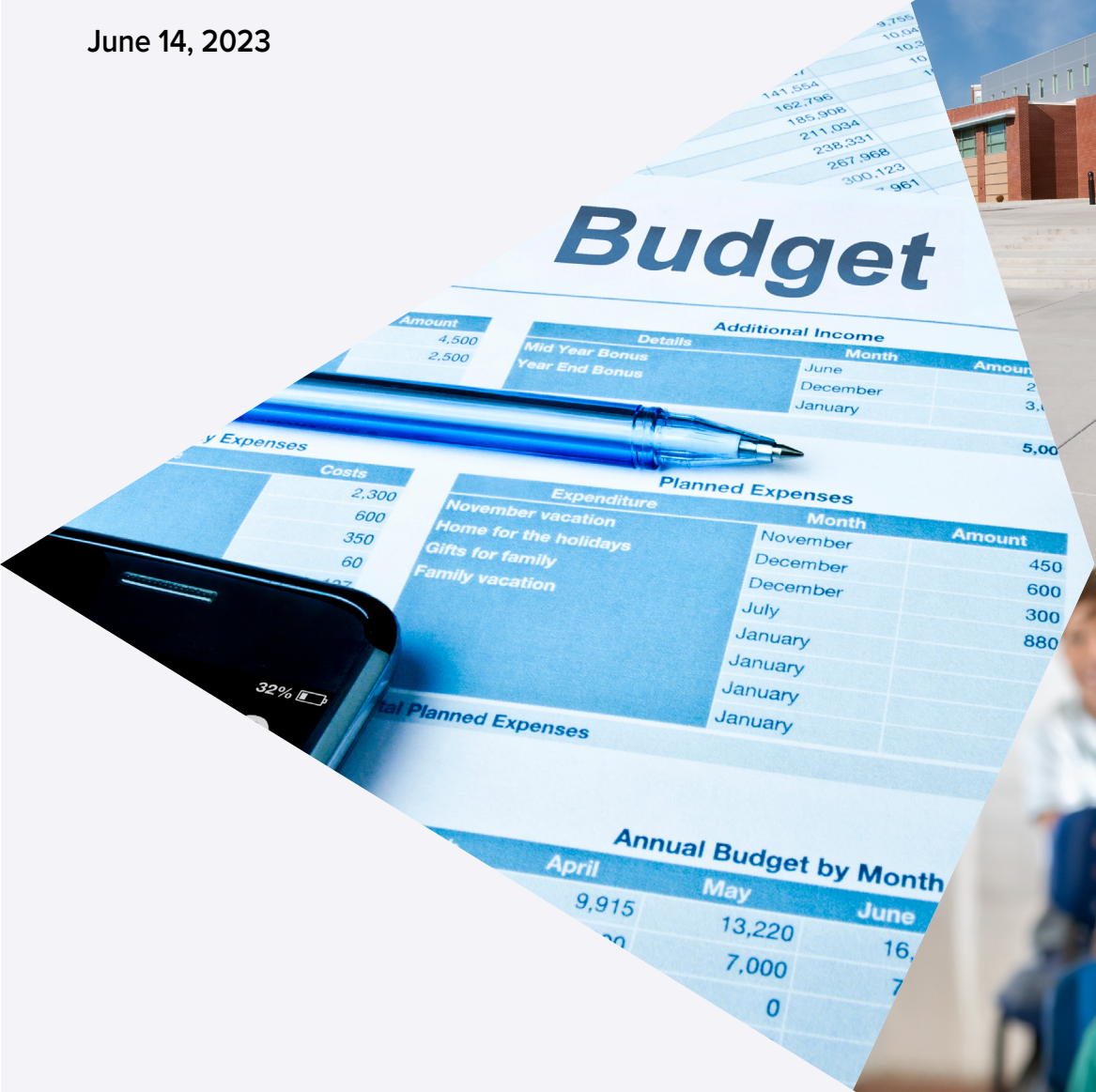


Special Education Review

June 14, 2023



San Leandro Unified School District

Michael H. Fine
Chief Executive Officer

FCMAT

FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

June 14, 2023

Michael McLaughlin, Ed.D., Superintendent
San Leandro Unified School District
835 E. 14th Street, Suite 200
San Leandro, CA 94577

Dear Superintendent McLaughlin:

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

1. 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 and class and caseload sizes 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 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 teachers, 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 statewide and countywide averages, and make recommendations that will reduce overidentification, if needed.
6. Analyze whether the district provides a continuum of special education and related services for students from preschool through age 22, including placements in the least restrictive environment, and make recommendations for improvement, if any.
7. Review the cost of and placement of students in county office of education, nonpublic school and nonpublic agency programs, and make recommendations for improving the process for placement and cost efficiencies, if any.
8. Review the organizational structure and staffing of the special education department in the district's central office to determine whether administration, clerical and administrative support, program specialists, teachers on special assignment and overall function are aligned with those of districts of comparable size and structure, and make recommendations for greater efficiencies, if needed.

9. Review special education transportation for efficiency and effectiveness, and provide recommendations for potential cost savings measures, if any. The review will include but not be limited to the role of the individualized education programs (IEPs), routing, scheduling, operations, and staffing.
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 report contains the study team's findings and recommendations.

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

Sincerely,

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

Michael H. Fine
Chief Executive Officer

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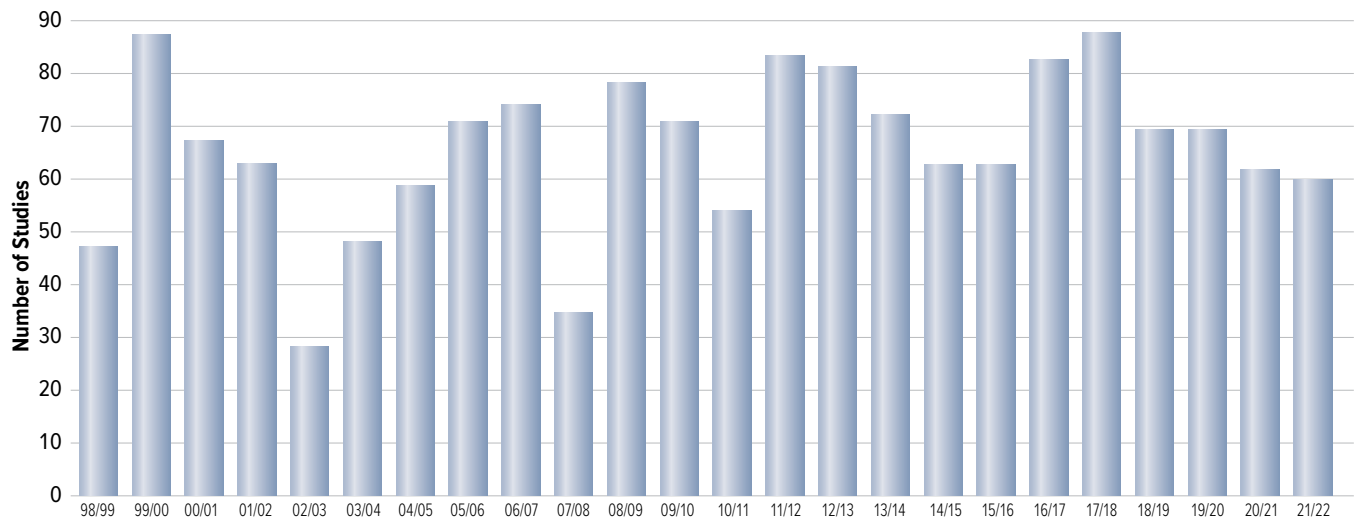
About FCMAT

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.

Studies by Fiscal Year



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 San Leandro Unified School District serves the community of San Leandro. According to [DataQuest](#), 8,712 kindergarten through grade 12 (K-12) students were enrolled in schools in the district in 2021-22. The district is composed of 14 schools, including eight elementary schools, two middle schools, one comprehensive high school, one continuation high school, one adult school and one school for independent study. It is a member of the Mid-Alameda County Special Education Local Plan Area (SELPA), which is a regional service delivery model for special education. In 2021-22, 14.37% of the district's K-12 students were identified as requiring special education, which was above the statewide average of 12.65%.

In November 2022, the district and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to conduct a review of the district's special education program. This review updates the [2014 FCMAT Special Education Review \(2014 FCMAT study\)](#).

Study and Report Guidelines

FCMAT visited the district on January 17 and 18, 2023, to conduct interviews with district administrators, special education teachers, special education paraeducators, and related service providers. Following fieldwork, FCMAT reviewed and analyzed data and documents, and conducted additional interviews via Zoom on January 19, February 2, February 8, and March 1, 2023. This report is the result of those activities.

FCMAT's reports focus on systems and processes that may need improvement. Those that may be functioning well are generally not commented on in FCMAT's reports. In writing its reports, FCMAT uses the Associated Press Stylebook, 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

Mike Rea
FCMAT Consultant

Leonel Martínez
FCMAT Technical Writer

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

Executive Summary

The San Leandro Unified School District is composed of 14 schools, including eight elementary schools, two middle schools, two high schools, one adult school and one school for independent study. It is a member of the Mid-Alameda County SELPA.

FCMAT conducted an informal survey of central office special education department staffing in several unified school districts with similar enrollments and unduplicated pupil percentages (UPPs) to that of San Leandro Unified. Seven districts responded.

Comparison districts have an average of 4.86 FTE administrator positions and 2.93 FTE administrative support positions for special education in the central office; San Leandro Unified has 5.0 FTE administrator and 2.0 administrative support positions. While special education administrator staffing is comparable to similar districts and adequate to meet department needs, the district has 0.93 FTE fewer special education administrative support positions in the central office than comparison districts. The district should consider hiring an additional special education administrative support position to perform tasks being accomplished by Special Education Department administrators.

While the district's census day enrollment has declined over the past five years, its special education enrollment has increased. In 2021-22, 14.37% of the district's K-12 students were identified as requiring special education, which was above the county and state averages. The district's increasing percentage of students enrolled in special education appears to be caused by its multitiered systems of support (MTSS) and student exit procedures from special education as described below.

- **Multitiered Systems of Support** - While the district has made significant progress toward implementing Multitiered Integrated Intervention Support System (MIISS) since FCMAT's 2014 study, the district's MIISS has not realized its full potential yet. To improve its MIISS, the district needs to continue to focus on filling vacant intervention positions and using universal design for learning (UDL) as a framework and a lens to provide best first instruction for all district students. In addition, the district could refocus on positive behavior interventions and supports (PBIS).
- **Student Exit Procedures from Special Education** - Many district staff indicated that certain students in special education are not transferred (exited) from special education according to the two-pronged test at their triennial individualized education program (IEP) meeting if they no longer qualify for special education. Students experience less stigma, have increased access to rigorous instruction given in the general education curriculum, and more interactions with their typically developing peers when they are not enrolled in the special education program. In addition, general education students can continue to access academic and behavioral interventions and supports through the district's MIISS. A student's exit from special education is an occasion to celebrate. The district could evaluate its special education exit rates at least by school, grade level, and disability, and provide professional development on proper exit procedures from special education as necessary.

FCMAT found the district offers a full continuum of special education options and services through district programming, Mid-Alameda County SELPA district partnership programs, and nonpublic schools. However, the district needs to emphasize and better support continuum-of-service options allowing special education students access to general education for at least 80% of their school day. According to the last available [2020-21 Annual Performance Report](#) the district does not educate nearly enough of its students in special education in general education settings for at least 80% of the school day (46.37% of district

students in special education are educated in general education settings for at least 80% of the school day compared to the federal target of 58% or higher). The district needs to focus on providing ongoing professional development for general and special education teachers, paraeducators, related service providers, and administrators on evidence-based practices, such as UDL and MTSS, identified in “One System: Reforming Education to Serve ALL Students, Report of California’s Statewide Task Force on Special Education,” to better support special education students in general education environments.

FCMAT analyzed the adequacy of special education staffing for special education teachers, paraeducators, and related service providers using statewide guidelines and industry standards. Overall, special education teacher staffing was aligned with industry standards. The district needs to evaluate enrollment projections to determine if it can reduce preschool special day class (SDC) teachers by 1.0 FTE as their class sizes are below industry standards. The district employs paraeducators under two distinct job descriptions. It needs to determine whether it would be an operational advantage to add a special education paraeducator position that would require a registered behavior technician (RBT) certification. FCMAT found related service provider staffing was aligned with industry standards, except for school psychologists, whose staffing is below the industry standard. The district could consider converting the temporary 1.0 FTE school psychologist position into a permanent position and adding an additional 1.0 FTE of that position (for a total of 2.0 FTE) to align with industry standards and better meet district assessment needs.

FCMAT analyzed the district’s general fund contribution to the special education program. Between 2017-18 and 2020-21, the unrestricted general fund contribution to special education as a percentage of total district special education expenditures remained stable and averaged 68.5%. In 2021-22, it decreased by 9% to 59%, which was lower than the statewide average of 64.3% calculated by School Services of California. The decrease was due to new early intervention funds and one-time COVID funds, which collectively totaled more than \$2 million and skewed the district’s general fund contribution trend in 2021-22.

The district contracts with nonpublic agencies for special education transportation service. There are 312 special education students who have transportation listed as a required related service in their IEP. Of those 312 students, 239 are transported four different ways. Most students are transported by First Student, a nonpublic agency. A small number of parents transport their child and receive a mileage reimbursement in lieu of district transportation service. A formal contract needs to be developed for this arrangement.

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 Statewide Special Education Task Force Project Summary (project summary) stated:

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

This project summary 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 project summary identified a need to transform the 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.

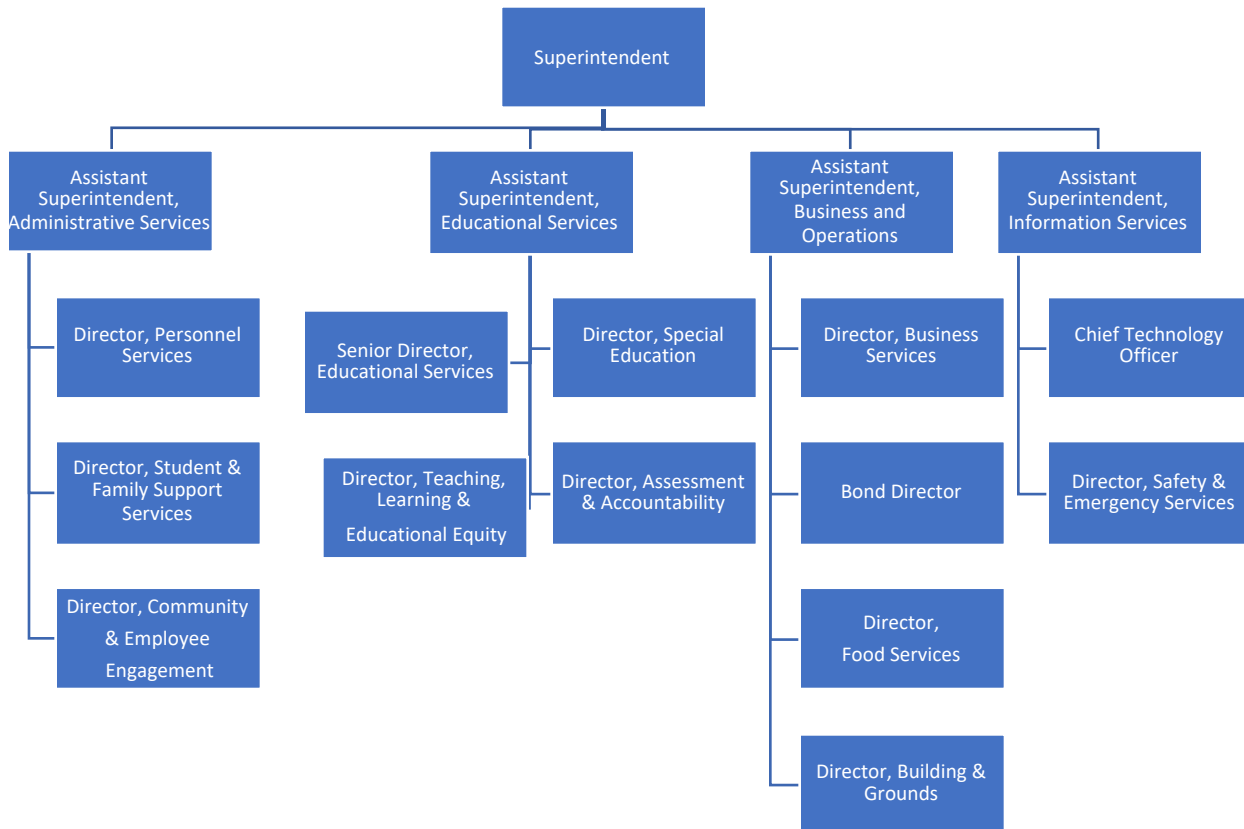
In 2020, the CDE assigned WestEd to report on policy and system changes that have affected students with disabilities since the 2015 report on One System. The 2021 WestEd report, “California’s Progress Toward Achieving ONE SYSTEM: Reforming Education to Serve ALL Students,” explains that the 2015 report 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, continuum of service options, practices, and progress towards meeting FCMAT’s 2014 study’s recommendations, and to inform current recommendations for improvement.

District Organization and Structure to Support Students Receiving Special Education Services

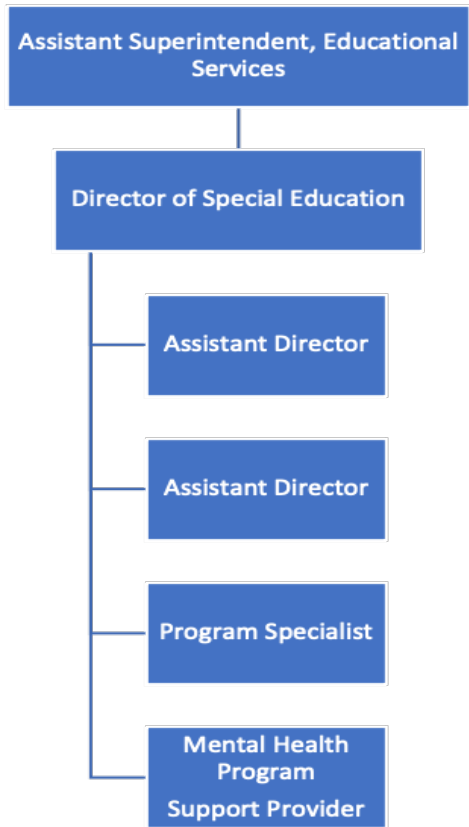
District Structure

The district is organized as shown below.



Source: District provided data.

The district’s director of special education supports the special education program and staff. The Special Education Department is organized as shown below.



Source: District-provided data.

Special Education Central Office Staffing

At the time of the 2014 FCMAT study, the Special Education Department’s central office leadership team included a director and two program specialists (2.6 FTE total). The district has reconfigured the department and added assistant director of special education and mental health program support provider positions. The department has 5.0 FTE leadership positions in the central office as shown below.

San Leandro Unified Position Title	Director of Special Education	Assistant Director of Special Education	Program Specialist	Mental Health Program Support Provider	Total FTE
Number of Positions	1	2*	1	1	5
Total FTE	1.0	2.0	1.0	1.0	5.0

* 0.2 FTE of each position is funded outside of special education resources.

Source: District-reported data.

At the time of the 2014 and 2023 FCMAT studies, the Special Education Department had two administrative support staff (2.0 FTE total).

San Leandro Unified Position Title	Number of Positions	Total FTE
Administrative Assistant	1	1.0
Office Technician	1	1.0
Total	2	2.0

Source: District-reported data.

Special Education Staffing Comparison

FCMAT conducted an informal survey of unified school districts in California with similar enrollment and UPP. The table below shows the responses from seven districts that replied to FCMAT's request for information on central office special education department staffing. FCMAT requested information in two areas:

1. Central office administrator/leadership positions, including positions such as directors, assistant directors, coordinators, program specialists, and teachers on special assignment (TOSAs).
2. Central office administrative support positions, including positions such as secretaries, administrative assistants, filing clerks, and data technicians.

Comparison districts have an average of 4.86 FTE administrator/leadership positions supporting special education in the central office; San Leandro Unified has 5.0 FTE. Comparison districts have an average of 2.93 FTE special education administrative support positions in the central office; San Leandro Unified has 2.0 FTE.

District Name	County Name	2021-22 Census Day Enrollment / UPP%*	FTE Administrator/Leadership Positions**	FTE Administrative Support Positions**
Azusa Unified	Los Angeles	7,187 / 85.39%	4.0	4.0
Calexico Unified	Imperial	8,563 / 90.27%	2.5	2.5
Morongo Unified	San Bernardino	7,580 / 71.35%	5.0	3.0
Paso Robles Unified	San Luis Obispo	6,539 / 64.87%	6.0	3.0
Ukiah Unified	Mendocino	6,552 / 72.45%	4.0	2.0
Washington Unified	Yolo	8,194 / 61.08%	6.0	2.0
Woodland Joint Unified	Yolo	9,517 / 72.39%	6.5	4.0
Average FTE***			4.86	2.93
San Leandro Unified	Alameda	8,712 / 76.04%	5.0	2.0

*EdData - Comparisons (ed-data.org).

**District-reported information to FCMAT survey.

***San Leandro Unified was excluded when calculating average FTE.

Source: EdData and informal FCMAT survey. TOSAs were included in administrator FTE if they performed administrator support functions in the central office. Any variances in FTE are due to FCMAT's interpretation of the information shared via survey.

The Special Education Department's central office administrator/leadership staffing is comparable to similar districts and adequate to meet department needs. However, the district has 0.93 FTE fewer special education administrative support positions in the central office than comparison districts. Special education administrators perform certain administrative support functions such as managing special education transportation. The district needs to consider hiring an additional special education administrative support position to perform these administrative support tasks so administrators can focus on special education program support.

Recommendation

The district should:

1. Consider adding a 1.0 FTE special education administrative support position in the central office.

Continuum of Service Options for Students in Special Education

The Individuals with Disabilities Education Act (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)). In addition, districts need to align their practices and systems with the 2015 report on One System and to shift the mindset so that students in special education are considered general education students who receive specialized services.

In 2014, FCMAT found the district was offering a full continuum of special education programs and services. However, FCMAT described the continuum as:

...ranging from mainstreaming in general education classrooms with resource program level support to moderate to severe programs with significant restriction from the general education environment. Many of these options are outdated and do not reflect exemplary program delivery practice in California school districts.

FCMAT noted “a more robust continuum would allow students to remain in district programs and reduce the need for costly out-of-district placements.” In 2023, FCMAT analyzed the district’s continuum of services, the special education program’s alignment with the 2015 report on One System, and whether the district made progress toward meeting the 2014 FCMAT study’s recommendations.

After the 2014 FCMAT study, the district’s Special Education Department developed the following guiding principles.

Mission:

The purpose of Special Education is to provide a high quality, safe and inclusive educational program that support students with special needs to reach their full academic and behavioral potential in preparation for life and success in college and career through specialized services provided, to the maximum extent possible and appropriate, in the general education learning environment.

Core Beliefs:

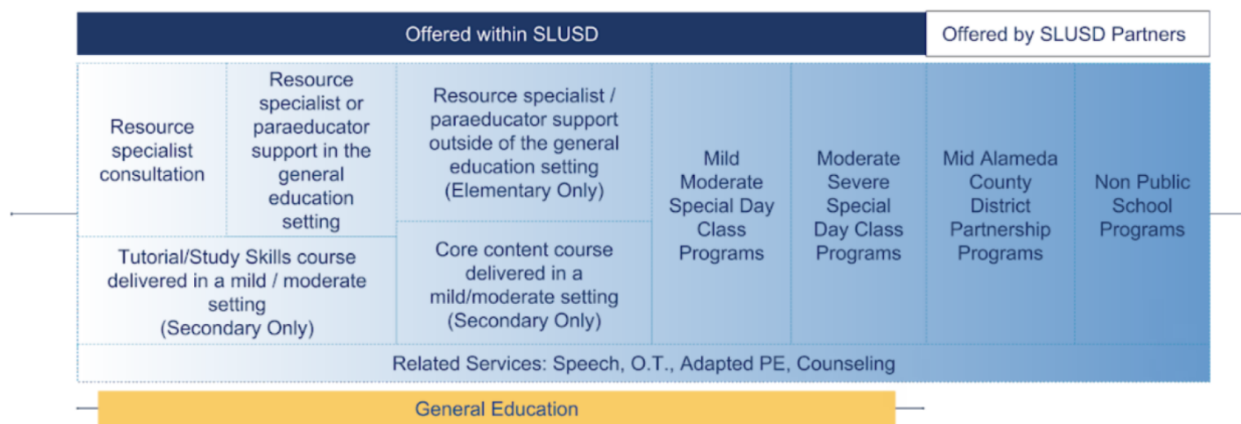
- Effective general education is the key to improving special education.
- Collaboration among educators leads to improved student achievement.
- Each student has the right to a challenging, rewarding and inclusive education.
- All students can learn, and it is our responsibility to ensure that they do.

These principles strongly align with the 2015 report on One System in emphasizing high expectations for students with disabilities, collaboration among staff members, and access for students with disabilities to general education learning environments. Additionally, the focus on access for students with disabilities to general education environments is congruent with the 2014 FCMAT study’s findings and recommendations. However, the Special Education Department’s principles are aspirational and not yet fully realized. As ana-

lyzed in the “Special Education Student Identification, Performance and Outcomes” section of this report, according to the last available 2020-21 Annual Performance Report, the district does not educate nearly enough of its students who are in special education in the general education settings for at least 80% of the school day (46.37% of district students in special education are educated in general education for at least 80% of the school day compared to the federal target of 58% or higher). Thus, in 2023, the district’s continuum of service options for students in special education continues to excessively limit student access to general education and typically developing peers even though these are essential to maximize the performance and outcomes of students with disabilities.

The district offers the following special education continuum of services, which are delivered in the district or through district partners such as the Mid-Alameda County SELPA and nonpublic schools (NPSs).

San Leandro Unified School District Special Education Continuum of Services



Source: District-provided document.

While many districts across the state have reduced or phased out SDC programs for students with mild to moderate service needs, the district continues to offer these programs. They are described in the district’s Special Education Program Guide as:

Mild/Moderate Education Specialists supplement the general education program to meet the needs of students identified as requiring individualized support in specific areas, but who are able to satisfy the general education curriculum without modification. The mild/moderate Education Specialist will support students who are in special day class setting for the majority of the day. Effective methods of instruction for this program include, but are not limited to, direct instruction, small group instruction, supported teaching, and collaboration.

During interviews, certain staff reported students with disabilities who have mild to moderate service needs cannot be supported in general education through coteaching or push-in or pull-out specialized academic instruction. Other staff recommended the district expand the number of SDC programs to allow additional students in special education to be placed there. These beliefs directly contradict the 2015 report on One System, which states special education services are a program under general education and not a place for students to receive more or different services. Therefore, the district needs to focus on understanding what professional learning and other resources staff need to support a greater number of special education students, particularly those who have mild to moderate service needs, in general education environments for a larger percent of their school day. During interviews, staff advised that general education teachers would benefit from additional training in disability awareness and differentiation strategies, having a growth

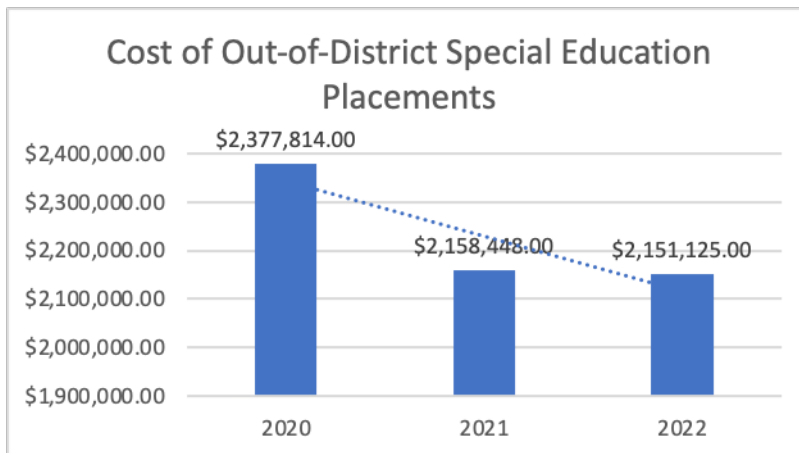
mindset, and on how to provide positive behavioral supports. The district also needs to continue prioritizing training for all staff in UDL to support the inclusion of students with disabilities in general education.

Overall, in 2023 the district continues to offer a full continuum of special education options and services through district programming, Mid-Alameda County SELPA district partnership programs and NPSs. However, the district needs to emphasize and better support continuum-of-service options allowing students in special education access to general education for at least 80% of their school day. Instead of considering opening additional SDC programs, which limit access to general education, the district needs to focus on providing ongoing professional development for general and special education teachers, paraeducators, related service providers, and administrators on evidence-based practices identified in the 2015 report on One System to better support special education students in general education.

Out-of-District Student Placements

Part of the district’s continuum of special education options and services includes out-of-district placements in Mid-Alameda County SELPA district partnership programs and NPSs. Education Code (EC) 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.

The district’s out-of-district placement costs are declining and have decreased by \$226,689 since 2020.



Source: District-provided data.

As analyzed in the “Special Education Student Identification, Performance and Outcomes” section of this report, according to the last available 2020-21 Annual Performance Report the district educates too many special education students in schools like NPSs, which are considered separate settings because students lack access to general education environments (2.92% of district special education students are educated in separate schools compared to the federal target of less than 2.9%). The district needs to monitor NPS enrollment and ensure the IEPs of students attending NPSs include goals to build the skills necessary for them to return to district programs.

Progress from the 2014 FCMAT Review - Continuum of Service Options

In 2014, FCMAT provided recommendations related to the district's continuum of service options for students in special education. A progress report on key recommendations is outlined below.

Special Education Task Force

- *2014 Recommendation - Form a special education task force composed of representatives from all stakeholder groups to research exemplary special education programs and make recommendations that will lead to the development of a strategic plan. This plan will define the service delivery model for supporting students with special needs.*

The district formed a Special Education Task Force in 2015 composed of students, parents, teachers, administrators, and staff representatives who participated in collaborative sessions over the course of one year. During sessions, stakeholders discussed the district programs, researched exemplary programs in the state and nation, and designed the district's Special Education Strategic Plan to improve support for students with disabilities. The district's Special Education Strategic Plan exists to:

...define the structure of programs for students with special needs in order that they may access standards-aligned content, high quality learning environments, individualized support and resources in the least restrictive environment with priority placed on integration with general education peers.

Organized around the following five priorities, the Special Education Strategic Plan was developed to serve as "the backbone of a highly effective special education program."

1. Intervention and Identification
2. Service Delivery Model
3. Support Systems
4. Leadership and Communication
5. Monitoring and Compliance

Each of the five priorities had a central goal, strategies to address the goal and action steps that outline the sequence of implementation. The district's Special Education Task Force and resulting 2015-16 Special Education Strategic Plan meet FCMAT's 2014 recommendation. However, staff indicated the plan has not been monitored or revisited since approximately 2018-19, and certain strategies and action steps have been fully implemented while others have not. The district could revisit and update the 2015-16 Special Education Strategic Plan with an emphasis on collaboration and shared responsibility between general and special education educators and maximizing access for students with disabilities to the general education classroom.

Service Delivery Models

- *2014 Recommendation - Review special education program service delivery models and align to industry standards, maximizing student access to mainstream classroom and typical peers.*

Priority 2 of the district's 2015-16 Special Education Strategic Plan addressed updating the special education service delivery model. Priority 2's goal mentioned providing "equitable access for students into the general education classroom using the collaborative efforts of all stakeholders," which is congruent with FCMAT's 2014 recommendation. Certain key actions from this priority have been accomplished such as including students with IEPs on general education classroom rosters and defining a new service delivery model. However, other key actions need to be reconsidered. For instance:

...collaboration opportunities between and among general education and special education teachers, instructional assistants (para educators) and other support personnel related to curriculum development, instructional strategies, and differentiation to provide high quality instruction in the classroom.

The standard paraeducator schedule does not support collaboration opportunities even though these opportunities are critical so those in this position can be knowledgeable about the general education curriculum, and instructional support and differentiation strategies. The district needs to establish scheduled time for paraeducator training and collaboration. In addition, while collaboration between general and special education staff "to coordinate support for teaching and learning" was reported in interviews to have improved significantly since the 2014 FCMAT study, further growth is needed. For example, the district is implementing a coteaching model (called lead and support) at the high school and in certain elementary and middle school classrooms. Many staff reported this model has limited effectiveness because there is no dedicated collaboration time for coteaching pairs through either a common preparation period or other regular meeting time. This is a key component of effective coteaching programs.

Curriculum and Instructional Materials

- *2014 Recommendation - Ensure that all special education teachers and students have access to high quality, district adopted, and state approved instructional materials aligned to grade level standards.*

Since the 2014 FCMAT study, the district has adopted new state-approved curriculum for mathematics and English language arts. Representatives from the Special Education Department were involved in the instructional materials selection and adoption process. Additionally, these materials were purchased for the district's mild/moderate SDCs so students with disabilities in these programs can access district adopted general education curriculum, which meets FCMAT's 2014 recommendation. The district also now includes the SDCs in their monitoring for compliance with the Williams settlement legislation.

Interdepartment Collaboration

- *2014 Recommendation - Establish strong communications between the Curriculum and Instruction and Special Services departments to ensure that special education programs are valued and included in district planning and decision making related to curriculum and instruction.*

Staff reported special education staff are included in district planning and decision making as recommended in the 2014 FCMAT study. For example, representatives from the Special Education Department have been included in major curriculum and instruction initiatives such as grading for equity and project-based learning, and new curriculum adoptions for mathematics and English language arts.

Additionally, the director of special education meets regularly with the assistant superintendent of educational services and has established strong, regular communication with the assistant superintendent of business and operations, the director of assessment and accountability, the senior director of educational

services, and the director of teaching, learning and educational equity through monthly meetings. This meets the 2014 FCMAT recommendation.

IEP Team Out-of-District Placement and Return Guidelines

- *2014 Recommendation - Develop guidelines for IEP teams to follow in considering out-of-district placements in county programs, state regional programs, and/or nonpublic schools.*
- *2014 Recommendation - Develop procedures for student placement at nonpublic schools and/or nonpublic agencies to include fading plans to return students to mainstream educational environments as rapidly as possible.*

Staff reported guidelines and procedures addressing these 2014 recommendations have not been developed. FCMAT continues to recommend these guidelines and procedures be created and staff receive training on them.

Recommendations

The district should:

1. Use the 2015 report on One System and 2021 West Ed report as a guide to focus on coherence, inclusive practices, and integrated systems to develop a comprehensive system of education that supports positive outcomes for all students. In this system, special education students should be viewed as general education students first, and all educators should understand they have a collective responsibility for all students.
2. Provide ongoing professional development for general and special education teachers, paraeducators, related service providers, and administrators on how to support special education students in general education. Continue to focus on UDL.
3. Increase the percentage of students with disabilities who access general education for at least 80% of their school day, with a focus on meeting/exceeding federal targets on the Annual Performance Report.
4. Revisit and update the 2015-16 Special Education Strategic Plan, with an emphasis on collaboration and shared responsibility between general and special education educators and maximizing access for students with disabilities to the general education classroom.
5. Determine how regular collaboration time for coteaching pairs can be provided through either a common preparation period or other regular meeting time.
6. Establish scheduled time for paraeducator training and collaboration.
7. Decrease the percentage of students with disabilities who are educated in separate settings, with a focus on meeting/exceeding federal targets on the Annual Performance Report. Monitor NPS enrollment and ensure the IEPs of students attending NPSs include goals to build skills necessary for them to return to district programs.

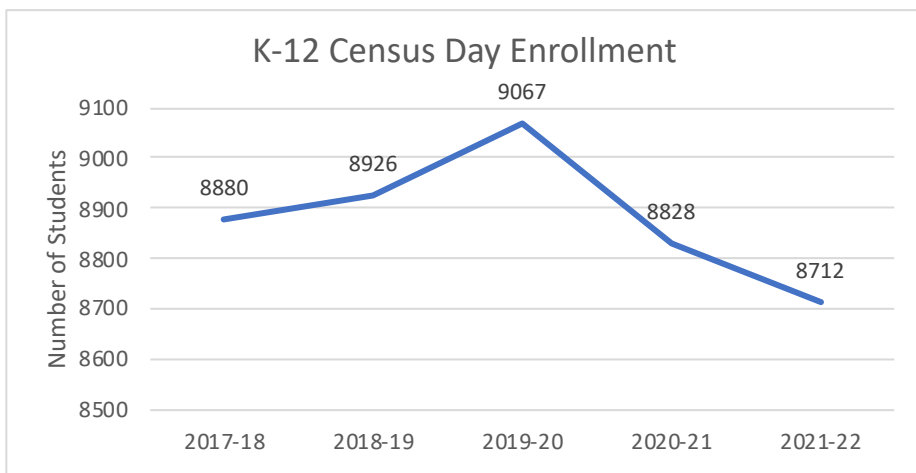
8. Develop guidelines for IEP teams to follow in considering out-of-district placements in Mid-Alameda County SELPA district partnership programs, state regional programs, and/or NPSs.
9. Develop procedures for student placement at NPSs to include fading plans to return students to mainstream educational environments as rapidly as possible.

Special Education Student Identification, Performance and Outcomes

In addition to considering central office staffing, it is important for the district to evaluate whether students are properly identified for special education and their performance and outcomes under the district’s organization and structure. As emphasized in the 2015 report on One System, the responsibility for proper identification, and the performance and outcomes of students in special education is a shared responsibility of both general and special education educators.

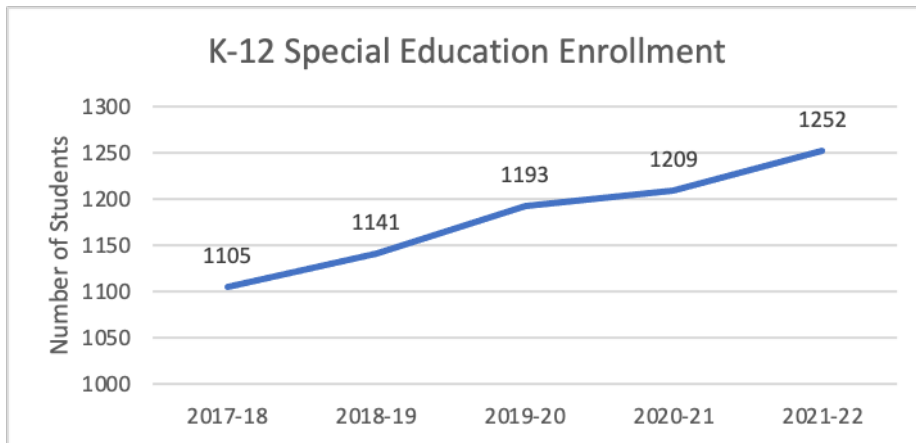
District Special Education Identification Rate

Between 2017-18 and 2021-22, the district’s census day enrollment decreased by 168 students.



Source: Enrollment for Charter and Non-Charter Schools - San Leandro Unified (CA Dept of Education).

The district’s special education enrollment increased by 147 students between 2017-18 and 2021-22. While 51 percent of all district students are boys, 67 percent of students in special education are boys, which mirrors the state’s rate.

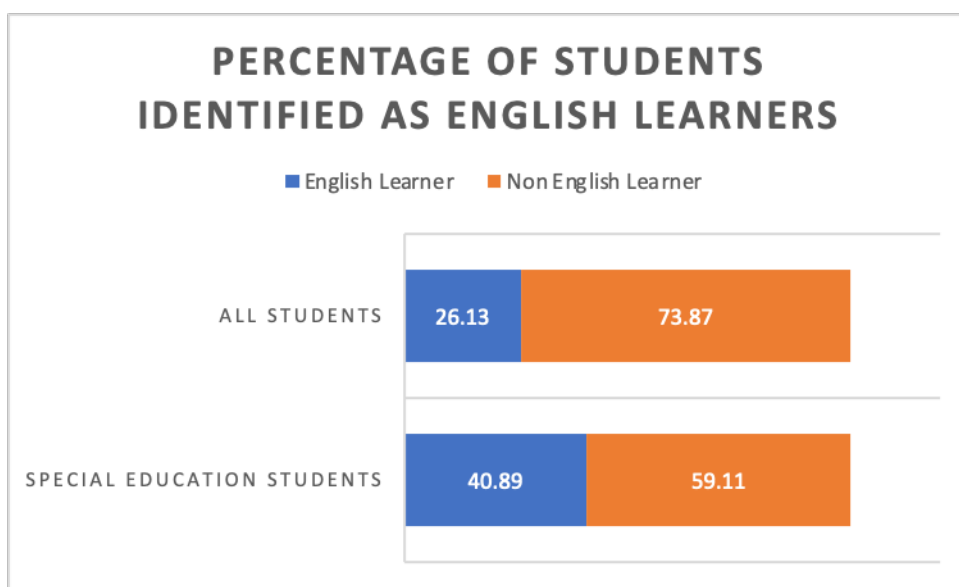


Source: Enrollment for Charter and Non-Charter Schools - San Leandro Unified (CA Dept of Education).

Disproportionality in Special Education Identification

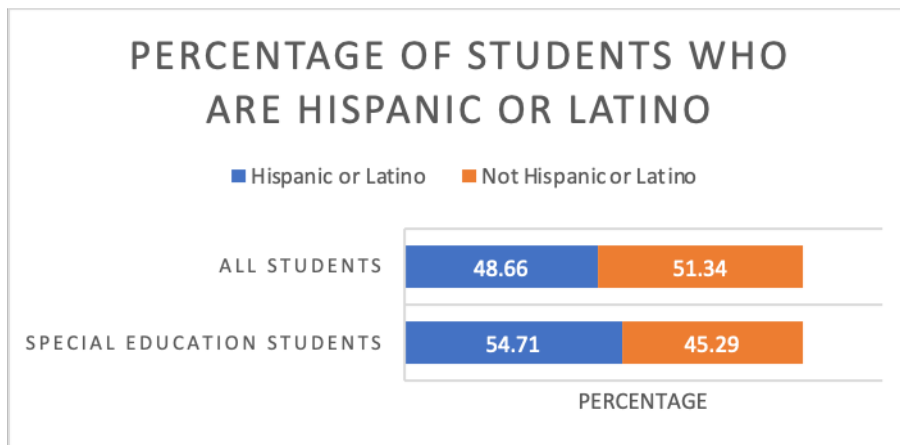
The National Association of School Psychologists defines disproportionality as “the extent to which membership in a given group affects the probability of being placed in a specific disability category.” Simply, it is the under- or overrepresentation of racial or ethnic groups in special education. The district needs to annually monitor for disproportionality in special education identification and provide professional development addressing proper special education identification as necessary.

English learners are commonly overidentified for special education. In 2021-22, 26.13% of all district K-12 students were identified as English learners. Of the district’s 1,252 K-12 students in special education, 512, or 40.89%, were identified as English learners. Because the percentage of English learners in special education is higher than in the district as a whole, the district may overidentify English learners for special education. Staff reported speech and language therapists typically conduct assessments with nonnative English speakers in their native language and in English as part of the special education eligibility determination process to make sure students demonstrate a need for special education in both languages. However, other assessors and special education teachers reported typically conducting assessments with nonnative English speakers only in English. This may cause these students to appear to need special education services because they have not developed adequate proficiency in the English language. The district is working to ensure students who are English learners have access to appropriate supports to address their language needs within the general education program. Through their MISS, the district has been identifying instructional practices all students will access as part of their tier 1 supports that are supportive of varying language acquisition needs. In addition, the district has developed English language development protocols for instructional staff to support language acquisition.



Source: Enrollment for Charter and Non-Charter Schools - San Leandro Unified (CA Dept of Education).

Students who identify as Hispanic/Latino are overrepresented in special education in the district. Approximately half (48.66%) of all K-12 students in the district in 2021-22 identified as Hispanic/Latino compared to 54.71% of students enrolled in special education.



Since Latino students are commonly overidentified for special education, and because 75.39% of the district’s special education students who are also English learners are Hispanic or Latino, the district could evaluate whether it overidentifies Latino students for special education. The Association of California School Administrators (ACSA) recently published a brief, [The Disproportionality of Latinx Students in Special Education](#), which discusses common causes of disproportionality of Latino students in special education and provides recommendations on how to address each of them. The district could review this brief to further investigate the possible overidentification of Latino students in special education.

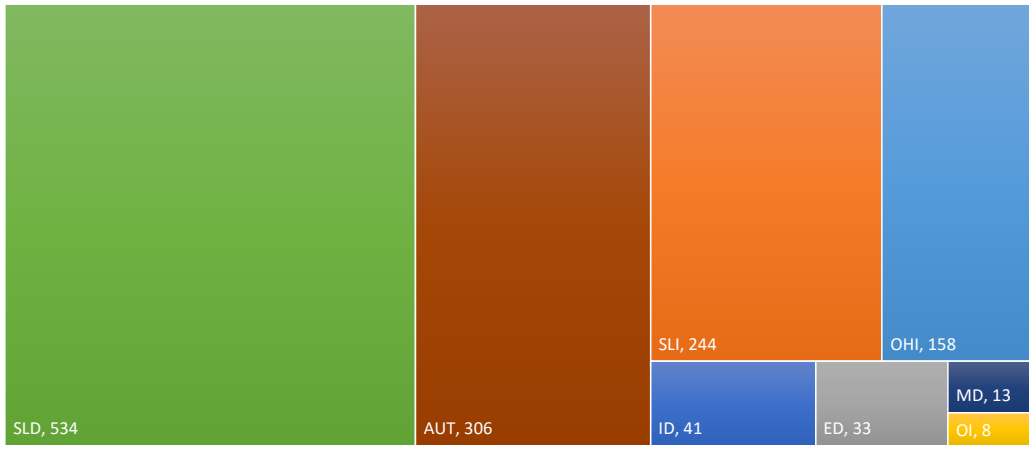
Special Education Enrollment by Disability Category

Students qualify for special education according to the 14 categories of disability shown below.

- Intellectual Disability (ID)
- Visual Impairment (VI)
- Specific Learning Disability (SLD)
- Traumatic Brain Injury (TBI)
- Hard of Hearing (HH)
- Emotional Disturbance (ED)
- Deaf-Blindness (DB)
- Established Medical Disability (EMD)
- Deafness (DEAF)/Hearing Impairment (HI)
- Orthopedic Impairment (OI)
- Multiple Disabilities (MD)
- Speech or Language Impairment (SLI)
- Other Health Impairment (OHI)
- Autism (AUT)

According to the [WestEd California Special Education Funding System Study](#), the category of specific learning disability (SLD) constitutes the vast majority of identified disabilities for K-12 students, followed by speech and language impairment (SLI) and autism (AUT). In 2022-23, the district reported to the California Longitudinal Pupil Achievement Data System (CALPADS) that 1,351 students in prekindergarten through grade 12 were enrolled in special education. Of those, more than a third (39.53%), or 534, were identified as having a SLD as shown below. The disability categories AUT and SLI, at 306 and 244 students respectively, were the next largest categories in the district.

Students Enrolled in Special Education in 2022-23 by Disability Category

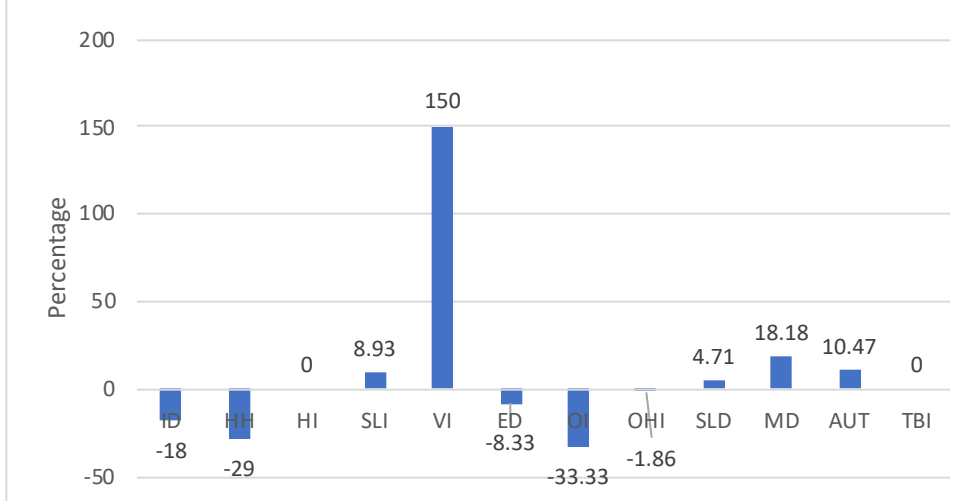


The district also had students in the following categories that are not pictured in the chart: HH (5), HI (1), VI (5), and TBI (3).

Source: District CALPADS report 16.1.

A review of the district’s increasing special education enrollment by disability category found that the percentage of students in certain categories is increasing at a far greater rate as shown below. Notably, the number of students who are autistic increased from 277 to 306 students (a 10.47% increase) between 2020-21 and 2022-23. While the percentage of change in the visual impairment (VI) and multiple disabilities (MD) categories were relatively large, they do not require further analysis because of the small number of students in these categories. For example, the VI disability category increased by 150 percent between 2020-21 and 2022-23, but this was only an increase of three students (two to five students). Special education enrollment needs to be monitored annually by disability category to ensure students are appropriately identified.

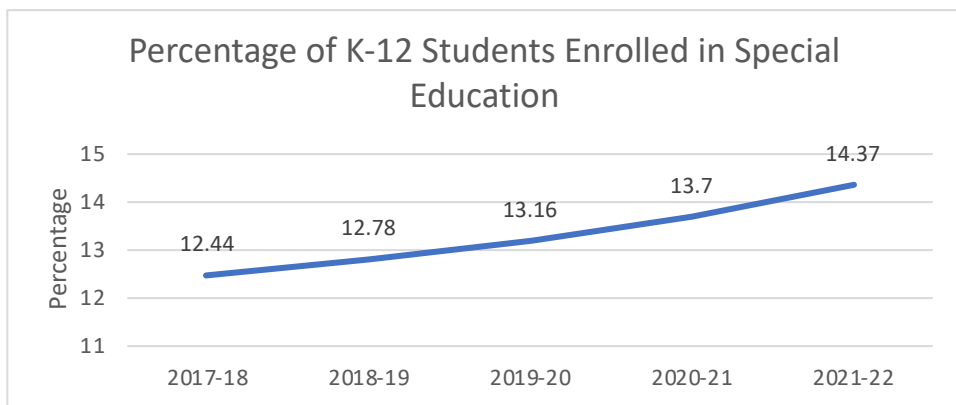
Percent Change by Disability Category Between 2020-21 and 2022-23



Source: District CALPADS report 16.1.

Percentage of Students Enrolled in Special Education

The percentage of the district’s K-12 students in special education increased by 1.93% between 2017-18 and 2021-22, with a rise of 1.21% over the past three years.



Source: Enrollment by Subgroup for Charter and Non-Charter Schools - State (CA Dept of Education). Enrollment by Subgroup for Charter and Non-Charter Schools - State (CA Dept of Education).

In 2021-22, 14.37% of the district’s K-12 students were identified as requiring special education, which is more than the K-12 countywide and statewide averages.

2021-22	San Leandro Unified	Alameda County	State
K-12 enrollment	8,712	214,602	5,892,240
K-12 enrollment of students with disabilities	1,252	25,258	745,513
Percentage	14.37%	11.77%	12.65%

Source: Enrollment by Subgroup for Charter and Non-Charter Schools - State (CA Dept of Education).

Many staff reported San Leandro is a “destination district.” Staff indicated that the percentage of students requiring special education has increased due to high numbers of students arriving on an interdistrict transfer (IDT) agreement who were either already enrolled in special education or identified soon after enrolling. An IDT agreement allows students to attend a school in a district other than the district of residence. According to the Fall 1 2022 CALPADS submission, the district had a K-12 enrollment of 8,625 students (district resident students and students on IDT agreements), and 1,295 of these students (15.01%) were enrolled in special education. Of the 854 K-12 students on an IDT agreement in 2022-23, 63 students or 7.38% were enrolled in special education (this includes students who were in special education when they enrolled with their IDT agreement or who qualified for special education after coming to the district through that agreement after arriving). The percentage of district K-12 students enrolled in special education would have been higher (15.85% versus 15.01%) if the district had not enrolled the students on IDTs agreements.

Thus, the district’s increasing percentage of students enrolled in special education is not caused by IDT agreements. Instead, it appears to be caused by deficiencies in these two areas:

1. The district's multitiered systems of support.
2. Student exit procedures from special education.

These factors are discussed in the next two sections of the report.

Multitiered Systems 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:

- Must meet the definition of one of the 14 disability categories in the IDEA.
- Must require specially designed instruction.

Identifying a student for special education before implementing general education interventions does not best serve the student. Students in special education can experience stigma, less access to 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. However, failing to identify students with disabilities for special education can deprive them of their rights to a FAPE under the IDEA. This can impede student 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.

It is essential the district identify only qualifying students with disabilities for special education, a process that is influenced by a district's implementation of MTSS and student study teams (SSTs).

Progress from the 2014 FCMAT Special Education Review – Intervention and Special Education Identification

In 2014, FCMAT provided recommendations related to intervention and special education identification. A progress report on key recommendations is outlined below.

Preschool Assessment Team

- *2014 Recommendation - Develop a multidisciplinary team to develop and implement a system for preschool screening and identification.*

In 2014, FCMAT found the district lacked a comprehensive early identification program for preschool age children (3-5 years old). FCMAT reported:

Rather than using a multidisciplinary team, the initial consultation up through evaluation and identification is completed by a psychologist and the parents. This practice may lead to narrow perspectives and decisions, and it limits the ability of the district to provide a continuum of services that may benefit the student, general and special education.

In 2023, FCMAT found the district had developed a system for preschool screening and special education identification that was being implemented by a multidisciplinary team, which meets FCMAT's 2014 recommendation.

Response to Intervention and Instruction and Multitiered Systems of Support

- *2014 Recommendation - Create an interdepartmental committee to develop a comprehensive Multi-Tiered System of Support that includes an Response to Intervention and Instruction (RtI²) program and a districtwide Positive Behavior Support Program to address student needs at the lowest level and as rapidly as possible.*

In 2014 FCMAT found:

...the district lacks a response to intervention (RtI) system to provide support at the lowest level prior to making program placement adjustments. This distances students from interactions with typical peers and grade level learning experiences with the Common Core State Standards (CCSS).

Goal 1 of the district's 2015-16 Special Education Strategic Plan, developed following the 2014 FCMAT study, states, "All students will have academic and behavioral support opportunities implemented in the general education environment that will result in a reduced need for identification for special education services" and contains three key strategies:

1. We will develop and implement a multi-tiered system of support that includes high quality first instruction followed up with flexible models of intervention based on individual student need.
2. We will utilize a consistent Student Study Team (SST) model district wide to monitor, revise and implement new interventions, strategies and techniques that are intended to keep the focus on maximizing student achievement in general education.

3. We will implement the Individualized Education Program (IEP) process after all general education tiered systems of supports have been utilized.

Progress toward these strategies, and areas of continued need, are outlined below.

Student Study Teams

Before being considered for placement in special education, a struggling student should be referred to the SST, also commonly referred to as a student success team, which is a team-oriented approach to helping 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.

The district has adopted Board Policy and Administrative Regulation 6164.5: Student Success Teams, which were last updated in June 2022. The district has developed and implemented a data-driven SST process with accompanying flowcharts, checklists for teachers, lists of pre-SST strategies to address academic, speech and language, behavioral and social-emotional needs, and referral forms. Staff reported all schools use the SST process, which meets the 2014 FCMAT recommendation.

In addition, the district has implemented Coordination of Services Teams (COSTs). COSTs are site-based multidisciplinary teams composed of service providers, school administration, and school staff. COST meetings, facilitated by the school's COST coordinator, create a space for collaboration, resource sharing, case tracking, and identifying/addressing school climate issues. In addition, COST meetings provide a regular opportunity to triage referrals, assess students' support needs, and develop and monitor interventions. The COST links students and families with a continuum of integrated services and supports, which supports student achievement and success in general education. COST is not an alternative or replacement for a formal SST meeting involving the parent, student, classroom teacher, and administrator. Student referrals for an SST can be processed through COST, but an SST request can be made outside the COST referral system through direct contract with the school's SST coordinator.

Education Code 56303 states, "A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized." Collectively, the district's SST and COST processes focus on maximizing student support services in general education.

Multitiered 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 RtI² and PBIS.

As recommended in the 2014 FCMAT study, the district has developed a MISS, including RtI² and PBIS as explained below. While the district's MISS, as designed, meets most parts of CDE's definition of a comprehensive RtI² system, the PBIS components of the system may need to be updated to better support different student needs following the COVID-19 pandemic.

Response to Instruction and Intervention

Response to instruction and intervention is a nationwide approach focusing 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 RtI² 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 RtI² system also prevents students from being inappropriately identified as needing special education and supports, serving students in the least restrictive environment (LRE). A comprehensive RtI² 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)

The district has adopted Board Policy 6120: Response to Instruction and Intervention, which was last updated in June 2022. The district's MISS identifies common assessments and cutoff scores by grade span for English language arts, writing, mathematics, and behavior used to determine which students are at risk. The indicators required for each grade span clarify the next tier of academic and behavioral intervention that students need to promote school success. As in CDE's comprehensive RtI² system, the district has identified tiered academic and behavior interventions by grade span and has specified which staff are responsible for providing the various interventions, how students will be grouped, and what programs, materials and/or curriculum are to be used. The district MISS plan does not specify the time students will receive the intervention or the duration/frequency since that is defined by each school site. The district needs to clarify the assessments to be used within the tiers of intervention for progress monitoring and entry or exit from the support. To support its MISS plan, the district has hired intervention specialists at the elementary schools and intervention counselors and mental health and wellness counselors at the secondary schools.

The district is continuing to build its MISS plan to include common instructional practices representing best first instruction. The district reported it is working to revise the MISS plan using UDL as a framework and a lens for the work supporting best first instruction. This approach is aligned with the 2015 Report on One System, which described several evidence-based practices, including UDL, deemed essential to providing inclusive learning opportunities for students with disabilities. UDL is a framework guiding the design of learning experiences to proactively meet the needs of all learners. A UDL approach assumes that barriers to learn-

ing are in the design of the environment, not in the student. Although other lesson design approaches seek to provide student accommodations or modifications after the lesson has been developed, UDL lessons are constructed with the needs of all students (including students with disabilities) in mind, which better honors special education students as general education students first. The district included UDL as an initiative in its strategic plan, and district staff are receiving professional learning in UDL during the 2022-23 school year. Although the district is still defining common tier 1 instructional practices using UDL, significant work has gone into developing templates for site leaders to use to ground everyone in common language and expectations at the start of the school year. A collection of lessons called the “First 15 Days” is taught across sites and serves as a universal tier 1 support. Lessons address universal behavioral supports, English language development protocols and social-emotional learning.

Staff reported full implementation of the district’s MIISS plan has been limited by staffing difficulties. The district funds an intervention specialist position at every elementary school site to support implementation of the MIISS plan, but it could not fill some of these positions last year. In 2022-23 all positions are filled. In addition, paraeducators are responsible for delivering certain tiered interventions within the district’s MIISS plan, but certain positions have not been filled. Most staff interviewed expressed confidence in the district’s MIISS plan.

Positive Behavior Interventions and Supports

Positive behavior interventions and supports (PBIS) focuses on the emotional and behavioral learning of students, which leads to an increase in engagement and a decrease in problematic behavior over time. PBIS helps districts adopt and organize evidence-based behavioral interventions. The district’s MIISS uses language from PBIS, and behavior intervention tiers identify behavioral indicators (attendance, tardies, office referrals, suspensions, and work habits and behavior at each trimester on the report card) used to determine which students are at risk and behavioral interventions designed to promote school success. However, many staff reported the use of Tier 1 behavioral interventions varies by school. The district acknowledged that while it is implementing PBIS in TK through 12th grades, the COVID-19 pandemic and staff turnover have created a need to refocus on PBIS and determine supports needed to refresh the program. Staff indicated only certain schools implement schoolwide PBIS strategies (clearly articulating classroom behavior expectations, using incentives to encourage positive behavior, and teaching schoolwide behavior expectation lessons), which are the foundation of a successful PBIS program.

The district may benefit from using a self-assessment process to evaluate implementation of PBIS at each school and identify new program needs following the COVID-19 pandemic. Tools such as the [PBIS District Systems Fidelity Inventory Manual](#) and [Facility-Wide Tiered Fidelity Inventory Tier 1](#) could be used to gather data on current PBIS implementation and needs. 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 when refining its support systems focused on students’ social, emotional, and behavioral growth.

Summary of MTSS Implementation Progress Since FCMAT’s 2014 Study

FCMAT’s 2014 study indicated the district lacked a response to intervention system with tiered interventions and reported, “schools identify students for special education to obtain some level of classroom support.” FCMAT’s 2023 study found the district has made significant progress toward implementing a multitiered system of support, called MIISS, with flexible models of intervention based on individual student need. The district’s MIISS has not realized its full potential yet, and the district needs to continue to focus on UDL implementation to provide best first instruction for all district students.

Exit Procedures from Special Education

While certain special education students require a special education program, specialized academic instruction and/or related service throughout their years in public education, other students require special education for a shorter time. The question of whether a student continues to need special education services should be considered at a student's annual IEP meeting. In addition, the two-pronged test should be used to determine:

- Whether the student continues to meet the definition of one of the 14 disability categories in the IDEA.
- Whether he or she continues to require specially designed instruction at the student's three-year reevaluation (triennial) IEP meeting.

Students may exit special education at their annual or triennial IEP meeting when they have demonstrated an ability to succeed in the general education program, no longer meet the definition of one of the IDEA's disability categories, and/or they have acquired the skills that were lacking, such as using intelligible speech/language skills. The student's IEP team makes the recommendation on the student's continued need for special education.

Many district staff expressed that students in special education are not transferred or exited from special education according to the two-pronged test at their triennial IEP meeting if they no longer qualify for special education. Staff reported that the largest factor preventing a student's departure from special education is parents pressuring the district to keep the student there. Students experience less stigma, have increased access to rigorous instruction given in the general education curriculum, and more interactions with their typically developing peers when they are not enrolled in the special education program. In addition, general education students can continue to access academic and behavioral interventions and supports through the district's MIISS. A student's exit from special education is an occasion to celebrate.

The district needs to consider using at least these two strategies to evaluate its use of proper exit procedures for students in special education.

1. Review district psychoeducational and speech and language assessments to identify those showing students who could have been transferred or exited from special education. From those, select several showing students were exited and several showing they were not. Redact any student, staff or school identifying information on the assessment. Afterward, have an attorney or expert witness (school psychologist or speech and language therapist) provide professional development for special education staff and district staff serving as administrative designee at IEP meetings on student exit criteria and best practices.
2. Conduct a more detailed analysis of the district's student exit rates from special education at least by school, grade level and disability. Consider using the 2020 Policy Analysis for California Education (PACE) brief, *Students with Disabilities in the CORE Districts*, as a guide. The 2020 PACE brief described key characteristics and outcomes of students with disabilities as well as how they transition in and out of special education. PACE leveraged data from the CORE districts (Fresno, Garden Grove, Long Beach, Los Angeles, Oakland, Sacramento, San Francisco, and Santa Ana) and determined:

...exit rates between grades remain relatively constant from kindergarten through fourth grade, where about 25 percent of students who had an IEP in the prior year exited special education. Also, there is a sharp decline in the percentage of students exiting special education between fifth and seventh grades, where the lowest percentage (8 percent) of students are exiting in seventh grade. Finally, the highest exit rates occur in 8th through 12th grades, where about one third of SWD exit special education between each grade level.

Contrary to the 2020 PACE brief, many district staff reported students in special education are seldom transferred “or exited” from special education once they reach high school. The district would benefit from analyzing the special education exit data by at least school, grade level and disability category to determine if staff reports on district special education exit rates are accurate. The CORE districts studied in the 2020 PACE brief may be helpful to collaborate with to determine how they provide professional development and monitoring of exit procedures from special education. Additionally, individuals from the CORE districts may be able to provide examples of how to view and approach the special education exit process differently.

Recommendations

The district should:

1. Review district data to determine the possible causes of higher-than-expected identification of English learners and Hispanic or Latino students in special education. Consider using ACSA’s brief, The Disproportionality of Latinx Students in Special Education, as a guide.
2. Annually monitor the increasing percentage of students who qualify for special education by disability category and provide professional development in the identification of students for special education as necessary.
3. Monitor the number of SSTs, referrals for special education assessment, and special education eligibility rates to identify trends and areas of need for professional development.
4. Clarify the assessments to be used within the tiers of intervention for progress monitoring and entry or exit from support in the MISS plan.
5. Assess implementation of PBIS across the district to determine areas of need for support and professional development.
6. Provide professional development on proper student exit procedures from special education for special education staff and other staff serving as administrative designees at IEP meetings. Consider having an attorney or expert witness (school psychologist or speech and language therapist) provide professional development using the district’s own redacted assessments.

7. Analyze district special education entry and exit data at least by school, grade level and disability category to identify trends. Consider whether the district's MISS plan needs to be modified based on trend data to better support student needs at certain grade levels.
8. Monitor special education exit rates by school, grade level, and disability category annually and provide professional development as necessary.

Performance and Outcomes for Students Who Receive Special Education Services

As stated in the 2015 report on One System, the responsibility for the performance and outcomes of students in special education is shared by general and special education educators.

California School Dashboard

California's accountability system is based on multiple measures that assess how local educational agencies and schools are meeting students' needs. Performance on these state measures is reported using the [California School Dashboard](#). For each district, student groups are classified into status and change levels based on how well they perform on five indicators:

- Chronic Absenteeism – Grades K-8
- Suspension Rate – Grades K-12
- Graduation Rate – Grades 9-12
- College/Career Readiness– Grades 9-12
- Academic Performance (English language arts and mathematics) – Grades 3-8, grade 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 status and change 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 district's 2019 performance level (color) for the population of all students in the district is compared to the performance level (color) for students with disabilities, as shown below. English learner progress was not reported on the 2019 dashboard.

	Chronic Absenteeism	Suspension Rate	Graduation Rate	College/Career Readiness	English Language Arts	Mathematics
All Students	Orange	Yellow	Orange	Green	Yellow	Yellow
Students with Disabilities	Orange	Red	Orange	Yellow	Orange	Orange

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

Compared to all students in the district, students with disabilities performed similarly on the chronic absenteeism and graduation rate indicators, one performance level worse on the college/career readiness and English language arts and mathematics indicators, and two performance levels worse on the suspension rate indicator.

2022 District Dashboard Performance

Following 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 through one of the five status levels (very high, high, medium, low, and very low) for state measures. The status levels for the chronic absenteeism and suspension rate indicators are reversed (very low, low, medium, high, and very high). Below is the district’s 2022 Dashboard performance.

	Chronic Absenteeism	Suspension Rate	Graduation Rate	English Language Arts	Mathematics
All Students	Very High 42.3% Chronically Absent	Medium 4.3% of Students Suspended at Least 1 Day	High 92.2% Graduated	Low 39.3 Points Below Standard	Low 82.7 Points Below Standard
Students with Disabilities	Very High 53.4% Chronically Absent	High 7.8% of Students Suspended at Least 1 Day	Medium 86% Graduated	Very Low 123.6 Points Below Standard	Very Low 148.4 Points Below Standard

Source: San Leandro Unified Summary | California School Dashboard (CA Dept of Education) (caschooldashboard.org).

On the 2022 Dashboard, compared to the population of all students in the district, students with disabilities perform:

- Similarly on the chronic absenteeism indicator.
- One performance level worse on the suspension rate indicator, graduation rate, and English language arts and mathematics indicators.

Support for attendance is provided through the district’s Prevention and Intervention Department. The attendance support program involves phone calls home to address absences and provide resources, tiered interventions, home visits, excessive absence letter and truancy letters, and School Attendance Review Teams (SARTs). SARTs are school-based teams that typically include the parent, student, and school personnel, who convene with a goal of identifying solutions to improve the students’ attendance. If these interventions are not effective, the district’s Standard Operating Procedure: SARB Referral is to be used. School Attendance Review Boards (SARBs) can be organized in various ways under EC 48321 at the local and county level to keep students in school and provide them with a meaningful educational experience. In addition, SARBs can refer students and their parents or guardians to court.

The district’s goal for SART and SARB is to focus on a “healing-centered, harm-reduction model of re-engagement to address the barriers and hardships that prevent regular school attendance.” District schools have Attendance Review Teams (ARTs) that meet weekly to review and assess attendance needs and connect students and families to tiered intervention support and services. Tier 2 of the district’s attendance protocol identifies an IEP check-in meeting as an attendance support strategy, which should also be used and supports the concept of shared general and special education responsibility for student attendance. The district should continue to implement its attendance support program and monitor attendance rates by month and disability to determine if targeted efforts are needed to support students in special education.

Special Education Annual Performance Report

The Special Education Annual Performance Report Measures are reports published by the CDE 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 Code of Federal Regulations 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*	77.67%	>90.0%	No
2	Dropout Rate *	2.35%	≤11%	Yes
3	Assessment: 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 *	0.20	<2.18	Yes
4b	Discipline (>10 days) Areas Disproportionate *	0	0	Yes
5a	LRE Rate: In Regular Class more than 80%	46.37%	≥58%	No
5b	LRE Rate: In Regular Class less than 40%	18.05%	≤19.5%	Yes
5c	LRE Rate: Separate Schools	2.92%	≤2.9%	No
6a	Preschool LRE: Regular Program	7.53%	>39%	No
6b	Preschool LRE: Separate Class	60.22%	<33%	No
6c	Preschool LRE: Home	2.15%	<3.5%	Yes
7a	Positive Socio-Emotional Skills Substantially Increased	NC	>85.2%	NA
7a	Positive Socio-Emotional Skills Functioning within age expectations	62.50%	>76%	No
7b	Acquisition of Knowledge/Skills Substantially Increased	NC	>76%	NA
7b	Acquisition of Knowledge/Skills Functioning within age expectations	58.33%	>76%	No
7c	Use of Appropriate Behaviors Substantially Increased	NC	>76%	NA
7c	Use of Appropriate Behaviors Functioning within age expectations	70.83%	>76%	No
8	Parent Involvement Rate	99.48%	>95.0%	Yes
9	Overall Disproportionality Areas	0	0	Yes
10	Disproportionality by Disability Areas	0	0	Yes
11	Rate of Eligibility Determined within 60 days	100.00%	100%	Yes
12	Rate of Part C to Part B Students with Timely IEPs	33.33%	100%	No
13	Rate of Students with Transition Goals/Services	90.03%	100%	No
14a	Rate of Post School Outcomes: Higher Education	96.20%	>55.0%	Yes
14b	Competitive Employment or Higher Education	97.47%	>75.04%	Yes
14c	Any Employment or Education	98.73%	>87.0%	Yes

* These are delayed indicators, and the data is from the 2019–20 school year.

Source: Annual Performance Report Measures - Data Collection & Reporting (CDE).

The CDE explains performance on these indicators should not be viewed as the sole determinants of the quality of a district's special education program but can help districts examine their programs and prioritize focus areas. At least one district focus area needs to be improving access to LRE.

Least Restrictive Environment

The IDEA requires students with disabilities to be offered a FAPE and be educated in the LRE, the general education classroom. 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 district did not meet the federal target for students in special education being in general education classes for more than 80 percent of their school day (46.37% of students were in general education classes more than 80% of the day compared to the federal target of greater than 58%). Additionally, the district was slightly over the federal target for students in special education being in separate schools (2.92% of students were in separate schools compared to the federal target of less than 2.9%).

Least restrictive environment is affected by the mindset of general and special educators in the district, and district and school level policies and practices. As previously mentioned, several staff indicated during interviews that many students with disabilities could best (or only) receive the help they need in separate settings outside the general education classroom. These included settings such as pull-out groups or SDCs. This belief directly contradicts the 2015 report on One System that stipulates special education services are a program under general education rather than a place where students receive more or different services. In addition, certain staff interviewed placed the responsibility for the performance and outcomes of students with disabilities solely on special education staff. This belief also contrasts with the 2015 report on One System, which states all educators are collectively responsible for supporting the success of every student. Importantly, many teachers across the state and working in the district did not receive adequate training during their educator preparation programs to support students with disabilities in general education. Consequently, the district needs to focus on understanding what professional development and other resources staff need to better support these students.

Recommendations

The district should:

1. Continue to implement their attendance support program and monitor attendance rates by month and disability to determine if targeted efforts are needed to support students in special education.
2. Explore the causes of the district's low percentage of students with disabilities in general education classes for more than 80% of the school day. Again, consider using a continuous improvement process like the one outlined in the Carnegie Foundation white paper. Involve general and special education staff in all steps of the process and focus on understanding what professional learning and other resources staff indicate they need to better support students with disabilities in general education.
3. Annually use the Local Level Annual Performance Report and California School Dashboard to prioritize areas of focus for improvement efforts for students with disabilities.

Special Education Staffing Allocation

FCMAT analyzed special education staff positions for special education teachers, paraeducators, and related service providers using statewide guidelines and industry standards.

Progress from the 2014 FCMAT Special Education Review - Special Education Staffing

In 2014 FCMAT provided recommendations related to the district's special education staffing. A progress report on key recommendations is outlined below.

Position Control

- *2014 Recommendation: Develop an automated system for monitoring and tracking special education staffing and caseloads for both certificated and classified staff.*
- *2014 Recommendation - Align the automated staffing and caseload system with information maintained in multiple databases across multiple departments (Support Services, Human Resources, Business Services).*

At the time of FCMAT's 2014 study, the district did not use a position control system to monitor staffing assignments for certificated and classified staffing positions. FCMAT explained:

It is best practice for special education administrators to establish objective staffing criteria and to monitor the following data monthly:

1. Caseloads and class sizes of all service providers and teachers using a carefully maintained database. This should include lists by school, service delivery option and teacher, to be shared with special education staff and school site principals.
2. The number of instructional assistants and one-to-one assistants, especially when new staff is added.
3. All related services (formerly designated instruction services) caseloads including psychologists (counseling), speech language pathologists, adaptive physical education, occupational therapy, assistive technology, etc.

In 2023, FCMAT found the district had implemented the Special Education Information System (SEIS), an automated system, to monitor special education staffing and caseloads. In addition, all special education positions are assigned a position number and matched with an employee whose location, job category, job classification, full time equivalent assignment, and caseload (if applicable to the position) are monitored. This system meets FCMAT's 2014 recommendations.

Interdepartmental Staffing Meetings

- *2014 Recommendation - Schedule consistent interdepartmental staffing meetings to discuss and adjust staffing levels as appropriate before, during and after the school year.*

In 2023, FCMAT found the director of special education meets with the assistant superintendent of business and operations and with individuals in the Human Resources Department regularly throughout the school year to discuss items such as position control, vacancies, provider caseloads, and staffing needs. Staff reported interdepartmental staffing meetings also occur regularly to discuss and adjust staffing for the next school year. This meets the 2014 FCMAT recommendation.

Special Education Teacher Staffing

Progress from the 2014 FCMAT Special Education Review – Special Education Teacher Staffing

In 2014 FCMAT provided a recommendation on the district’s special education teacher staffing. A progress report is outlined below.

Caseload Criteria for Resource Specialist Program (RSP) Teachers

- *2014 Recommendation - Develop and implement caseload criteria for RSP teachers and instructional assistants based on Education Code.*

Education Code 56362(c) specifies a statewide guideline for resource specialist staffing and 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.

In 2023, FCMAT found Article IX – Class Size and Caseload of the district’s collective bargaining agreement states, “The caseload maximum for Resource Specialists shall be 28.” Thus, the caseload maximum for resource specialists identified in the district’s collective bargaining agreement aligns with the statewide guideline. In addition, the district has adopted Board Policy Regulation 4112.23: Special Education Staff, which is related to the qualifications and assignment of special education teachers and was last updated in June 2016. These meet FCMAT’s 2014 recommendation.

Resource Specialist Program Staffing

At the time of FCMAT’s 2023 visit, the district had 29.2 FTE RSP teacher positions in transitional kindergarten through grade 12 (0.2 FTE was unfilled). Based on caseload estimates provided by the district, RSP teachers case managed 749 students and had an average caseload of 25.65 students per teacher as shown below. Two of the RSP teachers were over the caseload maximum of 28 students.

Grade Span	Total RSP Teacher FTE	Total RSP Student Caseload	Average RSP Teacher Caseload	Total RSP Teacher FTE Above the Education Code Guideline
TK - Grade 5	9.8	264	26.94	+0.37
Grade 6-8	8.0	188	23.50	+1.29
Grade 9-12	11.4*	297	26.05	+0.79
Total	29.2	749	25.65	+2.45

*0.2 FTE is unfilled.

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

Although the districtwide RSP caseload average is lower than the EC 56362(c) guideline, 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 as much as possible. 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. In addition, the district could focus on educating students with disabilities in general education for a greater percentage of the school day, and current RSP staffing would be needed to do so.

Special Day Class Program

The district operates SDC programs for students with mild to moderate and moderate to severe service needs at the preschool, elementary, middle, and high school levels. The district also operates an adult transition program designed to provide a nondiploma-based educational program for individuals with disabilities from the ages of 18 to 22 years.

The Education Code does not indicate maximum caseloads for SDC teachers, but industry standards are shown below.

Special Education Program	District Staffing Guideline	Industry Standard Caseload Range
Mild/Moderate Special Day Class - Preschool	No more than 15 students per 1 teacher	14 students per 1 teacher
Mild/Moderate Special Day Class - TK – Grade 12	No more than 15 students per 1 teacher	12-15 students per 1 teacher
Moderate/Severe Special Day Class – Cross-Categorical – Preschool*	No more than 12 students per 1 teacher	10 students per 1 teacher
Moderate/Severe Special Day Class – Cross-Categorical - TK – Age 22**	No more than 12 students per 1 teacher	10-12 students per 1 teacher

* The industry standard for preschool moderate/severe SDCs with an autism focus has a caseload range of nine students per one teacher.

** The industry standard for TK through grade 12 moderate/severe SDCs with an autism or emotional disturbance focus has a caseload range of eight to 10 students per one teacher.

Source: District-reported information and Article IX – Class Size and Caseload of the district’s collective bargaining agreement and industry standards.

Mild/Moderate Special Day Class Program

At the time of FCMAT’s 2023 visit, the district had 23.4 FTE filled mild/moderate SDC teachers for students in transitional kindergarten (TK) through grade 12. The district had an additional 1.0 FTE mild/moderate SDC teacher position, which was unfilled. Based on caseload estimates provided by the district, mild/moderate SDC teachers case manage 305 students and have an average caseload of 13.03 students per teacher as shown below. The caseload averages for the TK through grade 12 mild/moderate SDC programs are within the industry standard range; therefore, mild/moderate SDC teacher FTEs should not be reduced. The district needs to annually evaluate whether it requires the current number of mild/moderate SDC teacher positions, including whether it needs to fill the 1.0 FTE unfilled position, using caseload estimates and the industry standards.

Level	Total Mild/Moderate SDC Teacher FTE	Total Mild/Moderate SDC Student Caseload	Average Mild/Moderate SDC Teacher Caseload	Industry Standard (FTE to Student Caseload)
TK – Grade 12	23.4*	305	13.03	1:12-15

*Total mild/moderate SDC teacher FTE represents filled positions. A 1.0 FTE mild/moderate TK – grade 12 SDC teacher position was unfilled at the time of FCMAT’s study.

Sources: District-provided data and industry standards.

Moderate/Severe Special Day Class Program

At the time of FCMAT’s 2023 visit, the district had 13.0 FTE filled moderate/severe SDC teacher positions in the TK through grade 12 and adult transition programs. The district had an additional 2.0 FTE moderate/severe SDC teacher positions, which were unfilled. Based on caseload estimates provided by the district, moderate/severe SDC teachers case manage 128 students and have an average caseload of 9.85 students per teacher as shown below. While the adult transition program has a lower average caseload than the industry standard, the district cannot reduce staffing because it has only three classes and eliminating one would increase the average caseload to above the industry standard. The caseload averages for the TK through grade 12 moderate/severe SDC programs are within the industry standard range; therefore, moderate/severe SDC teacher FTE should not be reduced. The district would benefit from annually evaluating whether it requires the current number of moderate/severe SDC teacher positions, including whether it needs to fill the 2.0 FTE unfilled positions, using caseload estimates and the industry standards.

Level	Total Moderate/Severe SDC Teacher FTE	Total Moderate/Severe SDC Student Caseload	Average Moderate/Severe SDC Teacher Caseload	Industry Standard (FTE to Student Caseload)
TK – Grade 12	10*	103	10.30	1:10-12
Adult Transition Program	3	25	8.33	1:10-12
Total	13	128	9.85	1:10-12

* Total moderate/severe SDC teacher FTE represents filled positions. 2.0 FTE moderate/severe TK – grade 12 SDC teacher positions were unfilled at the time of FCMAT’s study.

Sources: District-provided data and industry standards.

Preschool Special Day Class Program

At the time of FCMAT’s 2023 visit, the district had 5.0 FTE preschool SDC teacher positions, and all were filled. The district operates half-day preschool programs, and all preschool teachers teach one mild/moderate class and one moderate/severe class each day. The district reported serving 80 preschool students in 10 total classes as shown below. The district could evaluate enrollment projections to determine whether it could reduce the number of preschool SDC teacher positions by 1.0 FTE.

Level	Total SDC Teacher FTE	Total Number of SDC Students	Average SDC Class Size*	Industry Standard (FTE to Student Class Size)
Preschool – Mild/Moderate	2.5	39	5 classes with an average of 7.8 students in each class	1:14
Preschool – Moderate/Severe	2.5	41	5 classes with an average of 8.2 students in each class	1:10
Total	5.0	80	10 classes with an average of 8 students in each class	**

* The district operates half day preschool programs and all preschool teachers teach one mild/moderate class and one moderate/severe class each day.

** FCMAT does not have an FTE-to-student class size ratio specific to preschool.

Sources: District-provided data and industry standards.

Recommendations

The district should:

1. Annually evaluate the number of required mild/moderate and moderate/severe SDC teacher positions, including whether to fill the unfilled positions using caseload estimates and the industry standards.
2. Evaluate enrollment projections to determine if it can reduce preschool SDC teachers by 1.0 FTE.
3. Monitor special education teacher staffing using statewide guidelines and industry standards monthly. Continue to hold regular meetings of the director of special education and the assistant superintendent of business and operations and the Human Resources Department to discuss items such as position control, vacancies, provider caseloads, and staffing needs.
4. Continue holding interdepartmental meetings at least annually to discuss and adjust staffing for the next school year.

Special Education Paraeducator Staffing Allocation

Special education paraeducators, also known as 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 paraeducators under different titles with distinct job descriptions to perform functions such as specialized academic instruction, specialized medical support, behavioral support, and 1-to-1 student support or special circumstances instructional assistance (SCIA). The district employs two types of special education paraeducators with distinct job descriptions and pay rates:

1. Paraeducator – Mild Moderate
2. Paraeducator – Moderate Severe

Certain mild/moderate and moderate/severe paraeducators provide 1-to-1 student support. The district also contracts with nonpublic agencies for staff who perform some of the same job duties as the district's special education paraeducators (three behavior aides and two paraeducators to fill vacant positions in the district, and eight RBTs).

The district does not have a paraprofessional job classification requiring the RBT certification. However, district paraeducators who obtain their RBT certification earn a stipend of \$250 per month. Because of the reported increased needs for positive behavior supports and the fact that the district contracts with a nonpublic agency for RBTs and 1-to-1 behavior aides, it may benefit from adding a paraeducator job classification that would require the RBT certification. This new position, possibly called a "special education behavior technician," could deliver behavior analysis services and a higher level of behavior support for students in general and special education. Many districts have designated these types of positions as itinerant, which enables the district to assign the RBT as needed across the district to provide short-term support. For example, an RBT could be assigned to help a general education teacher implement a new behavior intervention plan (BIP) for a student and be reassigned (or faded out) after the teacher has received adequate training and support in implementing the BIP. Adding a special education behavior technician position with higher qualifications and salary may provide a path to promotion for existing district paraprofessionals that could help with employee retention as well. The district needs to evaluate whether there is an operational advantage to creating this new paraeducator position, and whether it could convert current paraprofessional positions that are either filled through a nonpublic agency or unfilled to meet this need.

1-to-1 Student Support

There is no established industry standard for paraeducators providing 1-to-1 student support. 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 SCIA.

Progress from the 2014 FCMAT Special Education Review – 1-to-1 Paraeducator Support

In 2014 FCMAT provided recommendations related to the district's 1-to-1 paraeducator staffing. A progress report on key recommendations is outlined below.

Assessments for 1-to-1 Paraeducator Support

- *2014 Recommendation - Ensure that the district's forms are completed and reviewed by the IEP team prior to the determination of the need for a 1-to-1 aide.*
- *2014 Recommendation - Ensure that at every annual review, the initial 1-to-1 placement forms are completed as part of the process for continuing the 1-to-1 aide.*

In 2023, FCMAT found the district uses an assessment process to evaluate student need for 1-to-1 paraeducator support, but it is not the industry standard. The Special Education Department's program specialist or assistant director vets all support requests. The district does not have a written process or referral forms. Staff indicated most requests for 1-to-1 special education paraeducator support are to support positive student behavior. In these cases, a district behaviorist conducts a functional behavioral analysis (FBA) to determine where there is a level of need for 1-to-1 paraeducator support. When a request for 1-to-1 paraeducator support is due to a medical issue, the program specialist or assistant director involves a school nurse who determines whether there is a medical need for a 1-to-1 paraeducator or licensed vocational nurse (LVN).

Even though the district's current practices to determine whether a student requires 1-to-1 paraeducator support include a data-driven assessment process, they do not meet FCMAT's 2014 recommendations because of the lack of written procedures. The district could either develop written procedures and accompanying forms for their 1-to-1 paraeducator assessment process or adopt an SCIA assessment process to evaluate requests for 1-to-1 special education paraeducator support.

Establishing Goals for Independence for Students with 1-to-1 Paraeducator Support

- *2014 Recommendation - Ensure that every IEP that includes a 1-to-1 or extra support aide, with the exception of medically necessary support, includes goals for independence and a fading plan.*

Another essential aspect of effectively using 1-to-1 support is developing annual goals for independence. In 2023, most staff reported that they do not write any related goal(s) when 1-to-1 paraeducator support is 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 paraeducator 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 paraeducator 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 1-to-1 paraeducator support. Every IEP that includes a 1-to-1 paraprofessional, except for medically necessary support, needs to include goals for independence and a fade plan.

Paraeducator Staffing

Education Code 56362(6)(f) states, "At least 80 percent of the resource specialists within a local plan shall be provided with an instructional aide." The industry standards for SDC paraeducators are based primarily on an adult-to-student ratio as shown below.

Type of Support	Industry Standard Paraeducator Staffing*	Adult to Student Ratio**
Mild/Moderate Special Day Class (Cross-Categorical)	one or two 6-hour paraeducators depending on class size of 12-15	1:07
Moderate/Severe Special Day Class (Cross-Categorical)	one or two 6-hour paraeducators depending on class size of 10-12	1:05
Moderate/Severe Special Day Class (Autism)	two, three or four 6-hour paraeducators depending on class size of 8-10	1:03

*Industry standard paraeducator staffing should be determined by class size to meet the adult to student ratio.

**Both the classroom teacher and paraeducator(s) are included in the adult to student ratio.

Source: Industry standards.

Below is a summary of district special education paraeducator staffing.

Program	Total FTE Teachers	Total FTE Filled Classroom Support	Total FTE Vacant Classroom Support	Total FTE Filled 1-to-1 Support	Total FTE Unfilled 1-to-1 Support
Resource Specialist Program (RSP)	29.2	35.57	9.6	4.8*	0
Special Day Class (SDC)	47.4	35.97	11.2	10.53**	0

*1.6 FTE of the RSP 1-to-1 paraeducator support were filled by a nonpublic agency and substitute employee at the time of FCMAT’s visit.

**2.4 FTE of the SDC 1-to-1 paraeducator support were filled by a nonpublic agency at the time of FCMAT’s visit.

Source: District-provided data.

The district complies with EC 56362(6)(f) since at least 80 percent of their RSP teachers have a paraeducator. The additional paraeducator classroom support positions in the RSP are to meet student needs and should be evaluated annually to make sure they continue to be needed. The district needs to monitor its SDC paraeducator staffing and align the adult to student ratios in programs with industry standards.

Staff reported that recruiting and retaining special education paraprofessionals has been difficult. The Human Resources Department uses several innovative strategies to increase paraeducator recruitment and minimize barriers to employment. For example, the district now accepts alternatives to passing the district’s basic skills test (an associate degree or 48 college semester units), has shortened the basic skills test and attempted to make sure the questions are not discriminatory, and offers a basic skills test preparation course through the adult education program. Human Resources Department staff also recruit paraeducators at local universities and parent events at school sites.

Most staff interviewed identified low salary as contributing to paraeducator turnover. The district reported it has not conducted a salary study involving special education paraprofessionals since 2014-15. The district could consider conducting a salary study and adjusting its special education paraeducator salaries, if necessary, so they are competitive with other districts in the region. The district also needs to consider offering a signing bonus to special education paraeducators. One strategy some 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.

Recommendations

The district should:

1. Determine whether there is an operational advantage to adding a special education paraeducator position that would require an RBT certification.
2. Develop written procedures and accompanying forms for its 1-to-1 paraeducator assessment process, or adopt an SCIA assessment process, to evaluate requests for 1-to-1 special education paraeducator support.
3. Ensure every IEP that includes a 1-to-1 paraeducator, except for medically necessary support, contains goals for independence and a fade plan.
4. Monitor paraeducator staffing to ensure it aligns with SDC ratios and industry standards to meet students' needs.
5. Consider conducting a salary study and adjusting special education paraeducators salaries, if necessary, so they are competitive with other districts in the region.
6. Consider offering a signing bonus designed to recruit and retain special education paraeducators.

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. FCMAT analyzed staffing ratios for psychologists, speech and language pathologists, adapted physical education teachers, and school nurses. The district contracts with nonpublic agencies for occupational therapists and physical therapists, and the Mid-Alameda County SELPA employs specialists who provide vision and orientation/mobility, deaf/hard of hearing, assistive technology, and physical therapy support for certain district students. FCMAT did not analyze staffing and caseload data for any related services provided by a nonpublic agency or the SELPA. 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

Article IX – Class Size and Caseload of the district's collective bargaining agreement states:

The District will have staff with a psychologist credential providing services to students at a ratio of no greater than 1150:1. The ratio will be dependent on student enrollment as of census date for the prior year (CBEDS), rounded to the nearest 0.2 FTE.

For the 2022-23 school year, the district has 8.0 FTE school psychologist positions (1.0 of the 8.0 FTE is a temporary school psychologist position and 0.2 of the total FTE is currently unfilled). The school psychologist filling the 1.0 FTE mental health program support position was excluded from the school psychologist FTE because that position is a special education leadership team position, and that individual does management tasks but does not perform assessments or provide related services for students. The district also contracts with a nonpublic agency for additional school psychologist support. In 2022-23, the district's

average caseload for school psychologists was 1,089 K-12 students per 1.0 FTE. The district is staffed at 0.92 FTE less than the industry standard of 977 students per 1.0 FTE psychologist. Additionally, this staffing number does not include support for students in TK or preschool, which also affects a school psychologist’s workload. The district would benefit from adding up to 2.0 FTE permanent school psychologist positions (converting the 1.0 FTE temporary position to a permanent one and adding a 1.0 FTE position) to align with industry standards and better meet student needs. This would equate to 9.0 FTE and should allow the district to discontinue its nonpublic agency contract for school psychologists.

Provider	No. of FTE	2021 Census Day Enrollment	Caseload Average	Industry Standard	Staffing Above (+) or Below (-) Industry Standard
Psychologist	8.0*	8,712	1:1,089	1:977	-0.92 FTE

* The 8.0 FTE includes a 1.0 FTE temporary school psychologist position for the 2022-23 school year, and 0.2 FTE of the 8.0 FTE is currently unfilled. The school psychologist filling the 1.0 FTE mental health program support position was excluded from the school psychologist FTE because that position is a special education leadership team position, and that individual does management tasks but does not perform assessments or provide related services for students.

Sources: District-provided data, Ed Data 2021 Census Day Enrollment, and CalEdFacts - Publications (CDE).

Speech and Language Pathologists

Education Code 56363.3 establishes the maximum caseload for SLPs serving students ages five to 22 at 55 students, while EC 56441.7(a) establishes a preschool maximum caseload of 40 students. Article IX – Class Size and Caseload of the district’s collective bargaining agreement states:

The District shall implement a caseload maximum for speech and language pathologists of 40 at the preschool level and 55 at the TK-12 level. For speech and language pathologists teaching in both programs, the maximum caseload shall be prorated based on the blended maximum.

The district’s Board Policy Manual Regulation 4112.23: Special Education Staff has similar language but does not mention a blended maximum.

In 2022-23, the district had 14.9 FTE speech and language pathologist (SLP) positions. Of these, 13.9 FTE are filled with district employees and the remaining 1.0 FTE position is filled through a nonpublic agency. FCMAT reduced the number of SLP positions for analysis by 1.1 FTE for two reasons. First, the district has a 1.0 FTE SLP doing only preschool assessments who does not have a caseload, which is a reasonable staffing allocation in a district this size. Second, the district allocates 0.1 FTE of SLP time for two veteran SLPs to support novice district SLPs in a clinical fellowship (CF) program. The CF program is a mentored professional experience that begins after an SLP in training completes their academic coursework and clinical practicum. Thus, FCMAT used 13.8 FTE total SLP positions for comparison to industry standards in this study.

District-provided data indicates 4.0 FTE of the districts SLPs serve a blend of 177 preschool and school-age students. Compared to industry standards, the district appears to be adequately staffed in this area as shown below (0.27 FTE above the industry standard).

Provider	No. of FTE	2022-23 Total Caseload	Caseload Average	Industry Standard	Staffing Above (+) or Below (-) Industry Standard
Mixed Pre-School and K-12 Speech and Language Pathologists	4.0*	177	44.25	1-to-47.5**	Within blended range

*4.0 FTE of the district’s 13.8 FTE total SLPs FCMAT analyzed are serving a blend of pre-school and K-12 students.

**A blended average of the industry standards for preschool (1-to-40) and K-12 (1-to-55) was used (1-to-47.5) since certain district SLPs are serving both groups of students.

Sources: District-provided data and EC 56363.3 and 56441.7(a).

District-provided data indicates 9.8 FTE of the districts SLPs serve 485 school-age students. Compared to industry standards, the district appears to be adequately staffed in this area (0.98 FTE above the industry standard) as shown below. FCMAT does not recommend changing SLP staffing due to a higher-than-usual assessment load following the COVID-19 pandemic. However, the district needs to monitor SLP caseload averages and student need annually to determine if staffing changes are necessary.

Provider	No. of FTE	2022-23 Total Caseload	Caseload Average	Industry Standard	Staffing Above (+) or Below (-) Industry Standard
K-12 Speech and Language Pathologists	9.8*	485	49.49	1-to-55	+0.98 FTE

*9.8 FTE of the district’s 13.8 FTE total SLPs FCMAT analyzed are serving K-12 students only.

Source: District-provided data and EC 56363.3.

Adapted Physical Education Teachers

Article IX – Class Size and Caseload of the district’s collective bargaining agreement addresses maximum class size for adapted physical education (APE), but does not address caseload size:

Maximum size for special education classes shall be those limits prescribed by law. The District will seek to keep SDC classes, including Adaptive PE classes, to class sizes of 12 students in moderate/severe classes and 15 students in mild/moderate classes after October 15.

In 2022-23, the district had 1.2 FTE APE teacher positions with an average caseload of 39.17 students. Compared to the industry standard of 1-to-45-55 students per 1.0 FTE APE teacher, the district was adequately staffed (0.35 FTE above the industry standard). FCMAT does not recommend changing APE teacher staffing, but it would be beneficial to monitor caseload averages and student need annually to determine if staffing changes are necessary.

Provider	No. of FTE	2022-23 Total Caseload	Caseload Average	Industry Standard*	Staffing Above (+) or Below (-) Industry Standard
APE Teacher	1.2	47	39.17	1-to-45-55	+0.35

* An industry standard of 1-to-55 was used to calculate the staffing above or below the industry standard.

Sources: District provided data and industry standards.

School Nurses

Article IX – Class Size and Caseload of the district’s collective bargaining agreement states, “The school nurse allocation shall be a minimum of 4.0 full time equivalent district wide.”

In 2022-23, the district had 4.0 FTE school nurses and 4.0 FTE licensed vocational nurses (LVNs). The district’s average caseload for the 1.0 FTE school nurse was 2,156 students. Compared to the industry standard of 2,274 students per 1.0 FTE school nurse and the district’s collective bargaining agreement, the district was adequately staffed (0.21 FTE above the industry standard). FCMAT does not recommend changing school nurse staffing, but the district needs to monitor caseload averages and student need annually to determine if staffing changes are necessary.

Provider	No. of FTE	2022 Census Day Enrollment	Caseload Average	Industry Standard	Staffing Above (+) or Below (-) Industry Standard
School Nurses	4.0	8,625	2,156	1-to-2,274	+0.21

Sources: CDE, district provided data, industry standards, and 2022 Fall 1 CALPADS census day K-12 enrollment.

Recommendations

The district should:

1. Consider converting the temporary 1.0 FTE school psychologist position into a permanent position and adding an additional 1.0 FTE school psychologist position (for a total of 2.0 FTE) to align with industry standards and better meet district assessment needs.
2. Regularly analyze whether service provider staffing ratios are aligned with current laws and industry standards and are adequate to meet student needs.

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 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:

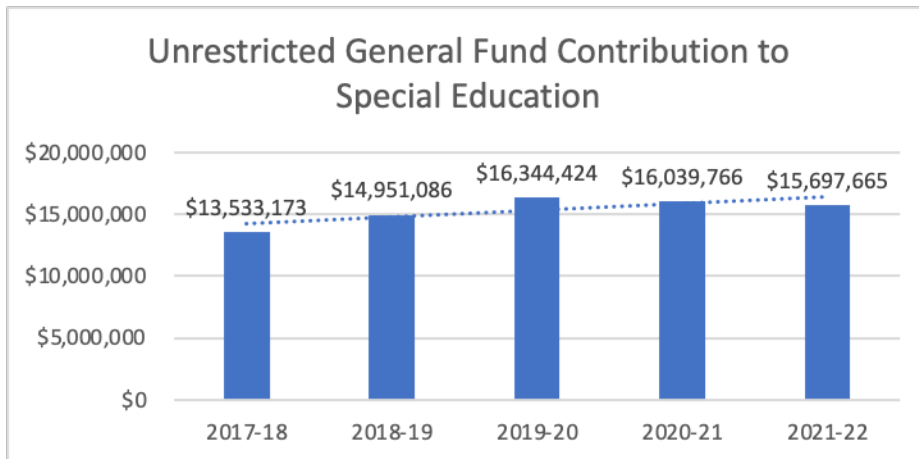
1. Voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
2. A decrease in the enrollment of children with disabilities.
3. The termination of the obligation of the agency to provide a program of special education to a particular 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
 - 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 local control funding formula (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.

Unrestricted General Fund Contribution to Special Education

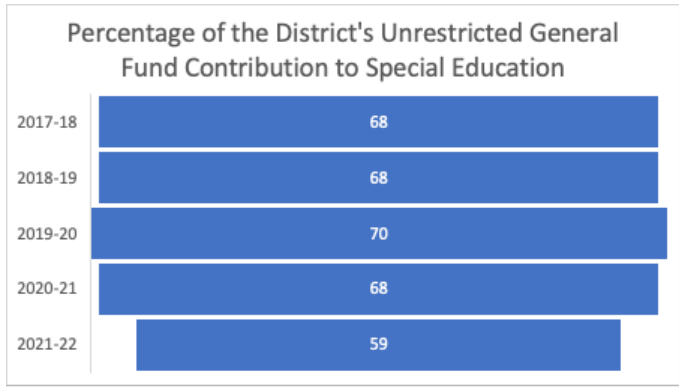
The special education finance reporting methods used by districts, county offices and SELPAs can vary. For example, some districts include transportation costs, while others exclude them. There are also variations in how special education funds are allocated through a SELPA’s approved allocation plans. 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 by just over \$2 million between 2017-18 and 2021-22, as shown below. The district reported coding 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 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. Between 2017-18 and 2020-21, the percentage of the district’s unrestricted general fund contribution to special education remained stable and averaged 68.5% of total education costs. In 2021-22, the district’s unrestricted general fund contribution to special education decreased by 9% to 59%, which was lower than the statewide average of 64.3% calculated by School Services of California. The district attributes the decrease in last year’s general fund contribution to the impact of new early intervention funds (\$663,988, which are ongoing), and one-time COVID funds (\$1,336,496). Collectively, these funds totaled over \$2 million, which skewed the district’s general fund contribution trend in 2021-22.



Source: District-provided data.

Progress from the 2014 FCMAT Special Education Review – Special Education Budget Development

Interdepartmental Collaboration

- *2014 Recommendation - Ensure that the director of special education is involved in all areas of special education budget development and monitoring.*

In 2014, FCMAT reported the special education budget was under the direction of the Business Services Department. The director of special education did not meet with the Business Services Department for either budget development or monitoring, and the special education budget was rolled over from one year to the next year based on the prior fiscal year's income and expenditures. In 2023, FCMAT found the district's Special Education, Human Resources and Business Services departments participate in regular interdepartmental collaboration to review items such as position control, fund balances, staffing, and position vacancies. There is now regular interdepartmental communication on budget development and monitoring, which meets FCMAT's 2014 recommendation.

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 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 maintains adequate account codes to differentiate between general legal costs for activities such as mediation, due process and general inquires, and the cost of settlement agreements. The district's associated costs over the past three school years are summarized below. Many districts experienced increased legal and settlement costs following the COVID-19 pandemic. The district needs to monitor legal and settlement costs and take advantage of alternative dispute resolution training when possible.

	2020	2021	2022
Legal Costs*	\$73,760	\$90,008	\$76,018
Settlement Agreement Costs	\$127,704	\$161,893	\$58,313

*These include costs associated with medication and due process, as well as general inquiries.

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. Monitor special education-related legal and settlement costs and take advantage of alternative dispute resolution training when possible.

Special Education Transportation

History of School Transportation Funding

School transportation is one of most poorly funded areas of California's education budget. Prior to 1977, school transportation was fully funded. School districts would report their operational costs, and they were fully reimbursed in the subsequent school year. Following the adoption of Proposition 13 in approximately 1977, the state began reducing the percentage of reimbursement. By the 1982-83 school year, districts were reimbursed at 80% of their reported costs. The state capped the reimbursement at the level of costs a school district had reported that year, only occasionally granting a cost-of-living adjustment (COLA) in subsequent years. Over the past 40 years, costs have risen significantly, demographics have changed, and the need for special education transportation has increased dramatically. During the Great Recession of 2008, the state reduced all categorical programs, including school transportation, by approximately 20%.

In the 2013-14 school year, California adopted a new school funding formula, the LCFF. Since then, school transportation has been funded at the same level as the 2012-13 appropriation. The funding was structured as an add-on to the LCFF base grant received by each district and can only be spent on school transportation. Districts need to spend at least as much as they receive to maintain the same level of funding (the maintenance of effort requirement). School transportation has not received a COLA since the inception of LCFF.

The 2022-23 state education budget included a provision to fund school transportation at 60% of the pupil transportation costs reported for the 2021-22 school year in Function 3600 of each district's budget in the Standardized Account Code Structure (SACS). Additional funding above the district's base grant will be provided to achieve the 60% level funding. Capital funding would not be included in this apportionment. This new funding is expected to start in the 2022-23 fiscal year. In addition, districts must adopt a plan by April 1, 2023, designed to address the needs of unduplicated pupils (those who are English language learners, qualify for free or reduced-price lunches, are foster or homeless students). The CDE's Finance Division has not yet provided specific guidance on the provision of these funds, the specific amounts for each district in the state that provides student transportation, or the requirements for the plan to address transportation for unduplicated students. In addition, there are data collection requirements which have not been specified.

District Transportation Funding and Expenditures

Since the outset of LCFF, the district has received \$254,232 per year for student transportation. The district's 2021-22 unaudited actuals financial report contained student transportation costs totaling \$2,422,936. The district should receive approximately \$1,453,761 in student transportation funding from the state for the 2022-23 fiscal year, or approximately \$1,199,529 of additional funding. For the 2022-23 fiscal year, the district budgeted \$2,532,000 for pupil transportation, and currently transports 239 students a number of different ways. The average cost of transporting these students as budgeted is \$10,594 per student.

The district uses four modes to provide special education transportation, and the associated costs are as follows:

1. First Student charges the district \$520.59 per route, per day. For a 200-day regular and extended school year with 19 bus routes, the cost is \$1,978,242 for 189 pupils. As not all students receiving transportation attend extended school year programs, this is an estimated cost of \$10,466.88 per pupil, per year.

2. Rids Brother Company, Inc. (Rids Brother) charges the district an average of \$135 per pupil, per day. For a 200-day regular and extended school year, the average cost per pupil, per year is \$27,000.
3. Two district students attend a nonpublic school that includes transportation in the student contract at a rate of \$140 per day. One student receives 210 sessions while the other receives 121 at an annual cost of \$29,400 and \$16,940 respectively.
4. Twelve students have a parent who drives them to and from school and receives a mileage reimbursement from the district. This district had provided a total of \$12,505 in parent reimbursements as of May 11, 2023.

Determining the average or reasonable costs for special education student transportation has become more difficult in the past decade. When the LCFF was implemented, the state ceased collecting student transportation data. This data, which had been collected for decades, was indispensable in comparing district programs to a statewide average. In 2012-13 (the last time data was collected), the average cost of special education student transportation was \$6,500 per student per year.

Among the different ways the district provides transportation for special education students, paying parent drivers in lieu of providing transportation service is the least expensive. First Student's transportation costs appear to be reasonable considering the prior average cost reported a decade ago. Although Rids Brother is expensive, it provides specialized transportation with no more than three students on any vehicle, and many vehicles transport just one student. The highest cost per student for special education transportation is for the nonpublic school. Again, this mode of transportation is expensive since it is specialized with only two students in each vehicle.

For students who are transported by their parent, the district has no contract with the family that articulates the agreement or limits the district's liability. The district uses a letter that articulates the mileage reimbursement process and specifies that the parent must maintain automobile insurance and provide the district with a copy of that insurance every six months. Appendix A attached to this report is a sample agreement of the type that the district needs to use for parent-provided transportation. At a minimum, the sample agreement's indemnification language needs to be added to the district's process and parent letter.

Routing and Scheduling

First Student provides most of the district's special education transportation service. Approximately 189 students are transported on 19 school bus routes, which is a ratio of 9.9 students per route. First Student organizes bus routes after receiving student transportation information from the district. Routing is performed by First Routing Solutions, a division of First Student, using bus routing software. These systems have street data for San Leandro, which is regularly updated. The district reported the routing process is rapid and responsive, with students often on a bus route in two to three days.

The district uses Rids Brother to transport students attending NPSs outside of its boundaries. First Student cannot provide the Rids Brother service on a school bus at a more competitive cost. First Student typically receives all student transportation requests, but students attending an NPS outside district boundaries are transported by Rids Brother as the subcontractor for First Student.

The district's contract with First Student requires student ride times to be less than an hour for most students, with TK students limited to a maximum ride time of 45 minutes. First Student and the district reported maximum ride times are approximately 45 minutes for all routes. Rids Brother is not limited to these maximum ride times because students on those routes may be transported a great distance to their NPS educational programs.

Bell times for the district's schools are relatively compact: elementary schools begin at 8:10 a.m., middle schools begin at 8:25 a.m., and the high school begins at 8:30 a.m. Since school bell times are so close together, only one bus route runs in the morning and the afternoon. One run consists of picking up students in the morning and dropping them off at school and doing the reverse in the afternoon. School districts with more separation between school level start times sometimes can schedule two runs per route, which reduces the total number of bus routes required.

Because of the district's ride time restriction and school bell times, there is little opportunity for the bus routes to have higher rider ratios. Many geographically compact school districts with school bell time separation and a higher ride time allowance can transport an average of 15 students per route or more, reducing the overall number of bus routes. If the district could have an average of 15 students per route, a reduction of approximately six bus routes for a savings of over \$500,000 per year may be possible.

Vehicle Maintenance, Safety and Facilities

The CHP Motor Carrier Inspector Unit inspects school buses, vehicle maintenance records, driver records, driver timekeeping records and federal drug and alcohol testing records annually and reports their findings through a report titled the *Safety Compliance Report/Terminal Record Update* or more commonly known as the "Terminal Grade." The most current inspections of First Student at their San Leandro terminal are as follows:

- 8/17/21: Satisfactory
- 8/12/22: Satisfactory

In addition, the terminal inspection reports for the district's contract buses also indicated regular satisfactory grades in all inspected areas over the last four years. "Satisfactory" is the highest grade awarded to any motor carrier and indicates general compliance with laws and regulations governing school bus safety. An "unsatisfactory" grade is very serious and the CHP clearly advises that a failure to correct the deficiencies can result in a recommendation to the Public Utilities Commission (PUC) to revoke the carrier's motor carrier operating authority, filing a complaint with the district attorney for potential prosecution, and filing an injunction. Criminal charges can be brought against the contractor or motor carrier.

Based on the satisfactory grade, First Student operates a safe and compliant school transportation program. In addition to the annual terminal inspection by the CHP, all school buses are inspected by the CHP annually. Furthermore, First Student is required to inspect each school bus every 45 days or 3,000 miles, whichever occurs first, per Title 13 of the California Code of Regulations, 1232.

The district provides space for First Student to park its buses at Madison Elementary School. In addition, First Student uses approximately 1,000 square feet of office space adjacent to the bus parking area and uses one vehicle maintenance repair bay at the district's maintenance and operations facility.

Contract Analysis

The district's contract with First Student is for school bus transportation for special education students and allows for a subcontractor to transport certain students who cannot easily or efficiently be transported on a school bus. Prior to approximately 2015, the district belonged to a cooperative of approximately 10 school districts in Alameda County that contracted with Durham School Services (a for-profit school bus contractor). That contract dissolved in 2016 after Fremont Unified School District pulled out of consortium. At that time, the district contracted with the American Logistics Company (ALC) for special education transportation. ALC operates like a ride-share company (Uber or Lyft) and hires local drivers who use their own automobiles. ALC generally ensures the vehicles are safe and the drivers are background checked (finger-

printed), drug and alcohol tested, and are enrolled in the DMV's Employer Pull Notice Program so at it can monitor the drivers' regular driving record as well as any activity (moving violations, accidents, suspensions, DUIs, etc.). ALC performed special education transportation for about a year before the district contracted with First Student in 2016 for transportation service using school buses, with ALC as an authorized subcontractor. First Student spent approximately a year acquiring buses and hiring and training drivers. As First Student built its capacity, the need decreased for ALC, which then only transported students attending NPSs outside of the district boundaries.

Education Code 39802 allows school districts to go to bid and contract for school transportation service. EC 39803 requires the term not to exceed five years, but also states that the contract could be extended for up to five more years for a maximum of 10 years. Bids must follow Sections 20111 and 20112 of the Public Contract Code. According to the district's 6-21-2016 board agenda, when the Durham transportation contract expired, a request for proposal (RFP) was issued in the winter with no usable responses. The district contracted with First Student in 2016 for a term extending until July 31, 2021. The district could have gone to bid in 2021 to determine the competitiveness of the market, but decided to extend the existing First Student contract by two years. The district should consult with its attorney to determine when it needs to go to bid next for transportation service.

The district reported the contract with First Student was negotiated cooperatively with the San Lorenzo Unified School District. Working with another school district could be beneficial to manage economies of scale and ensure the scope of work is worth the contractor's time and effort. However, the First Student contract is only between San Leandro Unified School District and First Student. The San Lorenzo Unified School District is not mentioned, but has its own contract with First Student for special education transportation, and the San Lorenzo district shares the San Leandro district's bus parking location. First Student operates 19 routes for San Leandro and 14 routes for San Lorenzo for a total of 33 bus routes.

The First Student contract contains the typical categories and most language FCMAT recommends in a pupil transportation contract. Before going to bid for transportation service in the future, the district needs to review the contract's insurance requirements to ensure it still meets district needs. In addition, the district would benefit from using an attorney with experience in school transportation contracts and current school transportation operations to ensure that the contract language meets current legal requirements and district needs. For example, the language for liquidated damages includes a relatively low penalty for missed service. The penalty for a missed route would typically be equivalent to the district's daily route cost. Also, contracts typically specify penalty amounts for late routes, and the current contract does not.

The First Student contract contains typical language on bus operations and includes most of the elements related to driver licensing, bus requirements, regular reports the district should receive, and the district's rights. The current contract requires that buses have global positioning and video camera system. However, the language for the video camera system is quite antiquated and requires a video camera box and a small number of cameras that can be moved between buses. First Student uses a more modern system with a solid-state electronic video camera system that has multiple camera heads and can record and store for long periods. This system is permanent in all buses.

In addition to the contract with First Student, the district has a separate contract with ALC that remains in effect, but unused. On August 26, 2021, a contract amendment was signed identifying Rids Brother as the subcontractor for First Student. The district's board of trustees approved the amendment on August 31, 2021. The amendment indicates the subcontractor, Rids Brother, is used in accordance with Section 8 of the contract, which requires the subcontractor to adhere to all contract elements. The cost per route is likely less than the daily rate charged by First Student, but there should be more detail on the rates charged by Rids Brother. FCMAT found that First Student charges the district a 10% premium above the Rids Brother prices. District staff could not explain the Rids Brother rate structure and did not know First Student charges

a 10% premium over and above what Rids Brother charges First Student as a subcontractor. First Student adds 10% to the Rids Brother invoice and passes it on to the district.

The district also has a “Bus Facility License and Use Agreement” that was executed at the same time as the original contract with First Student for bus transportation service. This agreement is for a bus parking area at Madison Elementary School and approximately 1,000 square feet of office space. The original agreement notes a fee of \$1 per year, which has been amended to \$2,000 per month. According to the contract, First Student must provide insurance for the property and its use and pay for its own telephone use. The agreement does not mention other utilities on the property, so FCMAT assumes the district absorbs the cost of electricity, heat, water, and wastewater treatment at the Madison Elementary School site. In addition, the district allows First Student the use of one vehicle maintenance bay at the district’s maintenance and operations facility. One First Student mechanic is assigned to this location, but the agreement does not include details regarding storage of tools and parts or reasonable insurance for use of this district facility. First Student benefits from the use of this property. In most bus service contracts, the contractor is responsible for acquiring an operations facility. However, this could be difficult in an impacted and expensive area such as San Leandro. This was likely an attractive condition for First Student, but because the district never went to bid for the service, the rate First Student charges and the benefit it receives relative to the facility use cannot be reasonably evaluated.

Recommendations

The district should:

1. Create and use a contract for parents who choose to transport their students and receive a mileage reimbursement.
2. Consider separating bell times in the district and/or increasing ride time limits to create more efficient bus routes and reduce special education transportation costs.
3. Ensure that an attorney reviews the First Student contract in detail prior to going to bid for service in the future.
4. Update and include more reasonable detail in the facility use agreement with First Student.

Appendices

Appendix A - Sample Parent Transportation Agreement

Consortium Member District Letterhead
TRANSPORTATION AGREEMENT
 (For contracting with Parents or Guardians)

THIS AGREEMENT is entered into this Date: _____, between *district*, hereinafter called the District, and Parent hereinafter called the Contracted for (Student Name) hereinafter referred to as the Pupil.

WITNESSETH:

WHEREAS, the District has agreed to transport a student to () for special education and/or related services to the Pupil identified above, pursuant to Education Code Sections 56030-5640 or 56300-56367; and

WHEREAS, it has been determined that the Contracted will transport the Pupil to and from () for the 2009-2010 school year.

NOW THEREFORE the District and Contracted hereby agree as follows;

The District shall reimburse the Contracted for the transportation of the Pupil to and from the school the sum of the current IRS mileage rate payable upon presentation of an itemized mileage report to the District Business Manager. Payment shall be made as soon as possible in the month succeeding that in which the transportation was performed.

Total number of miles per day to be reimbursed will not exceed (). It is expressly understood and agreed to by both parties that the Contracted, while performing services under the Agreement, is an independent contracted and is not an officer, agent, or employee of the District.

The Contracted shall defend, save harmless, and indemnify the District and its officers, agents, and employees from all liabilities and claims for damages for death, sickness, or injury to persons or property including without limitation all consequential damages, from any cause whatsoever arising from or connected with its service hereunder, whether or not resulting from the negligence of the Contracted, its agents or employees. Proof of automobile insurance shall be presented to the Business Manager prior to completing this contract.

Service under this Agreement shall commence on () and shall terminate on (). Inclusive, unless terminated sooner. **Reimbursement forms to be submitted monthly.**

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date and year first above written.

District

CONTRACTED

By _____

By _____

Title _____

Title _____

Date _____

Date _____

EDUCATION CODE - EDC

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 65001] (*Title 2 enacted by Stats. 1976, Ch. 1010.*)

DIVISION 3. LOCAL ADMINISTRATION [35000 - 45500] (*Division 3 enacted by Stats. 1976, Ch. 1010.*)

PART 23.5. TRANSPORTATION [39800 - 40090.5] (*Part 23.5 added by Stats. 1999, Ch. 646, Sec. 14.*)

CHAPTER 1. Transportation Services [39800 - 39860] (*Chapter 1 added by Stats. 1999, Ch. 646, Sec. 14.*)

ARTICLE 1. General Provisions [39800 - 39809.5] (*Article 1 added by Stats. 1999, Ch. 646, Sec. 14.*)

39800.1. (a) As a condition of receiving apportionments under Section 41850.1, a local educational agency shall develop a plan describing the transportation services it will offer to its pupils, and how it will prioritize planned transportation services for pupils in transitional kindergarten, kindergarten, and any of grades 1 to 6, inclusive, and pupils who are low income. The plan shall be adopted by the local educational agency's governing board on or before April 1, 2023, and updated by April 1 each year thereafter. The plan shall include the following components:

(1) A description of the local educational agency's transportation services that would be accessible to pupils with disabilities and homeless children and youth, as defined pursuant to the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).

(2) A description of how unduplicated pupils, as defined in subdivision (b) of Section 42238.02, would be able to access available home-to-school transportation at no cost to the pupils.

(b) (1) The plan shall be developed in consultation with classified staff, teachers, school administrators, regional local transit authorities, local air pollution control districts and air quality management districts, parents, pupils, and other stakeholders.

(2) The plan shall be presented and adopted by the governing board of the local educational agency in an open meeting with the opportunity for in-person and remote public comment.

(c) The plan may provide for the local educational agency to partner with a municipally owned transit system to provide service pursuant to this section to middle school and high school pupils.

(d) Nothing in a local educational agency's plan shall preclude a local educational agency from providing no-cost transit passes to pupils.

(e) For purposes of this section, "local educational agency" means a school district or a county office of education.

(*Added by Stats. 2022, Ch. 52, Sec. 14. (AB 181) Effective June 30, 2022.*)

Appendix B - Study Agreement



FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM STUDY AGREEMENT October 19, 2022

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

1. BASIS OF AGREEMENT

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

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

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

1. Review the district's implementation of student success team, response to intervention, and multi-tiered system of supports, and make recommendations for improvement, if any.
2. Analyze special education teacher staffing ratios and class and caseload sizes 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 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 teachers and other staff who may be related service providers, and make recommendations for improvement, if any.
5. Determine whether the district overidentifies students for special education services compared to the statewide and countywide averages, and make recommendations that will reduce overidentification, if needed.

6. Analyze whether the district provides a continuum of special education and related services for students from preschool through age 22, including placements in the least restrictive environments, and make recommendations for improvement, if any.
7. Review the cost of and placement of students in county office of education, nonpublic school and nonpublic agency programs, and make recommendations for improving the process for placement and cost efficiencies, if any.
8. Review the organizational structure and staffing of the special education department in the district's central office to determine whether administration, clerical and administrative support, program specialists, teachers on special assignment and overall function are aligned with those of districts of comparable size and structure, and make recommendations for greater efficiencies, if needed.
9. Review special education transportation for efficiency and effectiveness, and provide recommendations for potential cost saving measures, if any. The review will include but not be limited to the role of individualized education programs (IEPs), routing, scheduling, operations and staffing.
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:

<i>To be determined</i>	<i>FCMAT Staff</i>
<i>To be determined</i>	<i>FCMAT Consultant</i>
<i>To be determined</i>	<i>FCMAT Consultant</i>
<i>To be determined</i>	<i>FCMAT Consultant</i>

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 \$44,500.

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

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

5. RESPONSIBILITIES OF THE DISTRICT

- A. The district will provide office and conference room space during on-site reviews.
- B. The district will provide the following if requested:
 1. Policies, regulations and prior reports that address the study scope.
 2. Current or proposed organizational charts.
 3. Current and two prior years' audit reports.

4. Any documents requested on a supplemental list. Documents requested on the supplemental list should be provided to FCMAT only in electronic format; if only hard copies are available, they should be scanned by the district and sent to FCMAT in electronic format.
 5. Documents should be provided in advance of fieldwork; any delay in the receipt of the requested documents may affect the start date and/or completion date of the project. Upon approval of the signed study agreement, access will be provided to FCMAT's online SharePoint document repository, where the district will upload all requested documents.
- C. The district's administration will review a draft copy of the report resulting from the study. Any comments regarding the accuracy of the data presented in the report or the practicability of the recommendations will be reviewed with the team prior to completion of the final report.

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

6. PROJECT SCHEDULE

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

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

7. COMMENCEMENT, TERMINATION AND COMPLETION OF WORK

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

extraordinary circumstances, FCMAT will not withhold preparation, publication and distribution of a report once fieldwork has been completed, and the district shall not request that it do so.

8. INDEPENDENT CONTRACTOR

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

9. INSURANCE

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

10. HOLD HARMLESS

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

11. COVID-19 PANDEMIC

Because of the existence of COVID-19 and the resulting shelter-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:

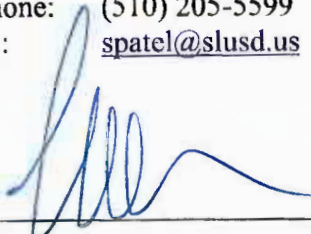
- A. Orientation and exit meetings, interviews and other information-gathering activities may be conducted remotely via telephone, videoconferencing, etc. References to on-site work or fieldwork shall be interpreted appropriately given the circumstances.
- B. Activities performed remotely that are normally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

13. CONTACT PERSON

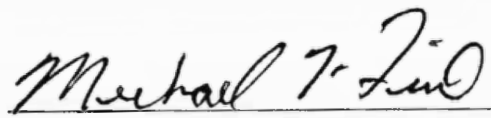
Name: Dr. Sonal Patel, Assistant Superintendent of Educational Services
Telephone: (510) 205-5599
E-mail: spatel@slusd.us



Dr. Mike McLaughlin, Superintendent
San Leandro Unified School District

11/14/21

Date



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

11/15/2022

Date