education specialist position with an itinerant inclusion specialist who case manages select students with disabilities throughout the district. Inclusion specialists are education specialists with extensive knowledge of disabilities, from mild to severe, and techniques and practices to support those students in general education classrooms. By hiring an inclusion specialist, the district may also be able to better meet the support needs of students with moderate service needs who were previously enrolled in the elementary SDC.

Recommendation

The district should:

1. Consider hiring an itinerant inclusion specialist in the vacant education specialist position to support the inclusion of students with mild to moderate service needs.

Special Education Aide Staffing Allocation

Special education aides, also known as paraeducators, instructional assistants or classroom aides, are trained professionals who work with students, typically under the direction of a classroom teacher. Districts often employ special education aides under different titles with distinct job descriptions to perform functions such as specialized academic instruction, specialized medical support, behavioral support, and 1-to-1 student support (IIS) or special circumstances instructional assistance (SCIA). The district employs two types of special education aides with distinct job descriptions and pay rates:

1. Special Education Paraprofessional Physical Disability Aide
2. Learning Center Aide

The district also contracts with an NPA for 1-to-1 behavior aides who provide ISS for students.

1-to-1 Student Support

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

The district contracts with an NPA, for three 1-to-1 behavioral aides who provide ISS; two at Reed Elementary and one at Del Mar Middle School. Staff indicated most requests for 1-to-1 special education aide support are to support positive student behavior; however, staff also indicated students often do not have a behavior intervention plan (BIP) in place before a 1-to-1 special education aide is assigned, which indicates that less restrictive supports have not been exhausted. Staff also indicated the process used to determine IIS for a student has varied among schools. In the Fall of 2022, the new director of student services provided a training for staff on the Marin County SELPA's special circumstances instructional support protocol. According to the Marin County SELPA's protocol, general categories that may require the use of ISS include health and personal care issues, behavior, instruction and inclusion/mainstreaming. The Marin County SELPA's protocol and process needs to be used consistently to assess whether a student in special education requires ISS.

Another essential aspect of the effective use of special circumstance instructional support is developing annual goals for independence. Most staff reported that they do not write any related goal(s) when ISS are added to a student's IEP, even though student goals are noted for all other areas of need. Because the assignment of a 1-to-1 instructional aide is a highly restrictive support, this goal development is an essential step that focuses IEP services on the deficit area to strengthen skills, monitor annual progress, and help the IEP team determine if adjustments can and should be made in the level of service. It also helps the IEP team move away from the concept of one adult being assigned to one student by leaving the method of goal implementation up to the district. This approach to implementing related goals and monitoring student support allows the district to consider the multiple advantages of having one instructional assistant supporting several students when appropriate. Monitoring and reporting on student progress, as with any goal, provides a rational basis for the IEP team to alter a service such as ISS.

Instructional Aide Staffing

Education Code Section 56362(6)(f) states, "At least 80% of the resource specialists within a local plan shall be provided with an instructional aide." However, industry standards for instructional aide support to special education teachers and students are based primarily on the intensity of the service. Below are the industry standards for instructional aide staffing.

Type of Support	Industry Standard Instructional Aide Staffing
Resource Specialist Program	one 6-hour paraeducator
Mild/Moderate Special Day Class (Cross-Categorical)	two 6-hour paraeducators

Source: Industry standards.

The district has not adopted an instructional aide staffing formula. It employs nine special education aides at FTEs between 0.75 and 0.79. One 6-hour instructional aide equals 0.75 FTE. Below is a summary of district special education aides by school for 2022-23.

Type of Special Education Aide	Reed Elementary	Bel Air Elementary	Del Mar Middle
Learning Center Aide	2	1	2
Special Education Paraprofessional Physical Disability Aide	0	1	3

Source: District-provided data. Numbers correspond to the number of staff members per school, rather than FTE.

During interviews, many staff reported special education aides do not have opportunities to receive comprehensive orientation or training. Offering professional development for aides may improve employee retention and service delivery to students. The district needs to offer an orientation for new special education aides and survey existing staff to assess their professional development needs. Topics could include:

- Disability awareness and supporting students with different disabilities in the classroom.
- Implementing accommodations and modifications.
- Positive behavior supports and de-escalation strategies.
- Support for literacy instruction.
- Support for executive functions.
- District policies and procedures.

Staff reported it has been difficult to recruit and retain special education aides and explained that the district lacks a substitute list to draw from to cover aide absences. Staff identified low salary, inadequate orientation and training, and the pay differential between learning center and special education paraprofessional physical disability aides as contributing to aide turnover. FCMAT recommends that the district consider conducting a salary study and adjusting its special education aide salaries, if necessary, so they are competitive with other districts in the region. It may also benefit the district to consider offering a signing bonus to special education aides. One strategy districts use to improve staff retention is to pay half of the bonus when the employee is hired and the second half at the completion of the employee's second year of service.

In addition, there may be an operational advantage to revising the special education aide job descriptions, qualifications and requirements. Given how the district is contracting with an NPA for 1-to-1 behavior aides, the district may benefit from considering a restructure to two district special education aide classifications and job descriptions:

1. Special Education Paraprofessional – To support academic, social-emotional, functional, physical and behavioral needs within general education, special education and learning center settings.
2. Special Education Behavior Technician – To deliver behavior analysis services and a higher level of behavior support for students in general education, special education and learning center settings.

The special education behavior technician position could require the registered behavior technician (RBT) certification and have a higher salary. The district would need to determine how to provide supervision and board-certified behavior analysis (BCBA) support for the special education behavior technician position.

Recommendations

The district should:

1. Determine whether there is an operational advantage to restructuring the special education aide positions so that one job classification and description requires an RBT certification.
2. Develop a special education aide substitute list to fill absences.
3. Consider conducting a salary study and adjusting special education aide salaries, if necessary, so they are competitive with other districts in the region.
4. Consider offering a signing bonus designed to recruit and retain special education aides.
5. Offer an orientation for new special education aides. Survey existing special education aides to assess their professional development needs, and develop a plan to address those needs.
6. Build a common understanding of and consistently use the Marin County SELPA's special circumstance instructional support protocol document and process to assess whether a student requires IIS.
7. Ensure less restrictive options, such as supporting a student with a BIP or providing extra classroom special education aide support, are exhausted prior to providing IIS.
8. Require consistency in developing, monitoring and revising IEP goals for independence for each student who receives ISS as a related service.

Related Service Provider Staffing and Caseloads

Related services are the developmental, corrective and other supportive services required to help a child with a disability benefit from special education (34 CFR 300.34). These services are written into students' IEPs and include but are not limited to psychological services, speech and language therapy, adapted physical education, and occupational therapy. The district provides speech and language therapy and psychological services. The district contracts with NPAs for behavior services and occupational and physical therapies. FCMAT analyzed staffing ratios for school nurses, psychologists, and speech and language therapists but did not analyze staffing and caseload data for any related services provided by an NPA. Industry standards for related service providers are listed below.

Provider Type	Industry Standard Provider-to-Student Ratio
Psychologist	1-to-977
Speech and Language Pathologist (preschool)	1-to-40
Speech and Language Pathologist (ages five through 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 and Orientation/Mobility	1-to-10-30
Deaf/Hard of Hearing	1-to-15-25
Nurse	1-to-2,274

Source: Industry standards.

School Psychologists

The district employs 2.6 FTE school psychologists. The district pays for the school psychologist positions through special education resources (1.31 FTE) and the general fund (1.29 FTE). Staff interviews and documents indicate the roles and responsibilities for these positions generally comply with state and professional standards. School psychologists reported they act as SST and 504 plan coordinators and that they are highly involved in interventions. The middle school psychologist fills the role of the guidance/academic counselor for students in general and special education. School psychologists reported minimal involvement in providing behavioral support due to lack of training, and not all school psychologists reported they write BIPs or complete functional behavioral analyses (FBAs), which is generally considered part of the comprehensive role of a school psychologist.

The district does not have a student-to-psychologist ratio in its contract for school psychologists. In 2021-22, the district's average caseload for school psychologist was 393.08 K-8 students per 1.0 FTE. This number does not include students in transitional kindergarten or preschool who are assessed by a district school psychologist. The district is adequately staffed, at 1.55 FTE more than the industry standard of 977 students per 1.0 FTE psychologist.

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard	Staffing Above (+) or Below (-) Industry Standard
Psychologist	2.60	1,022	1:393.08	1:977	+1.55 FTE

Sources: District-provided data, DataQuest – 2021-22 Enrollment by Subgroup for Charter and Non-Charter Schools - Reed Union Elementary (CDE) and CalEdFacts – Publications (CDE).

Speech and Language Pathologists

The district employs a 1.0 FTE speech and language pathologist (SLP) who provides in-person services and contracts with an NPA for a 0.8 FTE SLP to provide teletherapy.

Education Code Section 56363.3 establishes the maximum caseload for SLPs serving students ages five to 22 at 55 students, while EC Section 56441.7(a) establishes a preschool maximum caseload of 40 students. The district does not have ratios for SLPs in its contract but reported attempting to staff at a ratio of 1.0 FTE SLP for 50 students. District-provided data indicates the district's 1.0 FTE SLP serves 35 preschool and school-age students. The district's contracted 0.8 FTE SLP provides teletherapy services for 37 school-age students. Compared to industry standards, the district appears to be adequately staffed for SLPs (0.49 FTE above the industry standard).

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard	Staffing Above (+) or Below (-) Industry Standard
Speech and Language Pathologist (preschool through grade 8)	1.80	72	40	1-to-55	+0.49 FTE

Source: District-provided data and EC Section 56363.3.

FCMAT does not recommend changing SLP staffing, particularly since one SLP is serving both preschool and school-age students. The district needs to monitor caseload averages and student need annually to determine if staffing changes are necessary. The district reported it has been unable to hire an SLP for the 0.8 FTE position filled by the NPA SLP. The SLP staffing shortage is a nationwide issue that is severe in California. FCMAT recommends the district consider offering a signing bonus to SLPs, offering half of the bonus upon hire and the second half at the completion of employees' second year of service.

School Nurses

The district has a 1.0 FTE school nurse and a 0.81 FTE health specialist who is a licensed vocational nurse (LVN). The district does not have a staffing ratio in its contract for school nurses. In 2021-22, the district's average caseload for the 1.0 FTE school nurse was 1,022 students. Compared to the industry standard of 2,274 students per 1.0 FTE school nurse, the district was adequately staffed (0.55 FTE above the industry standard). FCMAT does not recommend changing school nurse staffing, but it needs to monitor caseload averages and student need annually to determine if staffing changes are necessary.

Provider	No. of FTE	2021-22 Total Caseload*	Caseload Average	Industry Standard	District Staffing Above (+) or Below (-) Industry Standard
School Nurses (K-8)	1.0	1,022	1,022	1-to-2,274	+0.55

*DataQuest – 2017-18 Enrollment by Subgroup for Charter and Non-Charter Schools - Reed Union Elementary (CDE).

Sources: CDE, district-provided data and industry standards.

Recommendations

The district should:

1. Regularly analyze whether service provider staffing ratios are aligned with current laws and industry standards.
2. Consider providing training in positive behavior support and conducting FBAs for school psychologists.
3. Consider offering a signing bonus designed to recruit and retain related service providers as necessary.

Unrestricted General Fund Contribution to Special Education

Fiscal Considerations

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

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

In addition to AB 602 state funding, districts receive a small amount of federal funds. These funds are designed to supplement the general education program, not to support a stand-alone program. The combined state and federal financial resources are insufficient to cover even the most efficient special education programs. Districts make contributions to special education from local resources generated by all students, including those in special education. These contributions are the amount of funding that districts must transfer from their unrestricted general funds to pay for the portion of special education costs that exceeds program revenues.

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

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

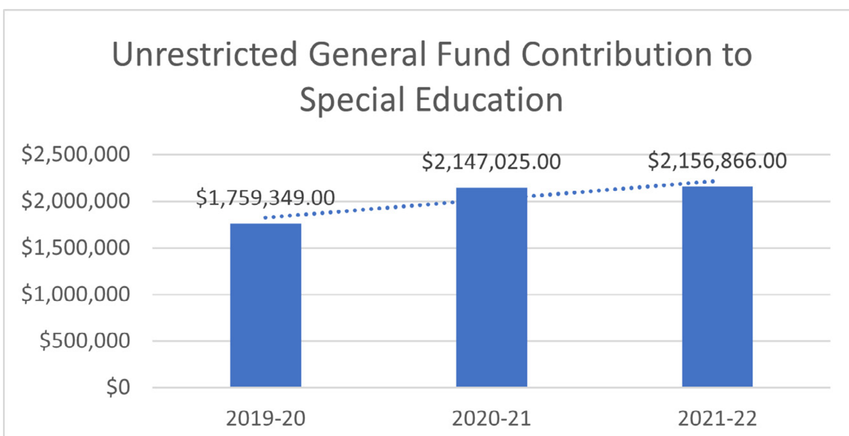
The LCFF was enacted with the passage of the 2013-14 State Budget Act; it replaced the previous K-12 finance system, which was known as revenue limit funding. The formula for school districts and charter schools is composed of uniform base grants by grade spans (transitional kindergarten through grade three, grades four through six, grades seven through eight, and grades nine through 12) and includes additional funding for certain student demographic groups. Post LCFF, state funding for special education continues to be distributed according to AB 602.

Under revenue limit, the funding generated by SDC ADA was transferred from the unrestricted general fund to the special education program. This ADA is no longer reported separately, and the CDE determined the transfer will no longer take place under the LCFF. Because of this, many districts' general fund contributions to special education have increased. These increases do not necessarily indicate increased adverse impacts to districts' resources.

Unrestricted General Fund Contribution to Special Education

The special education finance reporting methods used by districts, county offices and SELPAs can vary. For example, some districts include transportation costs, while others exclude them. There are also variations in how special education funds are allocated through a SELPA's approved allocation plans. Therefore, it is not always possible to accurately compare a district's unrestricted general fund contribution to those of other districts. However, a district should evaluate a contribution that is excessive relative to other districts or that is increasing disproportionately compared to other costs.

District data indicates the district's unrestricted general fund contribution to special education increased between 2019-20 and 2021-22, as shown below. The district codes all special education expenditures to specific special education resources. The district does not apply an indirect rate to any special education resources, which is an important practice to ensure that the district's true special education costs are known.



Source: District-provided data.

The district's unrestricted general fund contribution is shown below as a percentage of total district special education expenditures. It has increased slightly over the past three years.

	2019-20	2020-21	2021-22
Total special education expenditures	$2,596,778	$2,992,005	$3,029,657
General fund contribution to special education federal and state resources	$1,759,349	$2,147,025	$2,156,866
Percentage of Contribution	67.75%	71.76%	71.19%

Source: District-provided data.

In 2019-20, the most recent year for which data is available, the district's unrestricted general fund contribution to special education was 67.75%, slightly higher than the statewide average of 67.17% calculated by School Services of California. The district attributes increased special education costs over the past few years to at least three reasons: contracts with NPAs, certificated and classified salaries, and transportation costs. The district provides special education transportation through a joint powers agreement (JPA) with other school districts. The JPA allows these districts to cooperate and provide a common transportation service while benefiting from the economies of scale of a larger organization. The district's NPA costs are reported in the following section.

Nonpublic Agencies

The district contracts with an NPA, for three 1-to-1 behavioral aides. As previously discussed, staff indicated less restrictive supports, such as a BIP or an extra special education aide for classroom support, are not being exhausted before the assignment of a 1-to-1 behavioral aide. Additionally, it may benefit the district to consider whether there is an operational advantage to restructuring the special education aide positions so that one job classification/description would require an RBT certification to enable the district to hire its own RBTs instead of contracting with an NPA.

Cost of Out of District Placements

When a student's IEP requires a specialized program that is not available in the district, the student may be placed in a Marin SELPA regional program or an NPS.

County Office SELPA Regional Program Costs

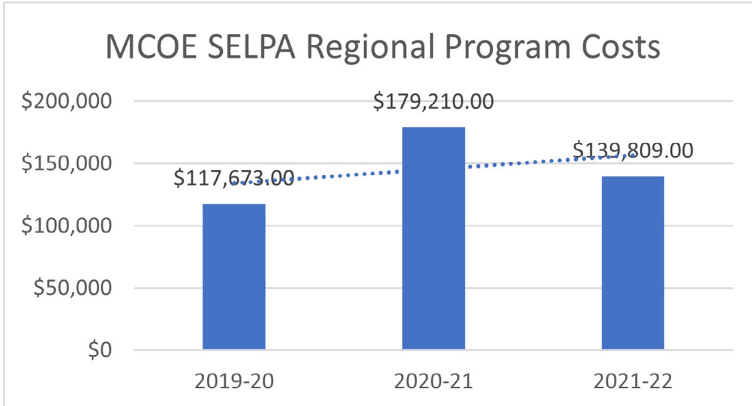
The district accesses Marin SELPA regional programs as necessary, which include SDC, RSP, and designated instruction and services (— DIS — special education related services that are necessary for the student to benefit from his or her special education program). The district's Marin SELPA regional program usage is summarized below.

	SDC	RSP	DIS	Total
2019-20 Pupil Count	4	0	7	11
2020-21 Pupil Count	8	0	9	17
2021-22 Pupil Count	3	1	12	16

Source: District-provided data.

District use of Marin SELPA regional programs, excluding students receiving DIS, has averaged 5.33 students per year over the past three years, while the district's K-8 special education enrollment has averaged 104.33 students. Accordingly, 5.11% of district students in special education have been enrolled in a Marin SELPA regional program over that time, and the district has met local level performance report targets for LRE. The district needs to monitor local level performance report targets annually to ensure the LRE rates for students in separate schools and those in general education less than 40% of the time continue to meet targets.

District costs for Marin SELPA regional programs and services are shown below. Program costs correlate with services provided and have fluctuated but have an upward trend.



Source: District-provided data.

Nonpublic Schools

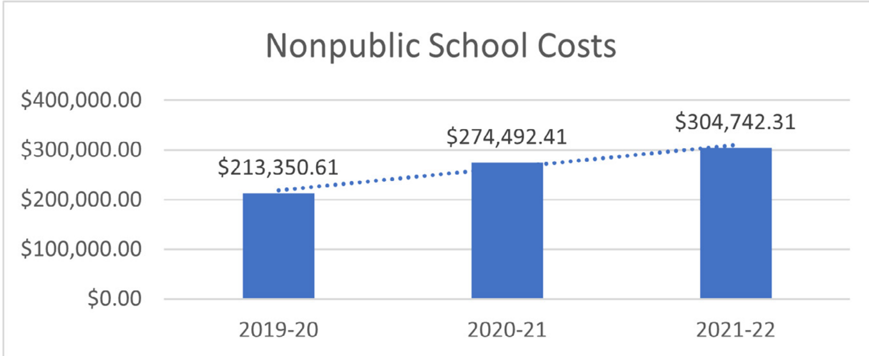
Education Code Section 56034 contains the qualification standards required for an NPS to provide services to students with disabilities. It defines an NPS as “a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the department.” NPSs are an option to serve students with disabilities who need a specialized educational program that is not available in the district. SELPA members negotiate NPS contract rates, and each district develops individual service agreements (ISAs) for the students served. Each NPS has a daily rate, and the ISA outlines the services and any additional costs per student. These costs vary based on the services designated in students’ IEPs.

The number of district students placed in an NPS doubled from five to 10 between 2019-20 and 2021-22, as shown below. Two NPS student placements during this time were the result of a settlement agreement. District use of NPSs has averaged 7.67 students per year over the past three years, while the district’s K-8 special education enrollment has averaged 104.33. Accordingly, 7.35% of district students in special education have been enrolled in an NPS over that time. FCMAT believes this percent is high despite the district meeting local level performance report targets for LRE. The district needs to monitor the LRE rates for students in separate schools annually to ensure they continue to meet targets.

School Year	Number of NPS Students
2019-20	5 Students
2020-21	8 Students
2021-22	10 Students

Source: District-provided data.

Corresponding with the increase in student placements, the district's NPS costs increased by $91,391.70 between 2019-20 and 2021-22.



Source: District-provided data.

Overall, the number of out-of-district placements at Marin SELPA regional programs and NPSs increased from nine students in 2019-20 to 14 students, or 13.59% of students in special education, in 2021-22. District staff reported there has been a preference to look for placements outside of the district instead of building the capacity of district staff to serve a greater variety of student needs. As discussed in the continuum of services section of this report, it would benefit the district to determine training and support needs and to provide ongoing professional development for general education teachers, education specialists and related service providers so more students with IEPs can be served in district programs. In addition, the district needs to regularly perform educational benefit reviews for students in out-of-district placements; IEP teams should analyze this data to determine whether students are benefiting from their IEPs, and they should also consider a variety of educational setting placement options to ensure students are served in the LRE.

Cost of Due Process, Mediation and Settlements

The IDEA requires school districts to implement procedural safeguards for children with exceptional needs. When disputes arise over identification, evaluation, educational placement or the provision of FAPE, the procedural safeguards outline steps to resolve disagreements at the lowest level (EC Section 56500.3). Special education is a highly litigated area of federal law, and the main cause of most litigation is disputes over the provision of FAPE. The district does not have a process for monitoring student IEPs for compliance with the IDEA's procedural and substantive requirements.

The district does not maintain account codes to differentiate between legal costs for activities such as due process, mediation, settlement, general advice, so FCMAT was unable to analyze these costs. Staff reported there has not been a due process filing in the past three school years. The district's total special education legal costs over the past three school years are summarized below.

	2019-20	2020-21	2021-22
Legal Costs	$37,592	$235,601	$95,954

Source: District-provided data.

Recommendations

The district should:

1. Continue to monitor its unrestricted general fund contribution to special education.
2. Consistently apply an indirect rate to special education resources.
3. Analyze the costs and benefits of hiring district RBTs versus continuing to contract with an NPA for these services. If the district hires RBTs, it needs to consider how to provide corresponding BCBA supervision and support.
4. Monitor students in out-of-district placements regularly and perform educational benefit reviews annually to determine whether students are benefiting from their IEPs and whether their educational setting placements are appropriate and in the LRE.
5. Account code revenues and expenditures with sufficient detail to allow an understanding of program specifics (i.e. legal expenses activities).

Appendix

Appendix A — Study Agreement

Appendix A — Study Agreement

30TH ANNIVERSARY FCMAT

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM
DRAFT STUDY AGREEMENT
September 14, 2022

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the Reed Union School District, hereinafter referred to as the district, mutually agree as follows:

1. **BASIS OF AGREEMENT**

The team provides a variety of services to local education agencies (LEAs). The district has requested that the team assign professionals to study specific aspects of the district's operations. These professionals may include staff of the team, county offices of education, the California Department of Education, school districts, or private contractors. All work shall be performed in accordance with the terms and conditions of this agreement.

In keeping with the provisions of Assembly Bill 1200, the county superintendent will be notified of this agreement between the district and FCMAT and will receive a copy of the final report. The final report will also be published on the FCMAT website.

2. **SCOPE OF THE WORK**

A. Scope and Objectives of the Study

1. Review the district's implementation of student success teams, response to intervention, and multi-tiered system of supports, and make recommendations for improvement, if any.
2. Analyze special education teacher staffing ratios, class and caseload size using statutory requirements for mandated services and statewide guidelines, and make recommendations for improvement, if any.
3. Review the efficiency of staffing allocations of special education paraeducators, per education code requirements and/or industry standards, and make recommendations for improvement, if any. Review the procedures for identifying the need for paraeducators, including least restrictive environment and the processes for monitoring the assignment of paraeducators and determining the ongoing need for continued support from year to year. (Include classroom and 1-to-1 paraeducators.)
4. Analyze staffing and caseloads for related service providers, including, but not limited to, speech pathologists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education, and other staff who may related service providers, and make recommendations for improvement, if any.
5. Determine whether the district overidentifies students for special education services compared to the statewide and countywide averages, and make recommendations that will reduce over identification, if needed.

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6. Analyze whether the district provides a continuum of special education and related services from preschool through age 22, including placements in the least restrictive environments, and make recommendations for improvement, if any.

7. Review 504 placements after a student is exited from special education and related services, and make recommendations for improvement, if any.

8. Review COE, nonpublic school and nonpublic agency costs and placements and make recommendations for improving the process for placement and cost efficiencies, if any.

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

10. Review the costs of due process, mediations, and settlements for the past three years and make recommendations for improvements, if any.

11. Review the district's unrestricted general fund contribution to special education and make recommendations for greater efficiency, if any.

B. Services and Products to be Provided

1. Orientation Meeting – The team will conduct an orientation session at the district to brief district management and supervisory personnel on the team's procedures and the purpose and schedule of the study.

2. On-site Review – The team will conduct an on-site review at the district office and at school sites if necessary.

3. Exit Meeting – The team will hold an exit meeting at the conclusion of the on-site review to inform the district of significant findings and recommendations to that point.

4. Exit Letter – Approximately 10 days after the exit meeting, the team will issue an exit letter briefly memorializing the topics discussed in the exit meeting.

5. Draft Report – Electronic copies of a preliminary draft report will be delivered to the district's administration for review and comment.

6. Final Report – Electronic copies of the final report will be delivered to the district's administration and to the county superintendent following completion of the review. Printed copies are available from FCMAT upon request.

7. Follow-Up Support – If requested by the district within six to 12 months after completion of the study, FCMAT will return to the district at no cost to assess the district's progress in implementing the recommendations included in the report. Progress in implementing the recommendations will be documented to the district

in a FCMAT management letter. FCMAT will work with the district on a mutually convenient time to return for follow-up support that is no sooner than eight months and no later than 18 months after completion of the study.

3. **PROJECT PERSONNEL**

The FCMAT study team may include:

To be determined	***FCMAT Staff***
To be determined	***FCMAT Consultant***

4. **PROJECT COSTS**

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

A. $800 per day for each staff member while on site, conducting fieldwork at other locations, preparing or presenting reports, or participating in meetings. The cost of independent FCMAT consultants will be billed at their actual daily rate for all work performed.

B. All out-of-pocket expenses, including travel, meals and lodging.

C. The district will be invoiced at actual costs, with 50% of the estimated cost due following the completion of the on-site review and the remaining amount due upon the district's acceptance of the final report.

Based on the elements noted in section 2A, the total not-to-exceed cost of the study will be $12,100.

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

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

5. **RESPONSIBILITIES OF THE DISTRICT**

A. The district will provide office and conference room space during on-site reviews.

B. The district will provide the following if requested:

1. Policies, regulations and prior reports that address the study scope.
2. Current or proposed organizational charts.
3. Current and two prior years' audit reports.
4. Any documents requested on a supplemental list. Documents requested on the supplemental list should be provided to FCMAT only in electronic format; if only hard copies are available, they should be scanned by the district and sent to FCMAT in electronic format.

5. Documents should be provided in advance of fieldwork; any delay in the receipt of the requested documents may affect the start date and/or completion date of the project. Upon approval of the signed study agreement, access will be provided to FCMAT's online SharePoint document repository, where the district will upload all requested documents.

C. The district's administration will review a draft copy of the report resulting from the study. Any comments regarding the accuracy of the data presented in the report or the practicability of the recommendations will be reviewed with the team prior to completion of the final report.

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

6. PROJECT SCHEDULE

The following schedule outlines the planned completion dates for different phases of the study and will be established upon the receipt of a signed study agreement:

Orientation:	to be determined
Staff Interviews:	to be determined
Exit Meeting:	to be determined
Draft Report Submitted:	to be determined
Final Report Submitted:	to be determined
Board Presentation:	to be determined, if requested
Follow-Up Support:	if requested

7. COMMENCEMENT, TERMINATION AND COMPLETION OF WORK

FCMAT will begin work as soon as it has assembled an available and appropriate study team consisting of FCMAT staff and independent consultants, taking into consideration other jobs FCMAT has previously undertaken and assignments from the state. The team will work expeditiously to complete its work and deliver its report, subject to the cooperation of the district and any other parties from which, in the team's judgment, it must obtain information. Once the team has completed its fieldwork, it will proceed to prepare a draft report and a final report. Prior to completion of fieldwork, the district may terminate its request for service and will be responsible for all costs incurred by FCMAT to the date of termination under Section 4 (Project Costs). If the district does not provide written notice of termination prior to completion of fieldwork, the team will complete its work and deliver its report and the district will be responsible for the full costs. The district understands and agrees that FCMAT is a state agency and all FCMAT reports are published on the FCMAT website and made available to interested parties in state government. In the absence of extraordinary circumstances, FCMAT will not withhold preparation, publication and distribution of a report once fieldwork has been completed, and the district shall not request that it do so.

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8. **INDEPENDENT CONTRACTOR**

FCMAT is an independent contractor and is not an employee or engaged in any manner with the district. The manner in which FCMAT's services are rendered shall be within its sole control and discretion. FCMAT representatives are not authorized to speak for, represent, or obligate the district in any manner without prior express written authorization from an officer of the district.

9. **INSURANCE**

During the term of this agreement, FCMAT shall maintain liability insurance of not less than $1 million unless otherwise agreed upon in writing by the district, automobile liability insurance in the amount required under California state law, and workers' compensation as required under California state law. Upon the request of the district and the receipt of the signed study agreement, FCMAT shall provide certificates of insurance, with XXX named as additional insured, indicating applicable insurance coverages.

10. **HOLD HARMLESS**

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

11. **COVID-19 PANDEMIC**

Because of the existence of COVID-19 and the resulting shelter-in-place orders, local educational agency closures and other related considerations, at FCMAT's sole discretion, the Scope of Work, Project Costs, Responsibilities of the District (Sections 2, 4 and 5 herein) and other provisions herein may be revised. Examples of such revisions may include, but not be limited to, the following:

A. Orientation and exit meetings, interviews and other information-gathering activities may be conducted remotely via telephone, videoconferencing, etc. References to on-site work or fieldwork shall be interpreted appropriately given the circumstances.

B. Activities performed remotely that are normally performed in the field shall be billed hourly as provided as if performed in the field (excluding out-of-pocket costs).

C. The district may be relieved of its duty to provide conference and other work area facilities for the team.

12. **FORCE MAJEURE**

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

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13. CONTACT PERSON

Name: Brian Lynch, Director of Student Services
Telephone: (415) 381-1112
E-mail: blynch@reedschools.org

Dr. Kimberly McGrath 9.14.22

Dr. Kimberly McGrath, Superintendent
Reed Union School District

Date

Michael H. Fine 9/15/22

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

Date

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