

FCMAT

FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

Special Education and Transportation Review

April 21, 2023



Winters Joint Unified School District

Michael H. Fine
Chief Executive Officer

April 21, 2023

Rody Boonchouy, Superintendent
Winters Joint Unified School District
909 W. Grant Ave.
Winters, CA 95694

Dear Superintendent Boonchouy:

In April 2022, the Winters Joint 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 multitiered system of supports, and make recommendations for improvement, if any.
2. Review the efficiency of staffing allocations of special education paraeducators, per education code requirements and/or industry standards, and make recommendations for improvement, if any. Review the procedures for identifying the need for paraeducators, including least restrictive environment and the processes for monitoring the assignment of paraeducators and determining the need for continued support from year to year (include classroom and 1-to-1 paraeducators).
3. Analyze staffing and caseloads for related service providers, including but not limited to speech pathologists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education, and other staff who may be related services providers, and make recommendations for improvement, if any.
4. Determine whether the district overidentifies students for special education services compared to the county and statewide averages, and make recommendations that will reduce overidentification, if needed.
5. Review the organizational structure and staffing of the Special Education Department in the district's central office to determine whether administration, clerical and administrative support, program specialists, teachers on special assignments and overall functionality align with those of districts of comparable size and structure and make recommendations for greater efficiencies, if needed.
6. Review the special education transportation delivery system 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 IEP, routing, scheduling, operations and staffing.
7. Review the costs of due process, mediations, and settlements for the past three years and make recommendations for improvements, if any.

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

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

FCMAT appreciates the opportunity to serve the Winters Joint Unified School District and extends 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 "M" and "F".

Michael H. Fine
Chief Executive Officer

Table of Contents

About FCMATii

Introduction.....iv

 Background iv

 Study and Report Guidelines v

 Study Team v

Executive Summary 1

Findings and Recommendations..... 4

 Student Success Teams, Response to Instruction and Intervention and
 Multitiered System of Supports 4

 Organizational Structure and Staffing.....12

 Special Education Paraeducator Staffing Allocation 17

 Related Service Provider Staffing and Caseloads.....21

 Unrestricted General Fund Contribution to Special Education 24

 Cost of Due Process, Mediation and Settlements.....28

 Special Education Transportation.....29

 Routing and Scheduling31

 Staffing33

 Vehicle Maintenance, Fleet and Facilities.....35

 Driver Training and Safety 37

Appendix40

 Appendix A – Study Agreement..... 41

 Appendix B – In-Lieu Contract Samples..... 47

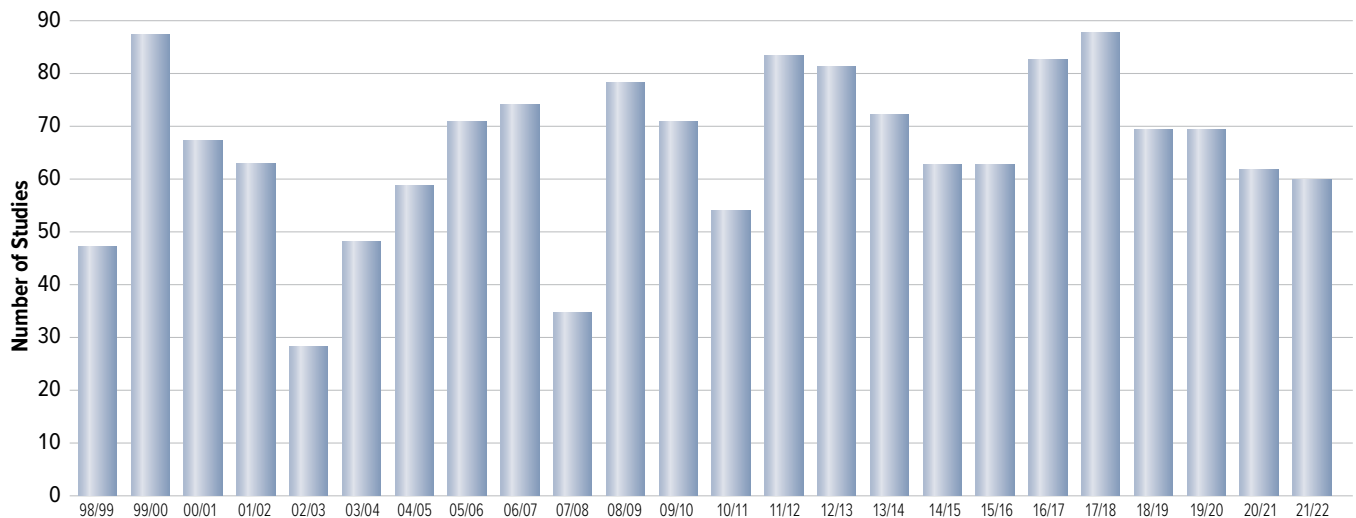
About FCMAT

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 Winters Joint Unified School District covers approximately 128.32 square miles and serves the primarily agricultural community of Winters and the adjacent unincorporated areas of Yolo and Solano counties. According to [DataQuest](#), 1,557 K-12 students were enrolled in 2021-22. The district is composed of five schools, including one elementary school (TK-2), one intermediate school (3-5), one middle school (6-8), one high school (9-12), and one career readiness academy (9-12). It is a member of the Yolo County Special Education Local Plan Area (SELPA). In 2021-22, 28.90% of the district's K-12 students were identified as English learners and 11.43% as requiring special education, which was below the statewide average of 12.65%. The district employs approximately 200 personnel.

In April 2022, the Winters Joint 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 study agreement specifies that FCMAT will perform the following.

1. Review the district's implementation of student success team, response to intervention and multitiered system of supports, and make recommendations for improvement, if any.
2. Review the efficiency of staffing allocations of special education paraeducators, per education code requirements and/or industry standards, and make recommendations for improvement, if any. Review the procedures for identifying the need for paraeducators, including least restrictive environment and the processes for monitoring the assignment of paraeducators and determining the need for continued support from year to year (include classroom and 1-to-1 paraeducators).
3. Analyze staffing and caseloads for related service providers, including but not limited to speech pathologists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education, and other staff who may be related services providers, and make recommendations for improvement, if any.
4. Determine whether the district overidentifies students for special education services compared to the county and statewide averages, and make recommendations that will reduce overidentification, if needed.
5. Review the organizational structure and staffing of the Special Education Department in the district's central office to determine whether administration, clerical and administrative support, program specialists, teachers on special assignments and overall functionality align with those of districts of comparable size and structure and make recommendations for greater efficiencies, if needed.
6. Review the special education transportation delivery system 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 IEP, routing, scheduling, operations and staffing.
7. Review the costs of due process, mediations, and settlements for the past three years and make recommendations for improvements, if any.

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

Study and Report Guidelines

FCMAT visited the district on September 19-20, 2022, to conduct interviews with district administrators, special education teachers, paraprofessionals, and related service providers. Following fieldwork, FCMAT reviewed and analyzed data and documents. This report is the result of those activities and is divided into the following sections:

- Executive Summary
- Student Success Teams, Response to Instruction and Intervention and Multitiered System of Supports
- District Special Education Identification Rate
- Organizational Structure and Staffing
- Special Education Paraeducator Staffing Allocation
- Related Service Provider Staffing and Caseloads
- Unrestricted General Fund Contribution to Special Education
- Cost of Due Process, Mediation and Settlements
- Special Education Transportation

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

Cassady Clifton
FCMAT Technical Writer

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

Executive Summary

The percentage of the district's K-12 students in special education decreased by 0.59% between 2017-18 and 2021-22 and the district's identification rate is currently below county and state averages. To be eligible for special education a student must qualify under the two-pronged test: they meet the definition of one of the 13 disability categories in the individuals with Disabilities Education Act (IDEA), and they require specially designed instruction. However, staff indicated students who become ineligible according to this two-pronged test are not always exited from the special education program. Consequently, the district's true percentage of students in need of special education may be much lower than the statewide average, which could indicate the district is not meeting its Child Find responsibility. The district needs to ensure students are being made eligible for and exited from special education based on the two-pronged test.

The percentage of English learners in special education is higher than in the district as a whole, which indicates the district may be overidentifying English learners for special education. In 2021-22, 28.90% of all district students were identified as English learners. Of the district's 178 K-12 students in special education, 82, or 46.01%, were identified as English learners. Spanish is the predominant language of the district's English learners, and 69.70% of the district's special education students identify as Hispanic or Latino. Because Latino students are commonly overidentified for special education, the district should evaluate whether it overidentifies Latino students for special education.

Proper identification of students who qualify for special education is essential and is influenced by a district's implementation of student study teams (SSTs), response to instruction and intervention (RtI²), and a multitiered system of supports (MTSS). Each of the district's schools has some form of an SST process, although it varies between schools. Most staff members interviewed reported the district's SST process is unclear and not followed consistently across schools. The district has developed an SST manual and roadmap that will be presented to staff this school year. Staff should receive training and support and be held accountable for following the district SST process, manual and roadmap.

A comprehensive districtwide RtI² system prevents students from being inappropriately identified as needing special education and supports students in the least restrictive environment (LRE). Staff reported school implementation of RtI² is inconsistent or lacking. Staff indicated a need for training and to define districtwide academic and behavioral interventions at different tiers to create a comprehensive RtI² system. The district does not have a defined MTSS framework but has developed an MTSS handbook that staff will be trained on this school year. The district should ensure its MTSS handbook includes each of the California Department of Education's (CDE's) RtI² and MTSS essential program components.

The district has a director of special education and student services, a part-time speech coordinator, and an administrative assistant. They are housed at the central office and spend a large percentage of their time on special education-related job duties. FCMAT conducted an informal survey of several unified school districts in Northern California with similar enrollment and unduplicated pupil percentages (UPP). (Unduplicated pupils are students who are English language learners, foster or homeless youth, or who qualify for free or reduced-price lunches.) The comparison districts have an average of 2.01 full-time equivalent (FTE) staff providing special education support in the central office; Winters Joint Unified School District has 1.45 FTE. It may benefit the district to analyze administrative and clerical job duties districtwide to determine if a different administrative assistant can support the district's student services functions, so the administrative assistant supporting special education and student services could devote 100% of his or her time to special education.

The district employs 24 special education paraeducators, referred to as instructional assistants, four of whom provide 1-to-1 student support and 20 of whom provide direct support to teachers and students in

classrooms. At the time of FCMAT's fieldwork, seven students were enrolled in the district's moderate/severe special day class, which was supported by one education specialist and four instructional assistants. The district needs to review student need to determine if four instructional assistants are required to support this program. Staff indicated they do not use the Yolo County SELPA's special circumstance instructional aide (SCIA) assessment protocol to determine a student's need for intensive individual services (ISS) through a 1-to-1 instructional assistant. The district needs to consistently use the SELPA's SCIA assessment protocol to determine need for 1-to-1 instructional assistant support.

FCMAT analyzed related service provider staffing. The district contracts with a nonpublic agency for a 1.0 FTE speech and language pathology assistant (SLPA) and 2.625 FTE speech and language therapists (SLPs) who provide teletherapy. Staffing for speech and language therapists is adequate compared to the Education Code; however, the district should prioritize hiring district staff. The district has an unfilled 1.0 FTE occupational therapist (OT) position and would be adequately staffed based on industry standards if it were filled. The district may benefit from conducting a salary study to ensure its OT, SLP and SLPA salaries are competitive with other districts in the region. The district could also consider offering a signing bonus to OTs, SLPs and SLPAs. One strategy used by districts to improve retention of related service providers is to pay half of the bonus when the employee is hired and the second half of the bonus at the end of the employee's second year of service.

The district employs 2.0 FTE school psychologists. Compared to industry standards, the district is adequately staffed. However, it may not be adequately staffed after accounting for the psychoeducational assessment needs of the preschool program. The district needs to analyze the job duties of both school psychologists and the amount of time they spend supporting the preschool program, then evaluate if it needs to hire an additional half-time school psychologist.

The district's unrestricted general fund contribution to special education increased from 2017-18 through 2021-22. In 2019-20, the district's unrestricted general fund contribution was 71.26% of the total special education budget, which was 4.09% higher than the statewide average of 67.17% calculated by School Services of California, Inc. (SSC). The district attributes increased special education costs over the past few years to at least two reasons: increased use of contracts with nonpublic agencies to fill vacant SLP and SLPA positions, and an increase in the number of instructional assistants.

The district does not consistently charge the maximum allowable indirect cost rate to special education resources. The district needs to consistently charge an indirect rate to special education resources.

The district operates a safe and compliant pupil transportation program that transports approximately 116 general education students on two bus routes and 22 special education students on four other bus routes. The district has 11 students who have transportation listed as a required related service on their individualized education program (IEP). One special education student is transported by his or her parent and the district reimburses the parent for mileage. The Special Education Department appears to manage the IEP process well and does not appear to overidentify students for transportation as a necessary related service.

Since the onset of the Local Control Funding Formula (LCFF), the district has received \$216,471 annually in state appropriations for pupil transportation. These appropriations are increasing to approximately \$320,511 for the 2022-23 fiscal year because of new legislation that provides an increased appropriation for pupil transportation. This is the first such increase in nearly 40 years. In 2021-22, the Transportation Department spent approximately \$534,196 on pupil transportation. The district's bus routes have remained generally consistent over the years and appear to be relatively efficient. The department provides transportation for fewer than 150 field trips and athletic trips each year. The rate charged for those trips has remained consis-

tent for at least the past four years. The district needs to evaluate the field and athletic trip rates annually and update them as necessary.

The Transportation Department has a supervisor who is also a state certified school bus driver instructor. The district's bus routes have an adequate number of drivers, but not all drivers can operate school buses, so vans are used for certain routes. The department no longer has a mechanic, so school buses and other vehicles are serviced by outside contractors. School bus maintenance is performed according to the California Code of Regulations. The California Highway Patrol (CHP) reviews the pupil transportation program annually and has consistently declared that the department meets California's school bus safety requirements. The district's vans need to be inspected and maintained in the same manner as the school buses to ensure students are safe and minimize the district's liability. School bus drivers receive the required amount of training annually. The supervisor needs to ride with drivers when able.

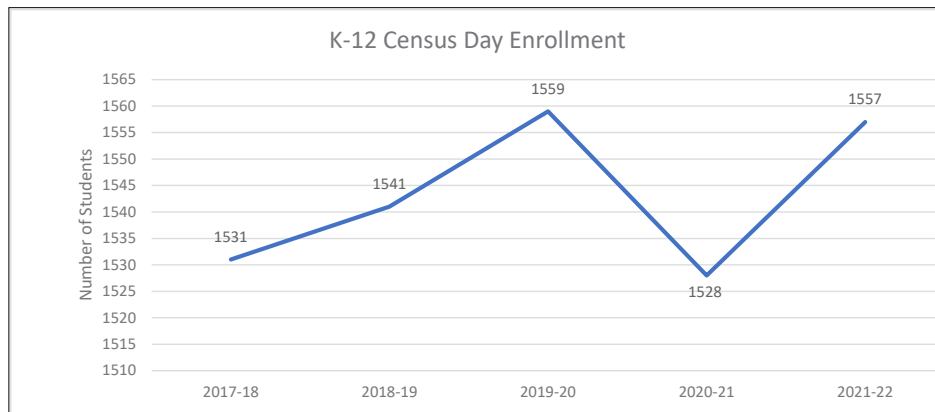
Findings and Recommendations

Student Success Teams, Response to Instruction and Intervention and Multitiered System of Supports

Special education should be reserved for students who are eligible to receive these specialized services. To be eligible for special education a student must qualify under the two-pronged test that is defined later in this report. Identifying a student for special education before implementing general education interventions does not best serve the student. Students in special education can experience stigma, less access to the rigorous instruction given in the general education curriculum, limited interactions with their typically developing peers, and lower expectations, which can limit their progress and outcomes. Additionally, serving a student in special education through an individualized education program (IEP) is costlier than serving one through interventions and general education supports. Therefore, it is essential the district identify only qualifying students with disabilities for special education, a process which is influenced by a district’s implementation of SSTs, RtI², and an MTSS.

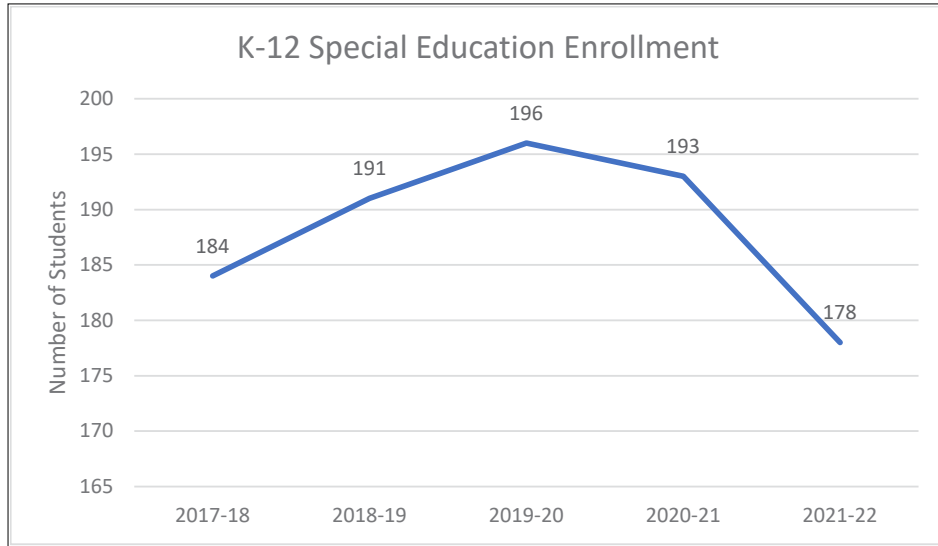
District Special Education Identification Rate

From 2017-18 through 2021-22, the district’s census day enrollment increased by 26 students and the percentage of English learners in the district decreased from 32.85% to 28.90%.



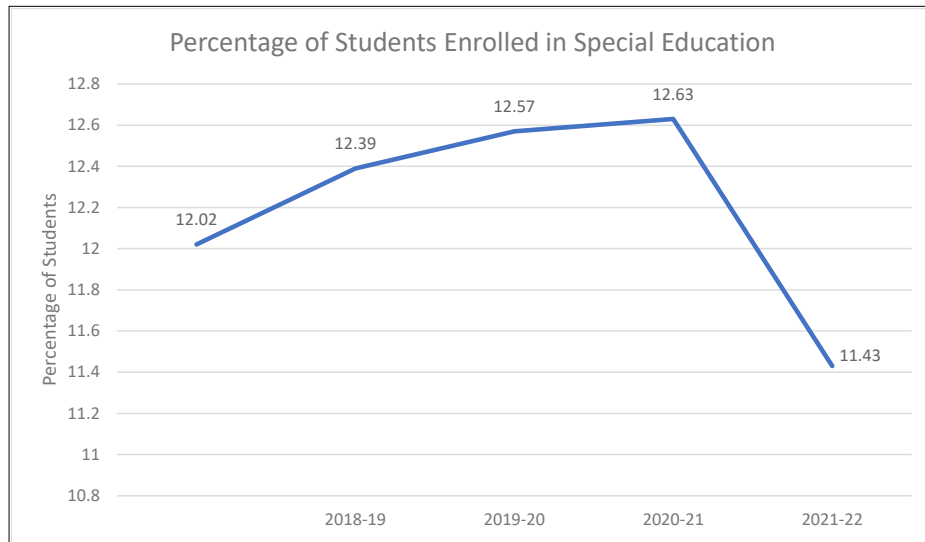
Source: CDE - Enrollment by Subgroup for Charter and Non-Charter Schools - Winters Joint Unified (cde.ca.gov).

The district’s special education enrollment decreased by six students from 2017-18 through 2021-22.



Source: CDE - Enrollment by Subgroup for Charter and Non-Charter Schools - Winters Joint Unified Report (cde.ca.gov).

The percentage of the district’s K-12 students in special education decreased by 0.59% from 2017-18 through 2021-22.



Source: CDE - Enrollment by Ethnicity and Grade - Winters Joint Unified Report (cde.ca.gov).

In 2021-22, 11.43% of the district’s K-12 students were identified as requiring special education, which is slightly less than the countywide and statewide averages.

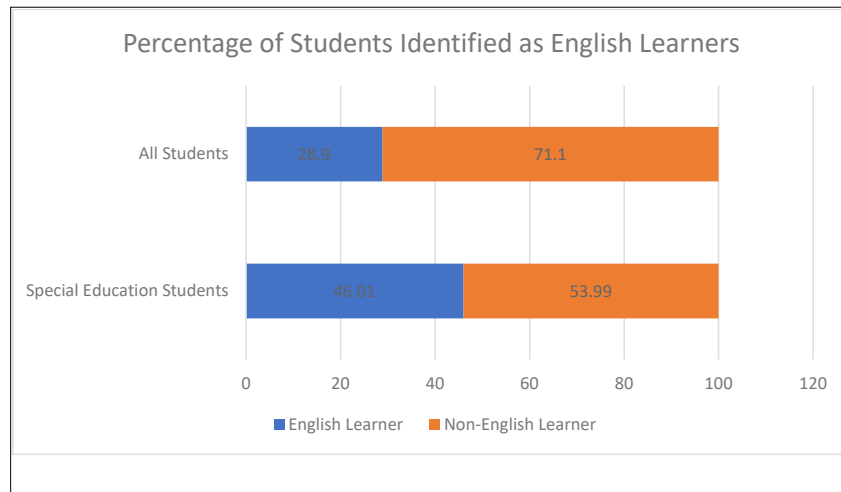
2021-22	District	County	State
K-12 enrollment	1,557	29,689	5,892,240
K-12 enrollment of students with disabilities	178	3,932	745,513
Percentage	11.43%	13.24%	12.65%

Source: CDE - Enrollment by Subgroup for Charter and Non-Charter Schools - Yolo County (cde.ca.gov).

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. Based on the most recent local level annual performance report (2020-21), the district was not disproportionate in the representation of racial and ethnic groups in special education and related services. The district needs to monitor for disproportionality in special education identification annually and provide training to IEP teams as necessary on how to properly identify students for special education.

English learners are commonly overidentified for special education. In 2021-22, 28.90% of all district students were identified as English learners. Of the district’s 178 K-12 students in special education, 82, or 46.01%, 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 be overidentifying English learners for special education. The district needs to review its data to determine possible causes of higher than expected identification of English learners in special education.



Source: CDE - Enrollment by Ethnicity and Grade - Winters Joint Unified (cde.ca.gov).

Because Latino students are commonly overidentified for special education, and because 69.70% of the district’s special education students are Hispanic or Latino and Spanish is the predominant language of the district’s English learners, the district should 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. This brief could help the district investigate its possible overidentification of Latino students in special education.

Two-Pronged Test for Special Education Eligibility

Students must qualify for special education per the two-pronged test: they meet the definition of one of the 13 disability categories in the Individuals with Disabilities Education Act (IDEA), and they require specially designed instruction. Identifying students for special education before implementing general education interventions using an RtI² system does not best serve them. Additionally, serving students in special education using an IEP is costlier than serving them using interventions and general education supports. However, failing to identify students with disabilities for special education can deny them of their rights

under the IDEA to free appropriate public education (FAPE). This can impede students' learning and may obligate the district to pay for compensatory educational services. Consequently, to ensure proper identification for special education, the district needs to track referrals, assessments, and eligibility rates to identify various annual trends and areas of need for professional development.

Many staff members stated that students are not exited from the district's special education program regardless of their eligibility. Staff indicated students remain in special education because of pressure from others, such as parents, guardians, principals, or general education teachers. Under IDEA, students placed in special education must be reevaluated at least once every three years. This triennial review determines whether students' needs have changed and if they still qualify for special education services. Students who are no longer eligible for special education based on the two-pronged test should be exited from special education at the triennial review. The district is adopting a new special education handbook, which was in draft form at the time of fieldwork. It addresses exiting students from special education, stating:

In cases in which a student does not qualify for services, reports must be attached to the future IEP before the case manager submits a Student Change Form. Once the student's status is changed to ineligible (Does not Qualify/DNQ), the report cannot be attached to the student's SEIS file.

The handbook lacks language that indicates eligibility for special education must be determined based on the two-pronged test. It also lacks language that indicates IEP teams may refer students who no longer require special education for Section 504 Plan evaluations. Section 504 Plans are nonspecial education accommodation and support plans for students with disabilities. The district also needs to regularly audit a selection of student special education files to evaluate whether its IEP teams are determining eligibility for special education based on the two-pronged test and exiting students who no longer qualify for special education.

If special education students who do not qualify for special education have not been exited from the program, the district's true percentage of students in special education may be much lower than the statewide average. Districts that underidentify students for special education may not meet the IDEA's Child Find mandate, which requires schools to locate, identify and evaluate all children with disabilities from birth through age 21. To ensure proper identification for special education, the district will need to track referrals, assessments, and eligibility rates to identify various annual trends and areas of need for professional development.

Student Success Teams

Before being considered for placement in special education, a struggling student should be referred to the SST, also commonly referred to as a student study team, which is a team-oriented approach to assisting students with a wide range of concerns related to their school performance and experience. An SST's purpose is to identify and intervene early to design a support system for students who are having difficulty in the general education classroom. The SST needs to 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), parent or guardian, and school personnel such as counselors, resource specialists, speech pathologists, school psychologists, classroom teachers, administrators. All schools need to have an SST process.

Each of the district's schools has some form of an SST process, though this process differs among schools. Despite the availability of districtwide SST forms in the Progress Adviser (PA) system, staff described recording SST information in Aeries (the district's student information system) or Google documents. During interviews, most staff members indicated they do not like the PA system, and they reported that the dis-

trict's SST process lacks clarity and is not followed consistently across schools. They also indicated a need for all staff involved in the SST process to receive comprehensive, formal training regarding the district's SST process, guidelines and forms. The district has developed an SST manual that will be presented to staff this school year. Additionally, the district has an SST roadmap that visually depicts the SST process. Staff need to receive training and support and be held accountable for following the district's SST process and roadmap.

The district adopted Board Policy (BP) 6164.5: Student Study Teams on March 6, 2008, which states:

Each student study team shall develop intervention strategies to assist the student. Such strategies may include changes in program placement or instructional methods, recommendation of supplemental educational services, parent involvement strategies, behavioral interventions, discipline, referrals to other agencies or resources, and/or other appropriate interventions.

The BP delegates to the superintendent or his or her designee the establishment of a process for initiating student referrals to the SST. The district has also adopted Administrative Regulation (AR) 6164.5: Student Study Team, which outlines expectations for SST membership, responsibilities, and meetings. BP and AR 6164.5 are outdated and need to be revised to match the SST expectations in the district's new SST manual.

Response to Instruction and Intervention

Response to Instruction and Intervention is a nationwide approach that focuses on individual students who are struggling academically and mobilizes resources from the district, school, and/or community to promote students' success. It is systematic and data-driven, with tiered levels of intervention. The CDE coined the term 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. In its technical assistance document, "Determining Specific Learning Disability Eligibility Using Response to Instruction and Intervention (RtI²)," the CDE identifies three purposes of RtI²:

1. **Prevention:** All students are screened to determine their level of performance in relation to grade-level benchmarks, standards, and potential indicators of academic and behavioral difficulties. Rather than wait for students to fail, schools provide research-based instruction within general education.
2. **Intervention:** Based on frequent progress monitoring, interventions are provided for general education students not progressing at a rate or level of achievement commensurate with their peers. These students are then selected to receive more intense interventions.
3. **Component of specific learning disability (SLD) determination:** The RtI² approach can be one component of the SLD determination as addressed in the IDEA 2004 statute and regulations. The data from the RtI² process may be used to demonstrate that a student has received research-based instruction and interventions as part of the eligibility determination process.

During interviews, staff indicated that implementation of RtI² is inconsistent or lacking at their schools. Staff described certain resources and interventions that would fit the RtI² model; however, most staff indicated their schools are not implementing research-based interventions that include data collection and progress monitoring. The district lacks a clear, shared understanding of the tiered supports, which can cause some students to be placed in tier 2 (supplemental interventions such as sensory breaks, small group instruction,

and social narratives) and tier 3 (intensive individual supports) due to the lack of strong tier 1 supports. Staff indicated a need for training and a need to define districtwide academic and behavioral interventions at different tiers to create a comprehensive RtI² system.

A comprehensive districtwide RtI² system also prevents students from being inappropriately identified as needing special education and supports students in the least restrictive environment (LRE). The district's special education handbook needs to be updated to indicate a student should be referred for special education instruction and services only after general education program resources have been considered and used when appropriate. The district is not fully leveraging opportunities for students in general education, which is an inefficient use of district resources and prevents the students from being served in the LRE. Comprehensive districtwide RtI² systems can support all students by defining a process of high-quality, culturally responsive differentiated instruction; universal screening; timely interventions implemented consistently; progress monitoring and targeted interventions implemented as necessary. The district needs to implement a districtwide RtI² system.

A comprehensive RtI² system will 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)

Multitiered System of Supports

California's multitiered system of supports (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 relies on data gathering through universal screening, data-driven decision making, and problem-solving teams, and focuses on content standards. MTSS aligns the entire system of initiatives, supports, and resources, and implements continual improvement processes throughout the system. MTSS includes both RtI² and positive behavior interventions and supports (PBIS). Unlike RtI², MTSS is not designed for making special education eligibility decisions. 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 [CDE](#) provides information regarding the similarities and differences between MTSS and RtI² as follows:

MTSS incorporates many of the same components of RtI² such as:

- Supporting high-quality standards and research-based, culturally, and linguistically relevant instruction with the belief that every student can learn including students of poverty, students with disabilities, English learners, and students from all ethnicities evident in the school and district cultures.

- Integrating a data collection and assessment system, including universal screening, diagnostics, and progress monitoring, to inform decisions appropriate for each tier of service delivery.
- Relying on a problem-solving systems process and method to identify problems, develop interventions and evaluate the effectiveness of the intervention in a multitiered system of service delivery.
- Seeking and implementing appropriate research-based interventions for improving student learning.
- Using school-wide and classroom research-based positive behavioral supports for achieving important social and learning outcomes.
- Implementing a collaborative approach to analyze student data and working together in the intervention process.

MTSS has a broader scope than RtI². MTSS also includes:

- Focusing on aligning the entire system of initiatives, supports, and resources.
- Promoting district participation in identifying and supporting systems for alignment of resources, as well as site and grade level.
- Systematically addressing support for all students, including gifted and high achievers.
- Enabling a paradigm shift for providing support and setting higher expectations for all students through intentional design and redesign of integrated services and supports, rather than selection of a few components of RtI² and intensive interventions.
- Endorsing universal design for learning (UDL) instructional strategies so all students have opportunities for learning through differentiated content, processes, and product.
- Integrating instructional and intervention support so that systemic changes are sustainable and based on common core state standards (CCSS)-aligned classroom instruction.
- Challenging all school staff to change the way in which they have traditionally worked across all school settings.

The district does not have a defined MTSS framework but has developed an MTSS handbook draft that staff will be trained on this school year. Staff reported all schools are implementing some components of PBIS and are receiving tier 1 or 2 PBIS training from the county office. The district needs to ensure its MTSS handbook includes each of the CDE's RtI² and MTSS essential program components.

Recommendations

The district should:

1. Annually monitor for disproportionality in special education identification. Provide professional development on proper special education identification as necessary.
2. Review data to determine causes of higher than average identification of English learners for special education, with a focus on Latino students.
3. Track types of referrals, assessments, and eligibility rates to identify various annual trends and detect areas of need for professional development to ensure proper identification for special education.
4. Use the two-pronged test when determining eligibility for special education. Provide professional development for principals and special education teachers and staff on how to exit students who are no longer eligible for special education.
5. Add language to the draft special education handbook to indicate eligibility for special education is determined based on the two-pronged test, and that if a student has a disability but no longer requires special education, the IEP team may refer the student for a Section 504 Plan evaluation.
6. Regularly audit special education student files to determine whether IEP teams are determining eligibility for special education based on the two-pronged test and exiting students who no longer qualify for special education. Provide professional development as necessary.
7. Provide comprehensive, formal training regarding the district's SST processes, guidelines, forms and roadmap to all education partners involved in SSTs. Hold staff accountable for following the SST process.
8. Update BP and AR 6164.5 to match the SST expectations in the district's new SST handbook.
9. Define districtwide academic and behavioral interventions at different tiers to create and implement a comprehensive districtwide RtI² system, and provide professional development.
10. Update the district's draft special education handbook to indicate a student may be referred for special educational instruction and services only after general education program (districtwide RtI² system) resources have been considered and used when appropriate.
11. Ensure the district's MTSS handbook draft includes each of the CDE's RtI² and MTSS essential program components. Provide professional development once the MTSS handbook is finalized.

Organizational Structure and Staffing

Continuum of Service Options for Special Education

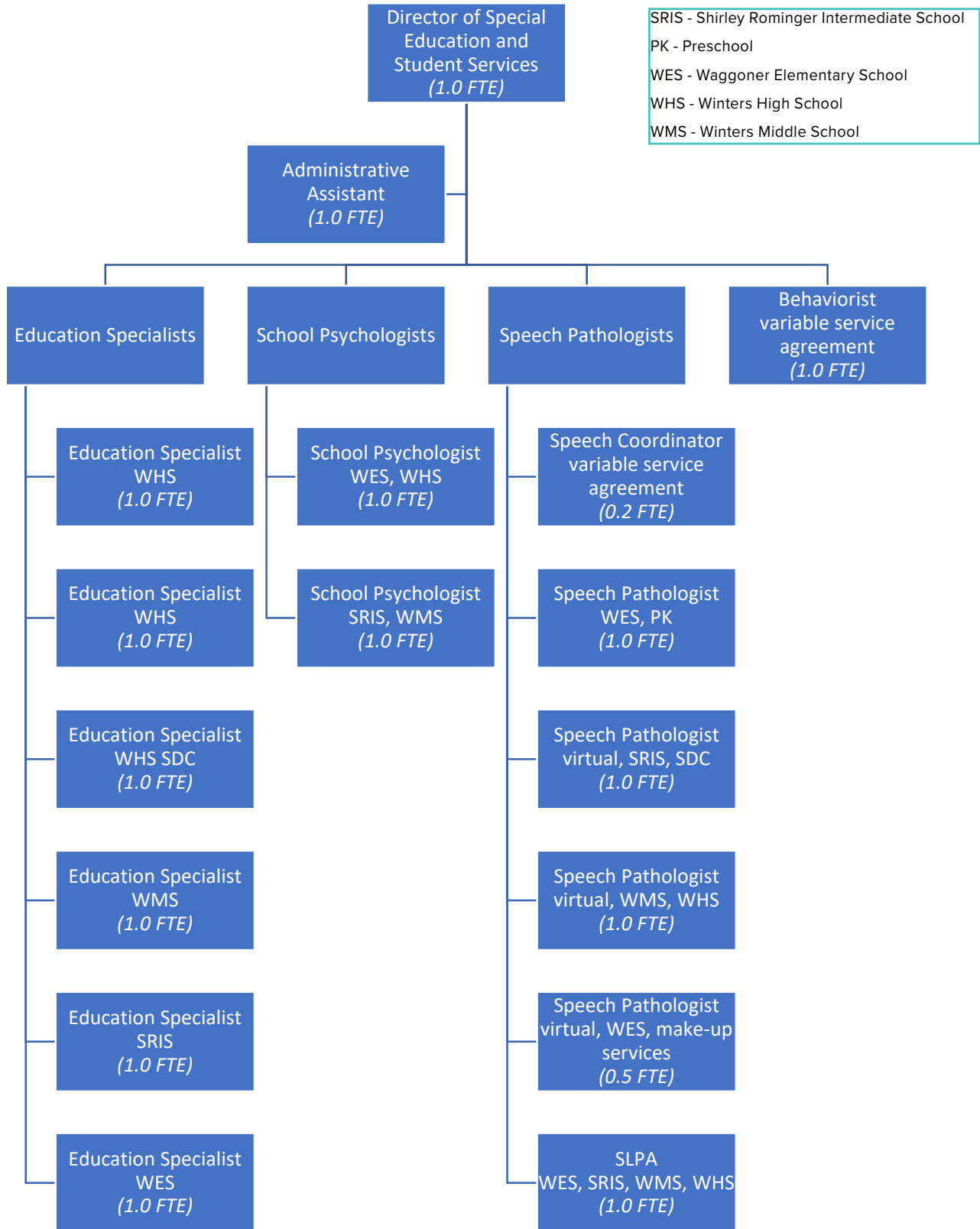
According to the district's Special Education Parent and Guardian Handbook, the district's continuum of services and placements include:

- General education
- Designated instruction and services (DIS) only
- Resource specialist program (RSP)
- Special day class (SDC) on a general education campus
- Nonpublic school (NPS)
- Residential

Interviewees described the district's special education service delivery model as "inclusive." Most special education students are served through the RSP program, which allows them to remain in general education settings for most of the school day while still receiving specialized instruction and/or consultation services from a resource specialist. The district operates one SDC, which serves students in grades 6-12 in a self-contained classroom at Winters High School. Students who require individualized and small group instruction for a significant portion of their school day are served in the SDC. Additionally, regional SDC programs operated by the county office and Woodland Joint Unified School District are available throughout the county to serve students who need more intensive services than those that can be provided in the district's RSP or SDC programs.

Organization and Structure to Support Students in Special Education

The district's Special Education Department is organized as shown below.



The district hired a new administrative assistant in fall 2022 to support the assistant superintendent of educational services, which enabled the director of special education and student services' administrative assistant to support student services work full time. In previous years, the district paid one education specialist extra hours to serve in a program specialist role in which he or she assisted with tasks such as attending IEPs as the administrative designee, coordinating preschool assessments, and reviewing IEPS for compliance. Although the district does not have an employee working in a program specialist role, it recently hired a 0.2 FTE speech coordinator who works 32 hours per month under a variable service agreement and whose job duties include managing speech and language teletherapy services and supervising a speech and language therapy assistant. The district has 2.5 FTE unfilled special education positions (1.5 FTE resource specialists and a 1.0 FTE occupational therapist). The district contracts with a nonpublic agency for a 1.0 FTE behaviorist under a variable service agreement.

The director of special education and student services, the speech coordinator, and an administrative assistant are housed at the central office, where they spend a percentage of their time on special education job duties as shown below.

Type of Support	Position Title	FTE	% of Time Devoted to Special Education	FTE Devoted to Special Education
Administration	Director of Special Education and Student Services	1.0	60%	0.60
Clerical/Administrative	Administrative Assistant	1.0	65%	0.65
Other (Teacher on Special Assignment, Program Specialist, Coordinator, etc.)	Speech Coordinator	0.2	100%	0.20
Total				1.45

Source: District-provided data.

Special Education Staffing Comparison

FCMAT conducted an informal survey of several unified school districts in Northern California with enrollments and unduplicated pupil percentages (UPP) similar to those of Winters Joint Unified School District. The information below shows the responses from seven of the districts that replied to FCMAT's request for information on central office special education department staffing. The comparison districts have an average of 2.01 FTE providing special education support in the central office; Winters Joint Unified has 1.45 FTE.

District	County	2021-22 Census Day Enrollment*	FTE Supporting Special Education in Central Office**
Fall River Joint Unified	Shasta	1,176	1.75
Healdsburg Unified	Sonoma	1,274	1.10
John Swett Unified	Contra Costa	1,240	1.75
Kelseyville Unified	Lake	1,849	4.00
Lakeport Unified	Lake	1,386	2.00
Saint Helena Unified	Napa	1,145	0.50
Willits Unified	Mendocino	1,839	3.00
Average			2.01***
Winters Joint Unified	Yolo	1,557	1.45

Sources: *EdData - Comparisons (ed-data.org). **Informal FCMAT survey. For comparison purposes, these FTE are for the director of special education or other management positions performing similar functions. Any variances in FTE are due to FCMAT's interpretation of the information shared in its informal survey. ***Winters Joint Unified was not included when calculating average FTE.

Four additional similar districts surveyed (Colusa Unified, Pierce Joint Unified, Williams Unified, and Willows Unified) do not employ their own special education staff. Instead, their local SELPA provides administrative and clerical support for special education. Like Winters Joint Unified, most of the comparable districts surveyed do not have a director of special education devoted full time to special education, as shown below.

District Name	FTE Administration Special Education Support*	FTE Clerical / Administrative Special Education Support	FTE Other Providing Direct Administrative Special Education Support	Total Central Office FTE Supporting Special Education
Winters Joint Unified	Split Position – Director of Special Education (0.60 FTE) and Student Services (0.40 FTE)	0.65	0.2 Speech Coordinator	1.45
Fall River Joint Unified	Director of Special Education (1.0 FTE, but also performs School Psychologist functions)	0.75	None	1.75
Healdsburg Unified	Split Position – Director of Special Education (0.60 FTE) and Student Services (0.40 FTE)	0.50	None	1.10
John Swett Unified	Split Position - Director of Special Education (0.80 FTE) and Curriculum and Instruction (0.20 FTE)	0.95	None	1.75
Kelseyville Unified	Special Education Director (1.0 FTE, but performs select student services functions)	2.0	1.0 Program Specialist	4.0
Lakeport Unified	Special Education Director (1.0 FTE)	1.0	None	2.0

Saint Helena Unified	Split Position - Director of Curriculum and Instruction and the Chief Academic Officer (0.25 FTE Total Spent on Special Education)	0.25	None	0.50
Willits Unified	Special Education Director (1.0 FTE, but, in charge of MTSS, Foster Youth and McKinney-Vento Homeless Assistance Act)	1.0	1.0 Program Specialist	3.0

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

Compared to similar districts that responded to FCMAT’s survey, Winters Joint Unified employs fewer FTE staff in the central office to provide special education administrative support. Additionally, as outlined in the “Special Education Transportation” section of this report, the district’s director of special education and student services and the administrative assistant supporting special education fill in as substitute van drivers because the district does not have any substitute drivers. This arrangement means these positions cannot devote all their time to special education administration. Winters Joint Unified needs to prioritize hiring substitute van drivers or cross-train other staff to substitute as drivers. It also needs to analyze administrative and clerical job duties districtwide to determine whether a different administrative assistant can support the district’s student services functions. This would allow the administrative assistant supporting special education and student services to devote all his or her time to special education. Winters Joint Unified also needs to perform an ongoing analysis of whether it needs to increase the speech coordinator position’s FTE to help the director of special education and student services meet the district’s special education management and support needs.

Recommendations

The district should:

1. Prioritize hiring substitute van drivers or cross-train additional staff to serve as substitute drivers so the director of special education and student services and the special education administrative assistant do not have to substitute as van drivers and can focus on their regular job duties.
2. Determine whether the special education administrative assistant’s administrative and clerical responsibilities related to student services can be absorbed by a different administrative assistant.
3. Analyze whether it needs to increase the FTE of the speech coordinator position to help the director of special education and student services meet the district’s special education management and support needs.

Special Education Paraeducator Staffing Allocation

Paraeducator Staffing

Paraeducators, also known as paraprofessionals or instructional assistants, are trained professionals who work with students, typically under the direction of a classroom teacher. Special education paraeducators are often employed under different titles (e.g., para 1, para 2, para 3) with distinct job descriptions to perform different functions such as specialized academic instruction (SAI), specialized medical support, behavioral support, and intensive individual services (IIS), also known as 1-to-1 student support or special circumstances instructional assistance (SCIA). The industry standard for special education paraeducators is a six-hour per day position.

The district’s special education paraeducators are referred to as instructional assistants and work under one job description; however, interviews with staff indicate that the special education instructional assistants have two main categories of assignments: direct support to teachers and students in classrooms, and 1-to-1 student support. It may benefit the district to consider whether there is an operational advantage to adding different instructional assistant job titles and corresponding job descriptions.

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

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

Source: Industry standards.

The district has not adopted an instructional assistant staffing formula. It employs 24 instructional assistants from part time to full time, as shown below.

FTE*	0.625	0.6875	0.75	0.8125	0.875	1.0	Total
Number of Instructional Assistants	2	1	12	6	2	1	24

Source: District-provided data. *A 6-hour instructional assistant equates to 0.75 FTE.

Below is a summary of district instructional assistants by school for 2022-23.

Type of Instructional Assistant	Waggoner Elementary	Shirley Rominger Intermediate	Winters Middle School	Winters High School
Instructional Assistant	1	3	5	4
1-to-1 Instructional Assistant	3	1	0	0
SDC Instructional Assistant	No SDC Program	No SDC Program	No SDC Program	4

Source: District-provided data.

The district also employs three additional instructional assistants, referred to as campus monitors, who provide additional support districtwide, such as with speech and language teletherapy and filing. One of these instructional assistants serves as a bus aide for a student in special education.

At the time of fieldwork, the district's moderate/severe special day class had seven students, one education specialist and four instructional assistants. The district needs to review student need and IEP services to determine whether four instructional assistants are required to support this program.

During interviews, many staff reported instructional assistants do not have opportunities to receive training due to their schedules. Offering professional development for the instructional assistants may improve employee retention as well as services to students. The district needs to offer an onboarding program for new instructional assistants and survey the existing instructional assistants to assess their professional development needs. Topics could include:

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

1-to-1 Paraeducators

The Yolo County SELPA has adopted a special circumstances instructional support protocol document that outlines how to assess whether a student in special education requires ISS. The document explains that special education and related services must be delivered in the LRE and emphasizes a goal of encouraging, promoting and maximizing student independence. The document states:

The goal for any student with special needs is to develop maximum independence. The Individualized Education Program (IEP) team is responsible for developing and implementing a program that promotes that independence. Natural supports and existing staff supports should be used whenever possible.

General categories that may require the use of ISS include health and personal care issues, behavior, instruction, and LRE. The document states students are assigned ISS through an SCIA assessment process that is conducted by the multidisciplinary team (e.g., special education teacher, general education teacher, school psychologist).

The document further states:

This assessment should consider the current level of support within the classroom for the student, identify when the student requires additional support, and what that support should be. The student's progress on goals should also be considered when determining if SCIA support is necessary.

Therefore, ISS must be assigned during the student's day only when necessary. The document also states that "if the decision is made to provide SCIA support, it is written into the IEP with specific goals, monitoring, fading strategies, and review dates." The ISS is designed to be a timebound intervention that is tied to specific goals, reviewed regularly and faded over time.

Unlike special education classroom paraeducators, the industry has lacks an established standard for 1-to-1 paraeducators. Many districts throughout the state have taken steps to remove the designation of 1-to-1 paraeducator support because it unintentionally reinforces the concept of one adult assigned to one student. Industry practice commonly refers to both the assessment process and the paraeducator title as special circumstance instructional assistant (SCIA).

The district employs four 1-to-1 instructional assistants. Most staff indicated the process used to determine IIS for a student varies between schools. Some staff indicated that they were aware of the SELPA's SCIA protocol document but that the assessment process for 1-to-1 instructional assistant support is frequently circumvented. The new director of special education and student services has introduced an SCIA policy document and requested that staff use it, but the district should use the Yolo SELPA's SCIA protocol document because it is a legally defensible process used by all members of the SELPA. Staff indicated most requests for 1-to-1 instructional assistant support are to support positive student behavior, yet staff also indicated students often do not have a behavior intervention plan in place before an assessment for IIS is completed and/or a 1-to-1 instructional assistant is assigned, which indicates less restrictive supports are not exhausted before the assignment of a 1-to-1 instructional assistant.

Another critical aspect of the effective use of SCIA support is the development of annual goals for independence. Most staff reported that they do not write any related goal(s) when individual SCIA support is added to a student's IEP, a practice that is contrary to any other identified area of deficit. Because the assignment of a 1-to-1 instructional assistant 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 would allow the district to consider the multiple advantages of having one instructional assistant supporting several students when appropriate. The monitoring and reporting on student progress, as with any goal, provides a rational basis for the IEP team to alter a service such as SCIA support and is an expectation in the SELPA's IIS process document.

Recommendations

The district should:

1. Offer an onboarding program for new instructional assistants. Survey existing instructional assistants to assess their professional development needs and develop a plan to address those needs.
2. Review the SDC instructional assistant ratio for the SDC program at Winters High School and analyze students' needs to determine whether the number of instructional assistants assigned to this program is appropriate.
3. Build a common understanding of and consistently use the SELPA's SCIA protocol document and process to assess whether a student requires IIS.
4. Implement established procedures designed to assess the need for individualized instructional assistant support for students.
5. Determine whether there is an operational advantage to developing a new instructional assistant title of special circumstance instructional assistant (SCIA) and corresponding job description.
6. Require consistency in developing, monitoring and revising IEP goals for independence for each student who receives individual support as a related service.

Related Service Provider Staffing and Caseloads

Related services are the developmental, corrective and other supportive services required to help a child with a disability benefit from special education (Title 34, Section 300.34 of the Code of Federal Regulations – 34 CFR 300.34 –). These services are written into students’ IEPs and include but are not limited to adapted physical education, occupational therapy, psychological services, and speech and language therapy. The county office provides all related services for district students according to needs outlined in the IEPs except for speech and language and occupational therapies. Additionally, the district employs its own school psychologists. FCMAT analyzed staffing ratios for speech and language therapy, occupational therapy, and school psychology, but did not analyze staffing and caseload data for any related services provided by the county office. 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 5-22)	1-to-55
Adapted PE Teacher	1-to-45-55
Physical Therapist	1-to-45-55
Occupational Therapist	1-to-45-55
Vision and Orientation/Mobility	1-to-10-30
Deaf/Hard of Hearing	1-to-15-25
Nurse	1-to-2,274

Source: Industry standards.

School Psychologists

The district employs 2.0 FTE school psychologists. Staff interviews and documents indicate the roles and responsibilities for these positions comply with state and professional standards. The county office has a staff member who provides educationally-related mental health services in the district, so district psychologists have limited counseling job duties.

The district does not have a student-to-psychologist ratio in its contract for school psychologists. In 2021-22, the district’s average school psychologist caseload was 778.50 K-12 students per 1.0 FTE. This number does not account for students in transitional kindergarten or in preschool who are being assessed or supported by the school psychologist; both district psychologists perform preschool assessments. Compared to the industry standard of 977 students per 1.0 FTE psychologist, the district is adequately staffed (0.20 FTE above the industry standard). However, the district may not be adequately staffed after accounting for the support the school psychologists provide to the preschool program. The district needs to analyze the job duties of both school psychologists and the amount of time they spend supporting the preschool program and evaluate whether it needs to add an additional half-time school psychologist.

Provider	# of FTE	Total Caseload	Caseload Average	Industry Standard	Staffing (+) Above or (-) Below Industry Standard
Psychologist	2.0	1,557	1:778.5	1:977	+0.20 FTE

Sources: District-provided data, CDE - Enrollment by Subgroup for Charter and Non-Charter Schools - Winters Joint Unified (cde.ca.gov) and CalEdFacts - Publications (cde.ca.gov).

Speech and Language Pathologists

The district employs a 1.0 FTE speech and language pathology assistant (SLPA), contracts for a 1.0 FTE SLPA through a nonpublic agency, and contracts with a nonpublic agency for 2.625 FTE speech and language therapists (SLPs) who provide teletherapy. The district also contracts with a nonpublic agency for a 0.2 FTE speech supervisor who oversees speech and language services and supports the SLPAs.

Education Code (EC) Section 56363.3 establishes a maximum caseload of 55 students for SLPs serving students ages five to 22, while EC Section 56441.7(a) establishes a maximum preschool caseload of 40 students. The district does not have a student-to-speech-and-language-pathologist ratio in its contract for speech and language pathologists. District-provided data shown below indicates 113 students in grades K-12 receive teletherapy from 2.625 FTE SLPs, who are contracted through a nonpublic agency. Compared to industry standards, the district appears to be adequately staffed for SLPs (0.57 FTE above the industry standard).

Provider	# of FTE	Total Caseload	Caseload Average	Industry Standard	Staffing (+) Above or (-) Below Industry Standard
Speech and Language Pathologist (K-12)	2.625	113	37.67	1-to-55	+0.57 FTE

Source: District-provided data and EC Section 56363.3.

The district reported it has been unable to hire a district SLP for many years. The SLP staffing shortage is a nationwide issue that is severe in California. The district has a pupil personnel services unit salary schedule that includes the SLPs and SLPAs. Staff reported the last district salary study was conducted approximately eight years ago. It may benefit the district to conduct a salary study and adjust its SLP and SLPA salaries if necessary so they are competitive with other districts in the region. The district could also consider offering a signing bonus to SLPs and SLPAs. One strategy used by districts to improve retention of related service providers is to pay half of the bonus when the employee is hired and the second half of the bonus at the end of the employee's second year of service.

Occupational Therapy

The district has an unfilled 1.0 FTE occupational therapist position. The district does not have a student-to-occupational-therapist ratio in the contract for occupational therapists. The district has 35 students who should be receiving occupational therapy. Compared to the industry standard of 45-to-55 students per 1.0 FTE occupational therapist, the district would be adequately staffed if the position were filled (0.22 FTE above the industry standard). Again, the district might improve recruitment and retention of related service providers by offering the same signing bonus arrangement suggested for the speech and language pathologists.

Provider	# of FTE	Total Caseload	Caseload Average	Industry Standard	Staffing (+) Above or (-) Below Industry Standard
Occupational Therapist	1.0	35	35	1-to-45-55	+0.22 FTE*

Source: District-provided data and industry standards. *District staffing was calculated based on a maximum ratio of 1-to-45.

Recommendations

The district should:

1. Regularly analyze whether service provider staffing ratios are aligned with current laws and industry standards.
2. Conduct a salary study to ensure related service provider salaries are competitive with other districts in the region.
3. Offer a signing bonus as necessary to recruit and retain related service providers.

Unrestricted General Fund Contribution to Special Education

Fiscal Considerations

California's current 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. Winters Joint Unified is served by the Yolo County SELPA, which has six members (five school districts and the Yolo County Office of Education).

In addition to AB 602 state funding, districts receive a small amount of federal funds. These funding sources 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 succeeding 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; or
 - c. No longer needs the program of special education.
4. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

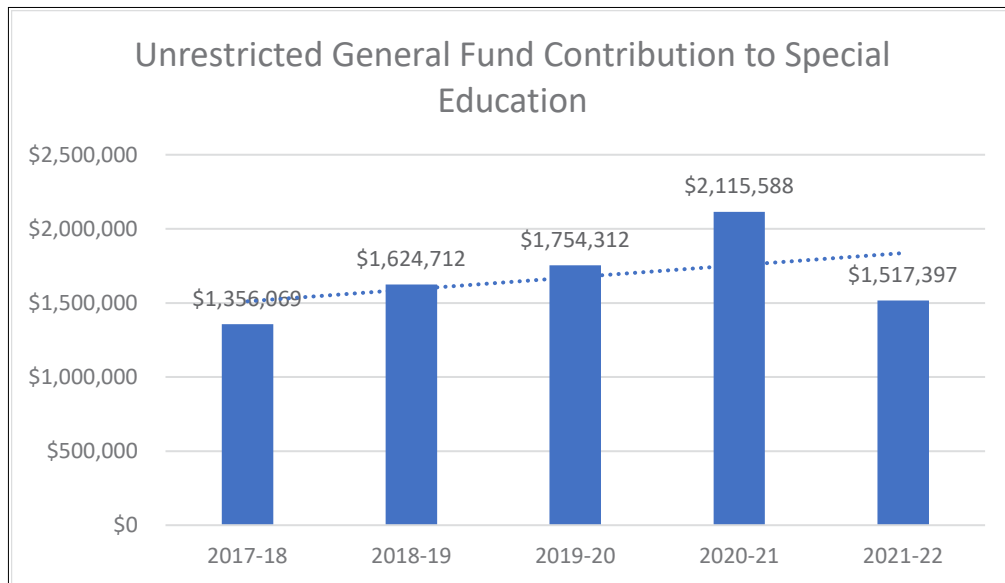
The Local Control Funding Formula was enacted with the passage of the 2013-14 State Budget Act and replaced the previous K-12 finance system, which was known as revenue limit funding. The formula for school districts and charter schools is composed of uniform base grants by grade spans (TK-3, 4-6, 7-8, and 9-12) and additional funding for certain student demographic groups. Under LCFF, state funding for special education continues to be distributed according to AB 602.

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

District Unrestricted General Fund Contribution

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 that of other districts. However, a district should address a contribution that is excessive compared to other districts or that is increasing disproportionately compared to other costs.

District data indicates the unrestricted general fund contribution to special education increased from 2017-18 through 2021-22 as shown below. The district codes all special education expenditures to specific special education resources. The district did not apply an indirect cost rate (charge for district overhead and administration) to any special education resources in 2021-22 and reported inconsistently applying indirect rates to special education resources in the past. In the future, the district’s chief business official (CBO) plans to consistently apply an indirect rate to special education resources. This is important because it helps ensure that the district’s true special education costs are known.



Source: District-provided data.

The district reported that its contribution amounts for 2020-21 and 2021-22 are misleading because of two special education payables that were booked at the end of 2020-21 but did not need to be paid. To account for this, the district's auditors increased the 2021-22 beginning balance in Resource 6500 by approximately \$220,000. Therefore, the reported unrestricted general fund contribution to special education in 2020-21 is higher than actual while the contribution in 2021-22 is proportionally lower. The district's unrestricted general fund contribution is shown below as a percentage of total district special education expenditures.

	2019-20	2020-21	2021-22
Resource 6500 expenditures	\$2,461,725	\$2,908,337	\$2,749,363
General fund contribution to special education federal and state resources	\$1,754,312	\$2,115,588	\$1,517,397
Contribution percentage	71.26%	72.74%	55.19%

Source: District-provided data.

The 2020-21 and the 2021-22 contribution percentages cannot be compared to statewide averages because of the incorrect payable booking in 2020-21. In 2019-20, the district's unrestricted general fund contribution to special education was 71.26%, which was 4.09% higher than the statewide average of 67.17% calculated by School Services of California, Inc. (SSC). The district attributes increased special education costs over the past few years to at least two factors: increased contracts with nonpublic agencies to fill vacant SLP and SLPA positions, and an increase in the number of instructional assistants. The district's total nonpublic agency costs for SLPs and SLPAs in 2021-22 was \$424,725. As noted in the "Related Service Provider Staffing and Caseload Size" section of this report, the district needs to prioritize hiring district SLPs and SLPAs to manage rising nonpublic agency costs, and it may benefit from conducting a salary study to ensure related service provider salaries are competitive with other districts in the region. It could also consider offering a signing bonus as necessary to recruit and retain related service providers.

Below is a summary of the district's instructional assistant FTE over the last three years, which increased by 3.33 FTE from 2020-21 through 2022-23.

	2020-21	2021-22	2022-23
District Special Education Instructional Assistants	22 FTE	25.69 FTE	25.33 FTE

Source: District-provided data.

The district hired a new CBO approximately one year ago. The CBO is working with the Business Services, Human Resources and Special Education departments to implement a functioning position control system. Position control is an important element of fiscal control and reconciliation for school districts because typically 85% to 90% of a school district's costs are for personnel. A strong position control system allows control and management of the budget and more accurate reporting, reduces the risk of improper reconciliation of authorized positions, and provides improved information about a district's positions and vacancies. The district will need to continue fostering collaboration and data verification between the Business Services, Human Resources and Special Education departments with a focus on:

- Ensuring the Human Resources Department verifies approved and open positions with the data in the financial system.
- Scheduling and holding quarterly meetings of staff and managers from the Business Services, Human Resources and Special Education departments to reconcile position control information.
- Ensuring the Special Education Department performs regular reviews of special education personnel and services at each school and reconciles this information with the Special Education Information System (SEIS) personnel and services reports required by IEPs.

Recommendations

The district should:

1. Continue to monitor its unrestricted general fund contribution to special education.
2. Consistently apply all costs, including indirect costs, to special education resources as planned.
3. Continue to foster collaboration and data verification among the Business Services, Human Resources and Special Education departments.
4. Prioritize hiring district SLPs and SLPAs to manage rising nonpublic agency costs.

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 did not provide data indicating the number of legal cases against it per year, or what percentage of the legal costs per year was attributable to legal fees versus the cost of settlement agreements. The district's total special education legal costs over the past three years are summarized below.

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

Source: District-provided data.

The SELPA has an alternative dispute resolution grant to help districts resolve disputes with parents by a method other than litigation. It may benefit the district to seek out alternative dispute resolution training and support offered through the SELPA.

Recommendation

The district should:

1. Seek out alternative dispute resolution training and support offered through the SELPA to resolve disputes with parents.

Special Education Transportation

School Transportation Funding and Finance

School transportation is arguably one of most poorly funded areas of California's education budget. Over the past 39 years, costs have risen significantly, demographics have changed, and the need for special education transportation has increased dramatically. Until 1978, school districts reported their operational costs to the CDE, and the state reimbursed those costs in the subsequent year. Capital costs were never reimbursed. Following the adoption of Proposition 13 in 1978, the state gradually reduced the percentage of reimbursement. In the 1982-83 school year, the state capped each district's apportionment at 80% of its reported costs. Cost-of-living adjustments were granted only occasionally. During 2008's Great Recession, the state reduced all categorical program funding, including transportation, by approximately 20%.

Since the implementation of the state's LCFF in the 2013-14 fiscal year, school transportation has been funded at the same level as the 2012-13 appropriation as an add-on to the base grant each district receives. Under LCFF, transportation revenue has never received a COLA, is restricted to transportation use, and is subject to an MOE that requires districts to spend at least as much as they receive to maintain the same level of funding.

Based on the 2022-23 State Budget Agreement, each district will receive a school transportation apportionment equal to 60% of its pupil transportation costs reported for 2021-22 in Function 3600 of the Standardized Account Code Structure (SACS) in addition to the base grant. This new funding is expected to start in the 2022-23 fiscal year, but the CDE's finance division has yet to provide guidance on the provision of these funds or the specific amounts for each district that operates student transportation. In addition, the budget trailer bill language reinstates a requirement to collect school transportation data, including demographics data. The bill also requires each district to adopt a plan by April 1, 2023, that states how it will offer transportation to the unduplicated students in the district.

The district has received \$216,471 for student transportation since the beginning of LCFF. The district's unaudited actuals financial report indicates a student transportation cost of \$534,196.25 in 2021-22. In 2022-23, the district should receive approximately \$320,511.75 in transportation funding and approximately \$104,040.75 in additional transportation funding.

In 2021-22, the district spent approximately \$89,031 per route. This is less than the statewide average, which FCMAT observes to be approximately \$100,000 per route in districts running an efficient transportation program. The district spends an average of both general education and special education costs of approximately \$3,889 per student for pupil transportation. Before LCFF, the CDE collected and published transportation data. At that time, the average cost to transport a general education student was approximately \$1,500 per year, and the average cost to transport a special education student was approximately \$6,500 per year. Considering that costs have increased over the years and that the district number is an average of both general education and special education students, this average per-student cost is in alignment with costs experienced in other districts.

The district operates a relatively efficient Transportation Department with minimal staff and just enough resources to maintain a safe program. The department has a 550-gallon diesel fuel tank and a 500-gallon gasoline fuel tank. This fuel is used by all the district's departments that operate vehicles. The district lacks an electronic fuel management system. Users self-report the amount of fuel used on sheet of paper located at the fuel island. The CBO reported the district has not consistently charged the maintenance and grounds department (or other departments) for their fuel use, but he has instituted a process to charge these departments for their fuel use from now on.

School districts are exempt from federal and state diesel fuel excise taxes and from the federal gasoline excise tax. FCMAT reviewed recent fuel invoices from InterState Oil Company which indicate the district is being charged for these excise taxes. Most fuel suppliers have an excise tax exemption form that districts can complete so they are not charged inappropriately.

Recommendations

The district should:

1. Develop a plan to offer transportation to unduplicated students by April 1, 2023.
2. Ensure that fuel is charged to the appropriate department.
3. Complete the InterState Oil Company's excise tax exemption form and ensure that fuel excise taxes are not charged inappropriately.

Routing and Scheduling

The district's Transportation Department does not use computerized software for student transportation routing because it is a small program with a transportation supervisor who is knowledgeable about the local geography. The district operates two general education bus routes for transitional kindergarten through 12th grade students. One route serves the western rural part of the district, the other route the eastern, and they both serve some parts of the city of Winters. These routes have operated for years in approximately the same fashion. Transitional kindergarten through 12th grade students are picked up and delivered to the appropriate schools. This method is reasonable, and the routes cannot be further consolidated to increase the number of students served on each route. In addition to the regular home-to-school and school-to-home routes, the district provides high school students with transportation to and from the school's agriculture program, which is located approximately a mile from the high school campus. This transportation is offered for most class periods nearly every day.

The special education bus routes serve students who have transportation identified in their IEP as a necessary related service, as well as some other special education students who require the service because the general education bus routes do not serve the areas they live in or the schools they attend. One special education bus route transports approximately nine students and mostly serves district students who attend schools in the city of Winters as well as a program for students who are deaf and hard of hearing (DHH) at Woodland Joint Unified's Plainfield Elementary School. A second route serves approximately seven students and transports them to and from five different schools in the city of Woodland. A third route serves approximately five students who attend two schools in Davis. The fourth route serves one student who attends the Capital Academy in Sacramento. Two of these special education routes are served using vans, and the rest using school buses.

Fewer than 10% of the district's students with IEPs require transportation as a related service. Although statewide statistics are lacking, in FCMAT's experience, transportation is provided as a related service for 15% or fewer of students in districts that provide transportation only to students who qualify.

Drivers reported they are often unaware that special education students are on their general education bus route until behavioral issues identify them, and that often they are not informed of a student's medical condition or other concerns relevant to the safety of students on the bus. Drivers need to receive adequate training to manage behavior and support students' needs.

One special education student is transported to and from school by his or her parent, and the district reimburses the parent for mileage in lieu of providing transportation in a district vehicle. The parent submits a claim for mileage, but the district lacks a formal contract that specifies the arrangement and limits the district's liability. Appendix B includes sample contracts the district could use to formalize this arrangement.

The elementary school has a beginning school bell time of 8:15 a.m., and the intermediate school begins at 8:20 a.m. The middle school has a beginning school bell time of 8:05 a.m., and the high school begins at 8:01 a.m. These bell times are relatively close to each other and allow students to be dropped off at each school in a reasonable time. Some bus routes serve only one group of students in the morning and only one group of students in the afternoon. Other districts have bell times separated by 45 minutes or more, which allow buses to transport two separate groups of students to two or more schools. The district could consider implementing this type of schedule to allow more efficiency in special education bus routes. The district requested and was granted a waiver for 2022-23 regarding the new law that requires high schools in California begin no earlier than 8:30 a.m. When the high school changes its start time, the district could adjust bus routes to improve route efficiency.

FCMAT interviewed the district's school principals. Several principals reported certain bus routes are consistently late, particularly in the afternoon. They reported that in past years, even with the same bell schedules, they did not have consistently late buses. Afternoon school bell times are reasonably separated (elementary is 2:35 p.m., intermediate is 2:50 p.m., middle school is 3 p.m., and high school is 3:20 p.m.) and allow the buses to travel from school to school picking up students. Individual student needs can cause special education bus routes to have varying schedules. The Transportation Department does not communicate expected bus arrival times, nor does it provide updated schedules to the schools.

The department provides buses for field trips and athletics. Usually, there are fewer than 150 such trips per year, with far fewer trips in the past couple of years. The department does not have substitute bus drivers, which makes it difficult to provide field trip services that conflict with bus route times. The department uses field trip booking software called School Dude, in which schools enter field trip transportation requests. After the trip, the Transportation Department enters the trip information (miles and time) into the software, and it generates an invoice.

Schools are charged \$5.69 per mile for field trips taken in school buses, an amount that the transportation supervisor indicated has not changed in at least four years. A best practice is to evaluate this rate annually and adjust it as necessary so the Transportation Department is reimbursed adequately for their service and is not subsidizing school programs. The department also operates three passenger vans, which the schools can use to transport small groups. Schools are charged 90 cents per mile for the use of these vans, and the district does not annually evaluate the rate it charges for van use. When a school requests a trip but the Transportation Department cannot perform the trip, the department arranges for a charter bus and the school pays the additional cost.

The district has a Transportation Services Family Handbook that includes general rules for bus riders. While focusing mostly on general education bus riders, the handbook also contains specific information for parents and families of students in special education regarding special requirements for riding a school bus.

Recommendations

The district should:

1. Ensure bus and van drivers are aware of students' disabilities and receive training on the needs (e.g., behavioral and medical) of students in special education on their bus.
2. Annually assess and adjust the cost of field trips that use district buses and vans.
3. Develop a formal contract that specifies the agreement for parents who are reimbursed for mileage in lieu of providing transportation services in a district vehicle. Appendix B includes sample contracts that the district could modify.

Staffing

The Transportation Department is staffed by a transportation supervisor and the director of special education and student services. The supervisor is also a state certified school bus driver instructor, which is an important role because school bus drivers require ongoing training. In addition, any new drivers must be trained according to EC sections 40080-40089. The district must prepare the staff member who will provide driver instruction when the transportation supervisor retires.

The department has three certified school bus drivers and one van driver who has an expired commercial medical certification. The supervisor also drives a regular route, morning and afternoon, and another individual with a Class C License drives special education students in a van. Although the district employs enough drivers to cover the existing routes, there are no substitutes. The supervisor also covers one open position. District school bus drivers are guaranteed eight hours of work per day and van drivers work less, depending on their schedule. When a driver is sick or otherwise absent, the routes are rearranged and the director of special education and student services or her administrative assistant drives students in a van to cover the need. There is a nationwide shortage of school bus drivers. The Transportation Department may benefit from adding one or more substitute bus drivers.

The district has midday agriculture runs that provide school bus drivers with more work hours, and any additional time is spent cleaning, detailing and fueling their bus. Providing eight hours per day for school bus drivers helps retain drivers. The district needs to increase its efforts to recruit new individuals to become school bus drivers. A common strategy in smaller districts is to encourage and offer split positions. FCMAT noted several unused bus driver classifications, such as “Bus/Utility Driver,” “Relief Bus Driver/Utility Driver,” and “Bus Driver/Maintenance and Vehicle Assistant Mechanic,” indicating split positions may have been used in the past. Recruits for such positions could be other part-time district workers such as food service workers, noon-duty aides and classroom aides who work in the middle of the day but who could substitute on a bus route in the morning or afternoon. These recruits could also become regular drivers. Many districts train custodians and maintenance workers to become substitute school bus drivers to help when a driver is ill or absent, or to cover routes when a driver takes a field or athletic trip. This strategy also offers more full-time employment to district employees and possibly a higher proration for health and welfare benefits.

The district only posts job openings on EdJoin.org. Posting an opening for a school bus driver on EdJoin.org is not an effective strategy because individuals who might become school bus drivers do not use the website. Better strategies include a regular advertisement in local newspapers, school newsletters, social media, and other communication venues typically used by the district, and electronic job recruitment sites such as Indeed. Many districts also create a banner expressing the need for school bus drivers that they mount on a bus parked in high-visibility locations in the district. One district in Northern California even advertises on a freeway billboard near the town. Word of mouth is also a great strategy. Some districts pay their staff a bonus if they recruit a potential driver, which is paid after the driver is licensed, certified and working for the district. In addition, many districts now provide a hiring bonus to new candidates, pay for their training, and pay for all licenses and requirements for them to become certified.

A 10-month clerical assistant works 6:30-10:30 a.m. in the Transportation Department, answering the telephone and operating the two-way radio, among other job duties. This is a beneficial position, particularly when the transportation supervisor is out of the office covering a bus route.

One bus aide/monitor supports a student on a special education bus route. Principals noted a need for additional supervision on school buses; however, bus aides are not common as most districts cannot afford an additional staff person on each school bus because that would essentially double the departments' personnel costs. Special education students who require an aide should be placed on a bus with an aide who can attend to the needs of several students, if necessary.

The Transportation Department has not employed a mechanic for many years, but it contracts with a bus sales company that has a vehicle maintenance shop familiar with school transportation vehicle maintenance laws and regulations. For an operation of this district's size, this arrangement is adequate. Previously, the mechanic in charge of school bus maintenance also maintained and repaired all maintenance, operations, grounds and other district vehicles. These other vehicles have shorter useful lives because on-site preventive maintenance is not performed and repairing them requires that they be taken to a vehicle repair shop.

Recommendations:

The district should:

1. Prepare for an individual in the Transportation Department to become a state certified school bus driver Instructor and to succeed the current transportation supervisor when she retires.
2. Recruit new drivers, including substitute drivers, using a variety of creative strategies.

Vehicle Maintenance, Fleet and Facilities

California regulations require all school buses to receive a full inspection from the California Highway Patrol (CHP) Motor Carrier Safety Unit. Any problems must be repaired before placing the vehicle back into service. The CHP Motor Carrier Inspector Unit inspects all buses, vehicle maintenance records, driver on-duty records, driver timekeeping records, and Federal drug and alcohol testing records. The unit produces a report of its findings entitled the “Safety Compliance Report/Terminal Record Update,” also known as the “Terminal Grade.” The most current inspections are as follows:

- 3/27/20: Satisfactory
- 4/7/21: Satisfactory

“Satisfactory” is the highest grade awarded to any motor carrier, indicating general compliance with laws and regulations governing safe school transportation. An “unsatisfactory” grade is a serious deficiency or deficiencies. In each case, 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 district’s motor carrier operating authority, a complaint with the district attorney for potential prosecution, and an injunction. Criminal charges can be brought against the board and the superintendent for failure to address these issues. Based on the satisfactory grade, the district operates a safe and compliant school transportation program.

School buses are required to be inspected every 45 days or 3,000 miles, whichever occurs first, per Title 13, Section 1232 of the California Code of Regulations (13 CCR 1232). In addition, this section requires that each motor carrier shall have a written preventive maintenance program for its vehicles. FCMAT reviewed the district’s school bus inspection reports and school bus maintenance records. The 45-day, 3,000-mile inspections are performed at the required intervals. However, the district lacks a written preventive maintenance program for its school buses. District-provided documents indicate engine oil and filter changes are the only regular preventive maintenance being performed.

The district’s fleet list includes 10 school buses that serve four routes. Two other routes are served using vans. The district should strive to perform most of its student transportation in certified school buses rather than vans, because school buses are statistically the safest vehicles in the United States. Five of the district’s buses are special education wheelchair-equipped buses varying from 1995-2020 model years. The district would be best served by maintaining a fleet of at least five special education school buses for its routes. Three of its five special education buses are candidates for replacement, including a 1995 Carpenter, a 1998 Thomas and a 2001 Ford. Two of these buses have mileages that exceed 300,000. A fleet of four of the larger buses would be adequate for the district because they are used only for two routes and the occasional field trip. The district has three diesel buses and two electric buses. The 1999 International bus could be designated as surplus and not replaced. The other buses all appear to be adequate and of a reasonable age. The district has three passenger vans for special education bus routes and for teachers or coaches who drive small teams or groups. These vans are not regularly maintained. To ensure student safety and protect the district’s liability, these vans need to be inspected and maintained to the same degree as school buses because they are used regularly to transport students. One of the vans is a 2006 Ford with 212,313 miles that will need to be replaced soon.

The district has a total of three electric buses: one for special education and two for general education and field trips. It may benefit the district to be cautious about the procurement of more electric buses because battery capacity and range can be a significant issue. Electric buses are not suitable for most field and athletic trips or for some of the longer special education bus routes. Battery technology and the range of these vehicles between charging should continue to improve, but the current technology is not advanced enough to meet the district’s needs.

Every bus has a two-way radio to communicate with the base station in the transportation office. Two-way radios operate like a citizen's band (CB) radio in that only one person can talk at a time. When one party wishes to talk, he or she presses the button on the microphone and speaks. When that person completes his or her side of the conversation, he or she releases the button, and the other party can then respond. All drivers can hear every conversation. The company the district uses for its two-way radio service has antennas on multiple hills in Northern California, giving the district nearly complete coverage within its boundaries. Radio waves cannot penetrate buildings or hills, so some areas lack coverage. This two-way radio system includes a global positioning system (GPS) that identifies the location of every bus in real time and can also provide a historical path report. This technology is useful because it can protect drivers and the district from those who claim the bus never arrived. All buses also have video cameras that can be used to record student behavior. Unfortunately, video cameras in a moving vehicle sometimes malfunction, so footage is not always available.

The transportation facility is shared with the Maintenance and Operations Department. The property appears to have adequate parking for district and employee vehicles. Diesel and gasoline fuel tanks are located onsite, and the office and shop are housed in an old Quonset hut. The offices appear to be functional and adequate, and there are restrooms and adequate lounge space for employees. Although the shop was formerly used for vehicle maintenance, it is now only a parking and storage area. The building is old and unpainted and the property is shielded from Grant Avenue by foliage growing on and adjacent to the fence line. The facility lacks adequate lighting for night field trips and lacks security cameras that might record vandalism or fuel theft.

Recommendations

The district should:

1. Develop a comprehensive, written preventive maintenance program for its school buses according to vehicle manufacturers' recommendations.
2. Replace its oldest Ford passenger van.
3. Consider designating one larger bus as surplus.
4. Ensure it has enough buses capable of serving longer routes and trips.
5. Install better exterior lighting and security cameras at the transportation facility.

Driver Training and Safety

School bus driver training in California is highly regulated. Prospective school bus drivers must receive a minimum of 20 hours of classroom training and 20 hours of behind-the-wheel training (EC 40080-40089) on curriculum developed by the CDE's Office of School Transportation. It usually takes approximately 35 hours to teach all the classroom training units and can take at least that amount of time for behind-the-wheel training. In addition, a school bus driver must receive at least 10 hours of in-service training every year that must be conducted by a state-certified school bus driver instructor (EC 40084.5). Behind-the-wheel training may be provided by a delegated behind-the-wheel instructor, which is another classification of instructor allowed by law and certified by the CDE's Office of School Transportation. The training must be meticulously recorded. In addition, school bus drivers must: submit to a background check (fingerprinting) for licensing and for employment; submit to drug and alcohol testing in compliance with Federal Department of Transportation (DOT) rules (49 CFR 382); and be enrolled in the California Department of Motor Vehicle's (DMV's) Employer Pull Notice (EPN) program that provides the district with an annual copy of the driver's record as well as updates upon any moving violation, citation or accident.

FCMAT reviewed the district's driver training records and found them in compliance with state laws and Education Code. All drivers have an adequate amount of training time, and the records are well organized. Most of the annual in-service time for school bus drivers, however, consists of training videos. This meets Education Code requirements but provides little opportunity to exchange new information, ideas, and most importantly, to benefit from the expertise of the district's transportation supervisor (driver instructor). Staff indicated that these videos are most often viewed privately with no commentary by the instructor or discussion among the drivers.

Because the transportation supervisor drives a daily bus route, and there are no substitute school bus drivers, the supervisor has been unable to ride on bus routes and evaluate bus drivers. Every effort needs to be made for the supervisor to ride with drivers and evaluate their driving skills. The district should consider evaluating drivers' skills even if evaluations must be conducted without passengers. Title 13, Section 1229 of the California Code of Regulations (13 CCR 1229) requires that any commercial driver demonstrate proficiency on each different type of vehicle before operating that vehicle on the road unsupervised.

The district has a Transportation Safety Plan that is in compliance with EC 39831.3. Several years ago the state adopted rules on checking buses for students after the end of every route to ensure that no students are left on a bus unattended. The district's Transportation Safety Plan does not articulate the district's and the Special Education Department's practices relative to checking buses for any remaining students. Although compliant, the plan is old and lacks organization. It is a best practice to review and revise such plans at least annually and whenever necessary. The schools do not currently have copies of the plan and have not been trained on its content. Each school that has student transportation must keep a copy of this plan so it can be reviewed by CHP officers.

Education Code Section 39831.5 requires districts to provide student safety information and to conduct school bus emergency evacuation drills annually. Districts must also maintain specific records for students in grades TK-8 who ride school buses and announce specific safety information before every field trip. The Transportation Department is aware of these regulations and appears to have conducted such drills in 2021-22. The district has historically performed this required instruction for all students in the district.

Education Code Section 39831.5 requires that upon registration, transitional kindergarten through sixth grade students who will use bus transportation be given school bus safety information and that the district know where these students reside. This information is important because of the potential need to physically escort these students across the street. A best practice is to include school transportation safety information in every first day packet. As noted in the "Routing and Scheduling" section, the district has a

“Transportation Services Family Handbook.” This handbook does not include all five elements listed in EC Section 39831.5. The handbook is new for 2022-23 and indicates every student will register for transportation and will sign a contract that outlines behavioral expectations. Because the handbook and practice are new, not all students had signed the contract or registered for transportation at the time of FCMAT’s on-site visit. Several years ago, the state revised the danger zone to 12 feet from the bus, but the handbook and safety plan still indicate the danger zone for loading and unloading buses is 10 feet from the bus.

Administrative Regulation 3543(a) has a limited visibility policy in compliance with California Vehicle Code (VC) Section 34501.6. This law requires the district have a policy that gives drivers discretionary authority to cease operation of the vehicle when visibility is less than 200 feet.

Every driver of a commercial vehicle must be enrolled in the DMV’s EPN program. This program provides the district with a copy of the driver’s record annually, and upon any activity (e.g., moving violation, accident, and driving under the influence). The transportation supervisor registers school bus drivers for this program. It is legal and appropriate to register others, and accordingly, teachers and coaches who drive students in the district vans are also enrolled in the DMV’s EPN program. However, not all employees and volunteers who drive students are enrolled in the program.

The district’s transportation supervisor also enrolls, monitors and manages the district’s compliance with the Federal Department of Transportation (DOT) drug and alcohol testing program for commercial drivers. All school bus drivers must be enrolled in the pool, as must any other employees who drive students. The program requires that drivers be tested pre-employment for drugs, randomly for drugs and/or alcohol, post-accident, and for reasonable suspicion. The transportation supervisor has the appropriate training to detect, report and request testing based on reasonable suspicion.

In addition, because the department employs Class C drivers who drive students as a regular part of their employment, those drivers must be enrolled in a similar, but separate, non-DOT drug and alcohol testing program in compliance with VC Section 34520.3. This presents a challenge with the transportation supervisor managing this program because she is also in the pool of drivers to be tested. To ensure the process is truly random, the district will need to work with the drug test management company to arrange a protocol by which another district staff member is notified when the transportation supervisor’s name is drawn for a random test.

District staff use district vans to transport students. The teachers and coaches who transport students in these vans do not receive any training on their use. The transportation supervisor needs to develop a training program on defensive driving and district practices for the use of these vans.

Transportation Department staff reported students not following rules on school buses. Drivers use a reporting form when students misbehave on school buses, and the Transportation Department sends completed forms to the appropriate school for the principal or assistant principal to address. Drivers reported they are not always informed about the outcome of their report and that the district lacks written practices and protocols on the handling of student discipline. Written practices and protocols are needed so all drivers and school officials know their role in the process. Bus drivers are part of the team and need to be trained to maintain consistent behavioral expectations, and school officials need to support them in this endeavor.

Special education drivers receive little specialized training. The curriculum developed by the CDE for new school bus drivers includes a unit on special education, but it is minimal. It may benefit the district if the Special Education Department were to supplement this curriculum with targeted annual training. A school psychologist or education specialist could develop a program that discusses student disabilities, the behaviors that can manifest from disabilities, and strategies to mitigate those behaviors and maintain student safety. The district’s special education teachers and instructional assistants receive training from the Crisis

Prevention Institute (CPI) on techniques to deal with challenging behaviors. The district could develop and teach a condensed version appropriate for bus drivers and bus aides. Additionally, bus aides need to be trained on the specific needs of students for whom they are responsible, as well as general student management techniques that integrate with the district's practices at schools.

Recommendations

The district should:

1. Ensure the driver instructor (transportation supervisor) provides professional development at monthly in-service meetings.
2. Ensure the transportation supervisor evaluates drivers while driving to assess their driving skills, compliance with laws and regulations, and ability to manage students.
3. Update the Transportation Safety Plan and include in it the district's practices to check for remaining students on school buses.
4. Revise the Transportation Safety Plan to indicate a 12-foot danger zone.
5. Train each school that has student transportation on the Transportation Safety Plan and ensure each school keeps a copy of the plan.
6. Revise the Transportation Services Family Handbook to be compliant with law and practice. Provide school transportation safety information to all students.
7. Enroll in the DMV's EPN program anyone who drives a district vehicle and any parent volunteer drivers.
8. Create a protocol with the drug test management company to ensure that an additional district staff member is notified when the transportation supervisor's name is drawn for random drug or alcohol testing.
9. Enroll dedicated van drivers in a similar but separate non-DOT drug and alcohol testing program.
10. Train teachers and coaches on district practices regarding the use of vans and defensive driving.
11. Develop written procedures on consistent and clear student discipline for bus drivers, transportation officials and school officials.
12. Develop and provide special education training annually to school bus drivers and school bus aides.

Appendix

Appendix A — Study Agreement

Appendix B — In-Lieu Contract Samples

Appendix A – Study Agreement



FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM STUDY AGREEMENT April 5, 2022

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the Winters Joint 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. Review the efficiency of staffing allocations of special education paraeducators, per education code requirements and/or industry standards and make recommendations for improvement, if any. Review the procedures for identifying the need for paraeducators, including least restrictive environment and the processes for monitoring the assignment of paraeducators and determining the ongoing need for continued support from year to year. (Include classroom and 1:1 paraeducators.)
3. Analyze staffing and caseloads for related service providers, including but not limited to: speech pathologists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education and other staff who may be related service providers, and make recommendations for improvement, if any.
4. Determine whether the district overidentifies students for special education services compared to the county and statewide averages, and make recommendations that will reduce overidentification, if needed.
5. Review the organizational structure and staffing of the special education department in the district's central office to determine whether administration,

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

6. Review the special education transportation delivery system 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 IEP, routing, scheduling, operations and staffing.
7. Review the costs of due process, mediations, and settlements for the past three years and make recommendations for improvements, if any.
8. Review the district's unrestricted general fund contribution to special education and make recommendations for greater efficiency, if any.

B. Services and Products to be Provided

1. Orientation Meeting – The team will conduct an orientation session at the district to brief district management and supervisory personnel on the team's procedures and the purpose and schedule of the study.
2. On-site Review – The team will conduct an on-site review at the district office and at school sites if necessary.
3. Exit Meeting – The team will hold an exit meeting at the conclusion of the on-site review to inform the district of significant findings and recommendations to that point.
4. Exit Letter – Approximately 10 days after the exit meeting, the team will issue an exit letter briefly memorializing the topics discussed in the exit meeting.
5. Draft Report – Electronic copies of a preliminary draft report will be delivered to the district's administration for review and comment.
6. Final Report – Electronic copies of the final report will be delivered to the district's administration and to the county superintendent following completion of the review. Printed copies are available from FCMAT upon request.
7. Follow-Up Support – If requested by the district within six to 12 months after completion of the study, FCMAT will return to the district at no cost to assess the district's progress in implementing the recommendations included in the report. Progress in implementing the recommendations will be documented to the district in a FCMAT management letter. FCMAT will work with the district on a mutually convenient time to return for follow-up support that is no sooner than eight months and no later than 18 months after completion of the study.

3. PROJECT PERSONNEL

The FCMAT study team may include:

To be determined

FCMAT Staff

To be determined

FCMAT Consultant

To be determined

FCMAT Consultant

4. PROJECT COSTS

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

- A. \$800 per day for each staff member while on site, conducting fieldwork at other locations, preparing or presenting reports, or participating in meetings. The cost of independent FCMAT consultants will be billed at their actual daily rate for all work performed.
- B. All out-of-pocket expenses, including travel, meals and lodging.
- C. The district will be invoiced at actual costs, with 50% of the estimated cost due following the completion of the on-site review and the remaining amount due upon the district's acceptance of the final report.

Based on the elements noted in section 2A, the total not-to-exceed cost of the study will be \$25,700.

- 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 Winters Joint 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-at-home 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 I, IV and V herein) and other provisions herein may be revised. Examples of such revisions may include, but not be limited to, the following:

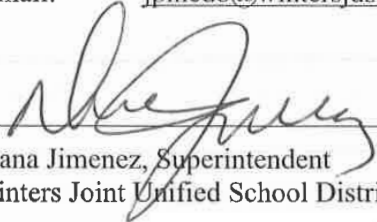
- A. Orientation and exit meetings, interviews and other information-gathering activities may be conducted remotely via telephone, videoconferencing, etc. References to on-site work or fieldwork shall be interpreted appropriately given the circumstances.
- B. Activities performed remotely that are normally 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: Jenny Pinedo, Ed.D.
Telephone: (530) 795-6100
E-mail: jpinedo@wintersjUSD.org



Diana Jimenez, Superintendent
Winters Joint Unified School District

4/11/22

Date



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

4/12/22

Date

Appendix B – In-Lieu Contract Samples

MR. DOUGLAS MARQUAND
ASSISTANT SUPERINTENDENT
ADMINISTRATIVE SERVICES

MR. JEFFREY TOOKER
ASSISTANT SUPERINTENDENT
EDUCATIONAL SERVICES

MS. LILA McALLISTER
DIRECTOR OF CHILD NUTRITION SERVICES

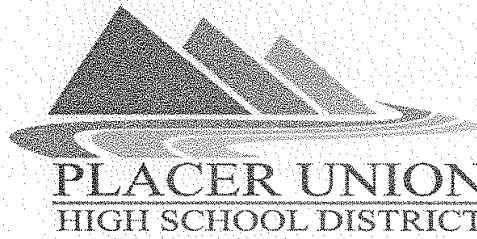
MR. GREGG RAMSBETH
DIRECTOR OF TECHNOLOGY & ASSESSMENT

MR. GREGG ROBERTS
DIRECTOR OF CONSTRUCTION, MANAGEMENT
& FACILITY PLANNING

MS. SANDRA RUSSO
DIRECTOR OF BUDGET & ACCOUNTING

DR. LORENA SPITZER
DIRECTOR OF PUPIL SERVICES

MR. ERIC VEREYKEN
DIRECTOR OF HUMAN RESOURCES



13000 NEW AIRPORT ROAD, AUBURN, CA 95603
530-886-4400 FAX: 530-886-4439
www.puhsd.k12.ca.us

MR. DAVE HORSEY
SUPERINTENDENT

CHANA HIGH SCHOOL

COLFAX HIGH SCHOOL

DEL ORO HIGH SCHOOL

FORESTHILL HIGH SCHOOL

MAIDU HIGH SCHOOL

PLACER HIGH SCHOOL

PLACER SCHOOL FOR ADULTS

This Agreement is made between the Placer Union High School District, hereinafter referred to as "District," and XXX, parent of XXXX, hereinafter referred to as "Parent."

District is a school district in the County of Placer, State of California, and has its principle place of business at 13000 New Airport Drive, Auburn, California, 95603.

Elena DalFavaro, Coordinator of Certificate Bound Programs, and parent have discussed and agreed that it is in the best interest of the child, and the PUHSD to maintain the past arrangement Parent had with Placer Hills Union School District and reimburse Parent for the transportation of their child to and from the bus stop or school.

- Term:** This Agreement shall commence on XXXXXX, 2012, and shall continue until XXXXX, 2013. This Agreement may be terminated by either party with Sixty (60) day's written notice to the other party. Should there be a material breach in this agreement, this contract may be terminated with ten (10) day's written notice to the other party.
- Services:** Parent has agreed to transport their child from their residence to the school bus transfer stop at the Raley's shopping center located at 13384 Lincoln Way, Auburn CA. In addition, when District school bus transportation is not scheduled to operate, but the child's school is in session, Parent shall transport their child to and from their residence to the Placer Learning Center (PLC) located at 5477 Eureka Rd. #2, Granite Bay, CA 95746.
- Expenses:** Parent shall be responsible for all expenses and provide all the necessary equipment, supplies and/or materials necessary to render services pursuant to this Agreement. Parent agrees at all times to comply with all applicable ordinances, laws, and regulations as they relate to the execution of this Agreement
- Fee:** For the services rendered pursuant to this Agreement, Parent shall be entitled to reimbursement for the cost of transportation based on the current (2012) IRS per mile reimbursement rate of \$ 0.555. Parent shall be paid within 4 weeks after receipt, and District approval, of the mileage reimbursement request form (attached).
- Licenses:** As an independent contractor, it shall be the sole responsibility of Parent to maintain the appropriate California Driver's License and automobile insurance as required by law.
- Insurance and Taxes:** Parent shall be an independent contractor and not an agent or employee of District under this Agreement. District shall not withhold or set aside income tax, Federal Insurance Contributions Act (FICA) tax, unemployment insurance, disability insurance, or any other federal or state funds whatsoever. It shall be the sole responsibility of Parent to account for all of the above liabilities.
- Indemnification & Hold Harmless Agreement:** The District and Parent hereby respectfully agree, to the fullest extent permitted by law, to indemnify, defend and hold harmless the other party and its board of trustees, officers, agents, invitees and employees from and against any and all claims, costs, demands, expenses (including attorney's fees), losses, damages, injuries and liabilities arising from any accident, death or injury whatsoever or however caused to the other Parties person or property, due to, arising out of, or related to the negligence of the other Party.
- Entire Agreement:** This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof, and no other agreement, statement or promise relating to the subject matter of this Agreement which is not contained herein shall be valid or binding.

Douglas Marquand, Placer Union High School District

Date:

Parent Name and Signature

Date:

Parent Address

Phone Number

E-mail

The Placer Union High School District, an equal opportunity workplace,
is committed to student learning by providing teaching excellence in a supportive environment.

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

By _____
Title _____
Date _____

CONTRACTED

By _____
Title _____
Date _____