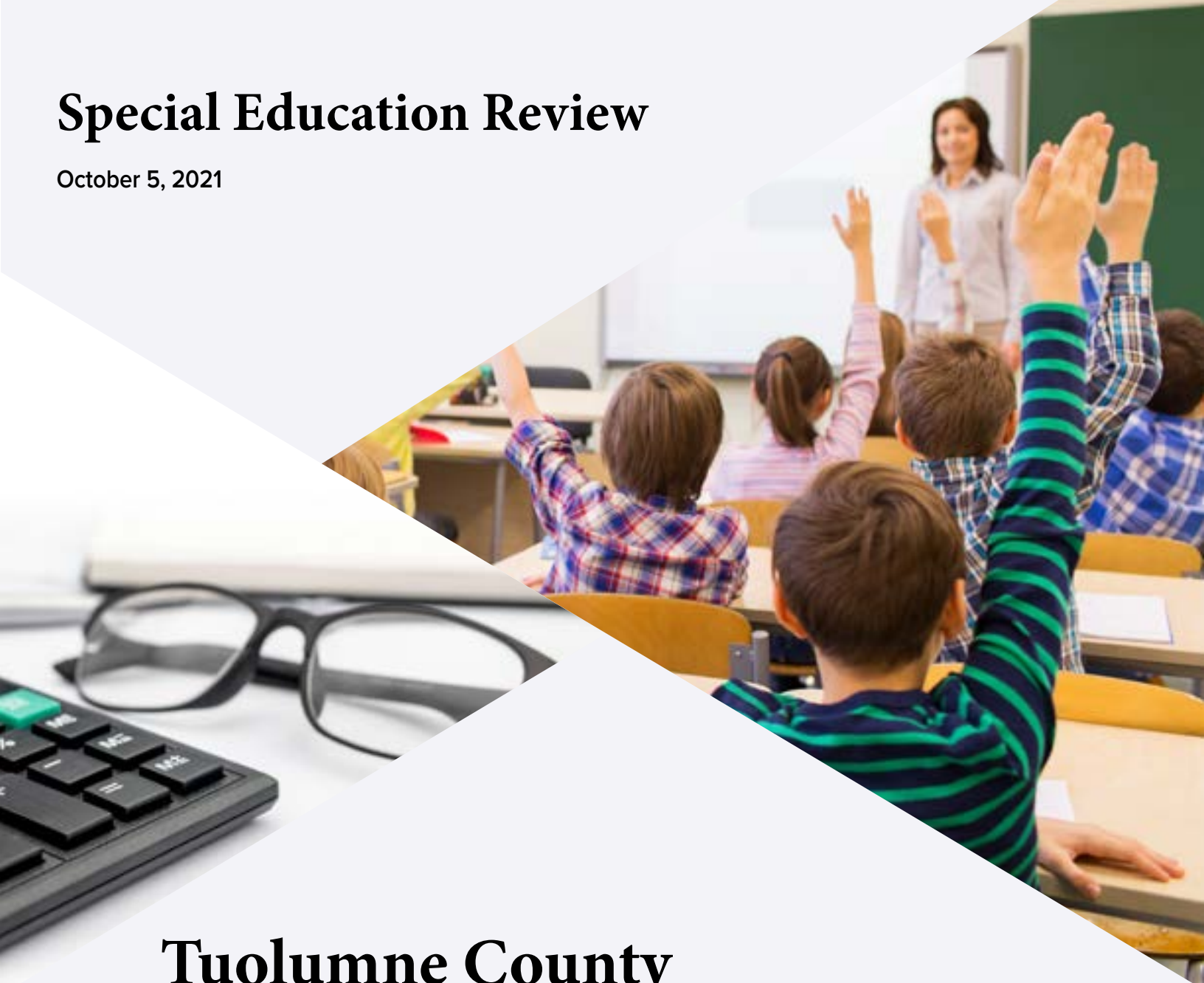


# FCMAT

FISCAL CRISIS & MANAGEMENT  
ASSISTANCE TEAM

## Special Education Review

October 5, 2021



## Tuolumne County Superintendent of Schools

Michael H. Fine  
Chief Executive Officer

# FCMAT

FISCAL CRISIS & MANAGEMENT  
ASSISTANCE TEAM

October 5, 2021

Cathy A. Parker, Superintendent  
Tuolumne County Superintendent of Schools  
175 Fairview Lane  
Sonora, CA 95370

Dear Superintendent Parker:

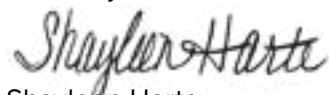
In April 2021, the Tuolumne County Superintendent of Schools (county office) and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for FCMAT to review the county office's special education local plan area (SELPA) allocation formula, evaluate the administrative organizational structure of the SELPA, analyze staffing and caseloads for related service providers, review the local plan and procedural manual, and provide technical assistance to the director of special education/SELPA. The agreement stated that FCMAT would perform the following:

1. Review the Tuolumne County SELPA funding allocation formula. Interview COE/SELPA personnel, as well as staff at member districts, to discuss and better understand their perspective on the allocation formula. Make recommendations to the COE/SELPA, providing guidance on a process that can be used if they decide to revise the SELPA allocation model.
2. Evaluate the administrative organizational structure of Tuolumne County Superintendent of Schools/SELPA used to support the special education delivery system in Tuolumne County, and make recommendations for improvement, if any.
3. Analyze staffing and caseloads for related service providers, including but not limited to: speech pathologists, psychologists, occupational/physical therapists, adaptive physical education and other staff who may be related service providers, and make recommendations for improvement, if any.
4. Review the local plan and procedural manual, making recommendations for improvement to comply with federal and state regulations.
5. Provide consultation and technical assistance to the SELPA/director of special education regarding the special education delivery system in Tuolumne County.

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

FCMAT appreciates the opportunity to serve the Tuolumne County Superintendent of Schools and extends thanks to all the staff for their assistance during fieldwork.

Sincerely,



Shayleen Harte  
Deputy Executive Officer

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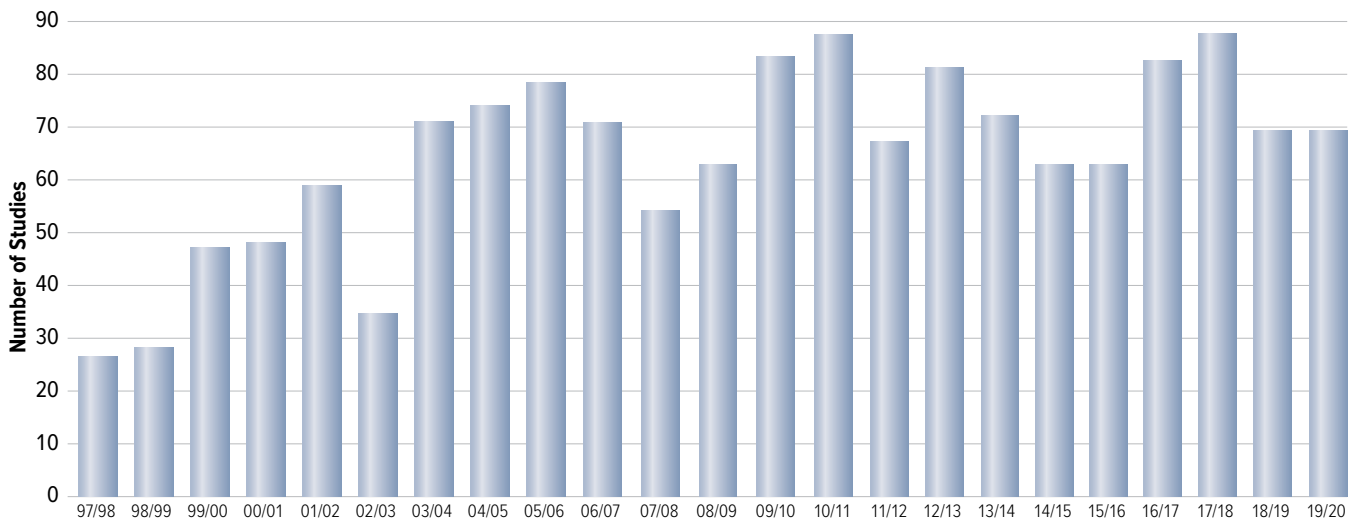
# About FCMAT

FCMAT’s primary mission is to assist California’s local K-14 educational agencies to identify, prevent, and resolve financial, 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 K-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](http://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 1,000 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

Tuolumne County, located in the Sierra Nevada region of Central California, has a total area of 2,274 square miles and includes federal lands such as Yosemite National Park. According to [DataQuest](#), a total of 5,686 K-12 students were enrolled in public schools countywide in 2020-21. The Tuolumne County Special Education Local Plan Area (SELPA) is a necessary small, single county SELPA composed of eight elementary school districts, two high school districts, one unified school district, one charter school and one county office of education. The Tuolumne County Superintendent of Schools (county office) is the administrative unit (AU) for the SELPA as well as the provider of special education regional programs and related services. The Summerville Union High School District has two charter schools, which enroll most students in the district: Connections Visual and Performing Arts Academy, with 196 students; and Gold Rush Charter, with 471 students. Gold Rush Charter is a direct funded charter school authorized by the district and is a member of the SELPA. The 2020-21 enrollment of the SELPA member districts and charter schools ranged from 164 for Belleview Elementary School District to 1,022 for Sonora Union High School District. In 2020-21, the percentage of students who required special education varied considerably among SELPA members, from a low of 9.1% at Gold Rush Charter to a high of 17.1% at Jamestown Elementary School District. Overall, 14.4% of the SELPA's K-12 students were identified as requiring special education, compared to 11.7% of K-12 students statewide.

The table below shows the county's K-12 public school total enrollment, enrollment for K-12 students identified for special education, and percentage of K-12 students enrolled in special education, as submitted to the California Longitudinal Pupil Achievement Data System (CALPADS) on census day in 2020.

### Countywide K-12 Enrollment

School District or Other Agency	Enrollment of Students Not Identified for Special Education	Enrollment of Students Identified for Special Education	Total Enrollment	Percentage of Students Enrolled in Special Education
Belleview Elementary SD	137	27	164	16.4%
Big Oak Flat-Groveland Unified SD	236	42	278	15.1%
Columbia Union SD	367	66	433	15.2%
Curtis Creek Elementary SD	362	69	431	16.0%
Jamestown Elementary SD	282	58	340	17.1%
Sonora Elementary SD	621	77	698	11.0%
Sonora Union High SD	888	134	1,022	13.1%
Soulsbyville Elementary SD	410	66	476	13.9%
Summerville Elementary SD	327	58	385	15.1%
Summerville Union High SD	996	106	1,102	9.6%
Tuolumne County Superintendent of Schools	21	83	104	N/A
Twain Harte SD	218	35	253	13.8%
<b>Total</b>	<b>4,865</b>	<b>821</b>	<b>5,686</b>	<b>14.4%</b>

Source: DataQuest 2020-21 Annual Enrollment Data

\*All charter counts included in authorizing LEA counts, including SELPA member Gold Rush Charter

In April 2021, the Tuolumne County Superintendent of Schools and FCMAT entered into an agreement for FCMAT to review the Tuolumne County SELPA's fiscal allocation formula, evaluate the administrative organizational structure of the SELPA, analyze staffing and caseloads for related service providers, and review the local plan and procedural manual. FCMAT will also provide consultation and technical assistance to the executive director of special education/SELPA regarding the special education delivery system in Fall 2021.

## **Study and Report Guidelines**

FCMAT visited the county on May 26-28, 2021 to conduct interviews, collect data and begin reviewing documents. Following fieldwork, FCMAT conducted follow-up interviews via Zoom on June 8, 2021, and continued to collect, review and analyze documents. This report is the result of those activities and is divided into the following sections:

- Executive Summary
- SELPA Fiscal Allocation Formula
- Administrative Organizational Structure
- Staffing and Caseloads for Related Service Providers
- SELPA Local Plan and Procedures Manual

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:

Shayleen Harte  
FCMAT Deputy Executive Officer

Carolynne Beno, Ed.D.  
FCMAT Intervention Specialist

John Lotze  
FCMAT Technical Writer

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

# Executive Summary

The Tuolumne County SELPA is composed of eight elementary school districts, two high school districts, one unified school district, one charter school and one county office of education. The administrative unit (AU) for the Tuolumne County SELPA is the Tuolumne County Superintendent of Schools (county office), which also serves as the provider of special education regional programs and related services.

All of the Tuolumne County special education local plan area's (SELPA's) special education revenue is allocated to the county office to first fund the SELPA services and operate county office special education programs. This revenue covers a portion of the county office special education programs. The SELPA member LEAs are then billed for excess costs based on the number of students they have in classroom programs (which the SELPA refers to as "seat-based"), and using a fee-for-service model for related services. The SELPA does not have a document or a policy that details the allocation of special education funds. Several SELPA member LEAs reported they do not understand the existing SELPA fiscal allocation method and indicated a need for more transparency about SELPA revenues and expenditures. FCMAT recommends that the SELPA governing board carry out the process outlined in this report to review and revise the SELPA fiscal allocation plan. Following that, the SELPA should create and adopt a written SELPA fiscal allocation policy that outlines SELPA revenues, expenditures, and fiscal allocation method.

The SELPA is a necessary small, single county SELPA for which the county office functions as both the AU and the only provider of regional programs and related services. These are two distinct and independent functions, and it is not required that both functions be performed by a single LEA. In both this review and a prior review in 2016, FCMAT found a lack of understanding about the distinction and delineation between the county office and the SELPA as separate entities. FCMAT recommends splitting the 1.0 full-time equivalent (FTE) executive director special education/SELPA position into two positions to create distinction and delineation between the county office and the SELPA and to help member LEAs improve outcomes for students with disabilities as outlined in the state's continuous improvement system of support.

The county office provides all related services in the county. Because the county is considered rural and some specialized positions are hard to staff, the county contracts with nonpublic agencies (NPAs) when there are vacancies and short-term absences in these positions. FCMAT analyzed caseload data provided by the county office for related services and found that staffing for school psychologists and adapted physical education (APE) teachers was sufficient. FCMAT also found that the county was contracting services for speech and language pathologist and occupational therapist (OT) staffing. FCMAT recommends reviewing staffing in these areas to determine if an increase in staffing is warranted to reduce teleservices through NPAs. In interviews, staff indicated that there is inconsistency among districts in how well they follow established procedures for referring students for county special education services and in the degree to which strategies and interventions are offered to struggling students before they are referred. FCMAT recommends training for districts to reinforce the use of multitiered systems of supports and county procedures for assessment and eligibility for services in the various disability categories.

The SELPA's draft of its local plan for the 2019-20 fiscal year used the new CDE template but needs more clarity in sections A and B. FCMAT recommends minor revisions to sections A and B of the local plan to improve clarity.

# Findings and Recommendations

## SELPA Fiscal Allocation Formula

### SELPA History and California Special Education Funding

In 1977, the California Legislature mandated that all school districts and county offices of education in the state form consortia in geographic regions of “sufficient size and scope” to provide for the special education needs of all children residing in the region. Today, all school districts and charter schools in the state must belong to one of these consortia, called SELPAs, to provide special education and related services.

The Tuolumne County SELPA includes the following member LEAs:

- Belleview Elementary School District
- Big Oak Flat-Groveland Unified School District
- Columbia Union School District
- Curtis Creek Elementary School District
- Gold Rush Charter School
- Jamestown Elementary School District
- Sonora Elementary School District
- Sonora Union High School District
- Soulsbyville Elementary School District
- Summerville Elementary School District
- Summerville Union High School District
- Tuolumne County Superintendent of Schools
- Twain Harte School District

As the cost of educating students with disabilities increases because of factors such as rising employee expenses and an increase in the percentage of students who have higher cost disabilities, SELPAs throughout the state face ongoing challenges in ensuring students with disabilities have meaningful access to a quality education to acquire the skills needed for postsecondary life. Assembly Bill (AB) 602, which became effective in the 1998-99 fiscal year, defines the state’s special education funding structure. According to AB 602, state funds are distributed to SELPAs based on the total number of students in attendance, or average daily attendance (ADA), in the K-12 districts that make up each SELPA; this is independent of the number of students who receive special education services or the cost of those services and programs. In addition to the AB 602 apportionment, districts receive other state funds and federal funds to educate students with disabilities, both of which are intended to supplement the general education program, not provide a separate program.

Students with disabilities are entitled under federal law to a free appropriate public education (FAPE), and this right exists regardless of available funding. State and federal special education funding are insufficient to provide FAPE for all students, so districts transfer funds from the unrestricted general fund (which is

generated based on the attendance of all students, including those with disabilities) to pay for the portion of special education costs that exceeds program revenues. Because federal funds may be used only to cover the excess costs of providing special education and related services to students with disabilities, districts must annually show that they have spent at least the same amount of state and local funds on special education services in each succeeding year (this is known as meeting the maintenance of effort, or MOE, requirement).

## Base AB 602 Special Education Funding

Since AB 602 was enacted, per-pupil special education grant base funding rates have differed significantly among SELPAs. For example, in 2018-19 SELPA base rates varied from a high of \$928.06 to a low of \$480.62 per ADA. The Tuolumne County SELPA historically received a rate slightly lower than the base AB 602 statewide target rate. Beginning in the 2019-20 school year, all SELPAs that received less than the statewide target rate for special education began receiving the statewide AB 602 target rate of \$539.67 per ADA; in the 2020-21 school year, SELPA base AB 602 funding rates increased again and the Tuolumne County SELPA began receiving \$625.00 per ADA. The chart below shows the Tuolumne County SELPA’s base funding rate, which has grown by just over \$80.00 per ADA over the past four years.

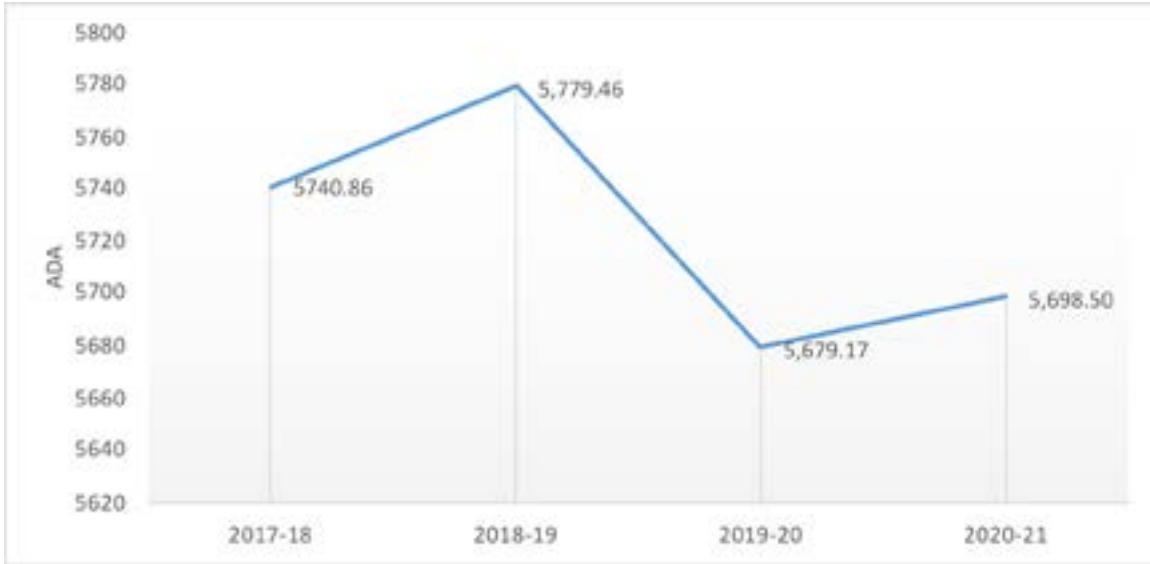
### Tuolumne County SELPA Base AB 602 Funding Rate



Source: CDE SELPA special education funding exhibits.

Per AB 602, SELPA base grant funding is calculated by multiplying the SELPA base rate by the SELPA funded ADA (using the SELPA ADA for the current, prior, or second prior year, whichever is greater). The Tuolumne County SELPA’s ADA has varied from year to year but has had an overall net decrease of 42.36 ADA over the past four years, as shown in the chart below.

**Tuolumne County SELPA Total Average Daily Attendance**



Source: CDE SELPA special education funding exhibits.

Despite declining ADA countywide, increases in the AB 602 base funding rates have increased the SELPA's available revenues from this apportionment as shown in the chart below.

**Tuolumne County SELPA AB 602 Base Funding Entitlement**

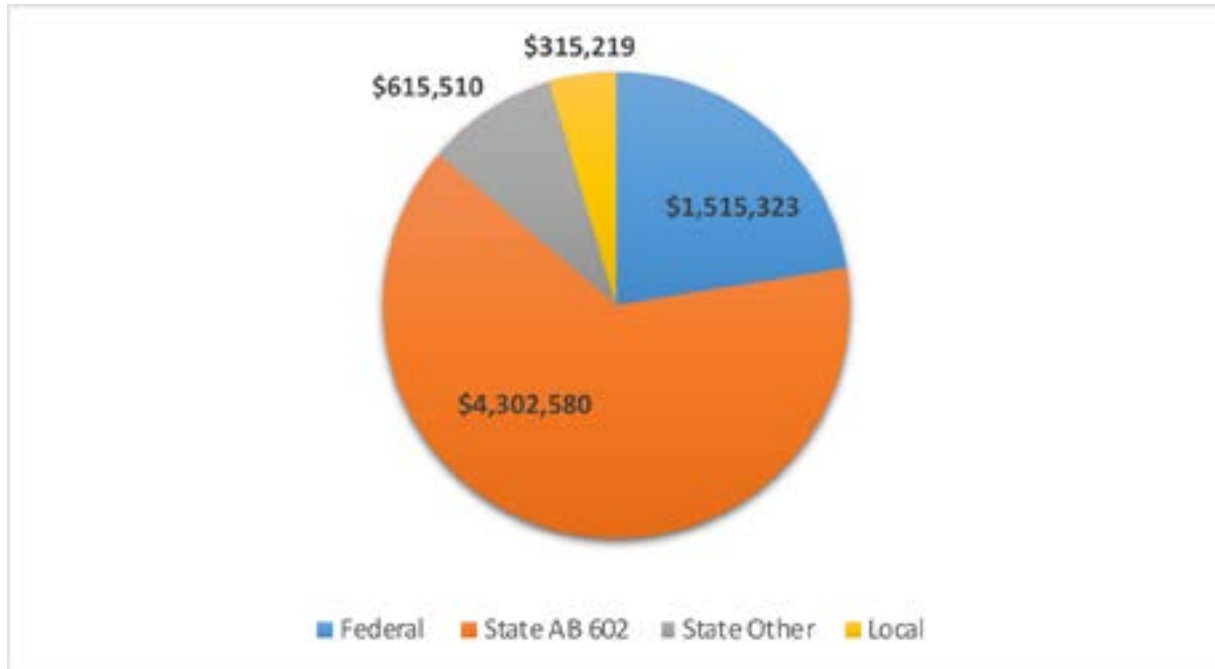


Source: CDE SELPA special education funding exhibits.

## Other Special Education Revenue Sources

In addition to the AB 602 funding discussed above, SELPAs receive funding for special education from federal, local and other state sources. The Tuolumne County SELPA's total estimated income from its 2020-21 estimated actuals is approximately \$6,750,000. The chart below shows the various funding sources.

### *Tuolumne County SELPA Income — 2020-2021 Estimated Actuals*



Source: County provided data.

The \$315,219 shown in the chart above is not the local contributions LEAs in the SELPA are making to fund the excess costs; rather, it is SELPA income, which includes interest, local income such as the First 5 California grant, and revenues from Medi-Cal administrative activities (MAA) and LEA Medi-Cal activities.

## Fiscal Allocation Plan

Each SELPA is required to have a fiscal allocation plan designed to meet local needs and agreed to by the SELPA's governance council. Because SELPAs are one of the earliest forms of local control, they allocate funds in a variety of ways, such as by total ADA; by a combination of total ADA and funds allocated first for certain programs or services; by a combination of ADA and special education pupil count; by weighted formulas; by the SELPA retaining funds to operate programs, with any remainders being distributed to members or members being billed for excess costs; and by a range of other mixed plans. SELPA fiscal allocation plans should be reviewed frequently to meet changing district and program needs and to accommodate funding shifts and SELPA dynamics.

FCMAT reviewed the SELPA's fiscal allocation method. Although county office staff provided Excel spreadsheets detailing SELPA revenues and expenditures, as well as a thorough explanation, the SELPA does not have an accompanying document or a SELPA policy that details the allocation of special education funds. Several SELPA-member LEAs reported they do not understand the SELPA's fiscal allocation method and indicated a need for more transparency about SELPA revenues and expenditures. A clearly documented

and communicated allocation method would help provide clarity and confidence, as would annual training for LEAs on the allocation plan.

Documents provided to FCMAT indicate all the SELPA's special education revenue is allocated to the county office to do the following:

1. Fund the SELPA program services (i.e., SELPA office costs, the high-cost pool, legal costs, state special school costs, and indirect costs).
2. Operate the county office special education programs (i.e., classroom programs and related services).

SELPA revenues pay for only a portion of the county office special education programs. Then, LEAs are billed for excess costs based on their use of classroom programs and receive a fee-for-service billing for related services. The county office and district staff reported that SELPA reserve funds were used in the past to offset some of the excess cost charge; however, reserves have dwindled and are no longer available to offset excess costs.

The SELPA lacks class size guidelines and staffing ratios for regional classroom programs. Although these are not required by the California Education Code or the California Code of Regulations, it is a common and best practice for SELPAs to have policies to guide decisions regarding student-to-staff ratios, opening and closing of classes, and adding instructional aide support. This type of policy can increase fiscal responsibility and help give students and staff a positive and safe learning environment. It is also best practice to include in policies a consideration of facility limitations, safety, and individual students' needs when staffing classroom programs.

The two most costly items in the SELPA's budget are the classroom programs and related services. In addition to direct costs, these programs include program support costs (e.g., psychologists, program specialists, infant teachers, nurses, health care aides, and registered behavior technicians) and county special education administrative costs (e.g., 30% of the special education director position, 100% of the special education coordinator position, and 30% of special education clerical staff positions.). Program support costs are added to classroom programs and related services by multiplying the total program support costs by 52% for seat-based classrooms and 48% for related services. Administrative services costs are added to classroom programs and related services using the same method and percentages. This practice of applying a program support cost and an administrative cost to classroom programs and related services obscures the true cost of programs and services.

The SELPA's budget includes the cost categories in the table below.

### **Tuolumne County SELPA Budget Cost Categories, 2021-22**

Budget Cost Category	Explanation	Total Projected Cost in 2021-22 Budget
Classroom Program	Total projected classroom program cost includes direct classroom staff and nonsalary costs, a \$933,379 "program support cost," and a \$272,072 "administration cost."  The fee-for-service charge is \$50,528.68 per student (87 students enrolled).	\$4,395,995
Related Services	Total projected related services cost includes direct staff and nonsalary costs, a \$236,935 "allocated DIS cost," a \$862,817 "program support cost," and a \$251,504 "administration cost."	\$4,063,667
Program Support	\$1,796,196 included in classroom program and related services.	*
Administration	\$523,576 included in classroom program and related services.	*

Budget Cost Category	Explanation	Total Projected Cost in 2021-22 Budget
SELPA Office	Costs of the SELPA administrative unit.	\$380,630
High-Cost Pool	Costs of nonpublic schools, residential placements, settlements, and certain other high-cost items.	\$1,007,630
Legal	Costs for LEAs to use the SELPA's attorney, Lozano Smith, for legal questions, and formal dispute resolution (e.g., mediation or due process complaints).	\$115,000
State Special Schools	Costs of student(s) placed at a state special school.	\$30,955
Indirect Cost Charge	An indirect rate (budgeted at 6.25% for 2021-22) is charged only to specific special education resources, which include 3310, 6510, 3385, 6500, 6549, 6520, and 9023.	\$391,716
<b>Total</b>		<b>\$10,385,593</b>

Source: County provided data.

\*Program support and administrative costs are not listed in these boxes because they are included in the classroom program and related services cost totals.

In interviews, employees indicated the proposed SELPA budget is presented to the finance committee and then to the SELPA governing board for approval annually. However, LEAs reported they do not receive information about the proposed budget in time to review it before SELPA meetings. It is common and best practice for SELPAs to send committee members all items proposed to the SELPA finance committee and governing board at least three days before the meeting to allow time for review.

The SELPA's fiscal allocation plan has been in place since 2018 and needs to be updated and revised.

## Recommendations

*The SELPA should:*

1. Ensure that its governing board uses the following process to review and revise the SELPA fiscal allocation plan:
  - A. Schedule time for the county office's deputy superintendent of business services and the SELPA director to meet with SELPA member LEAs (e.g., individual sessions, group sessions) to do the following:
    - a. Review the 2021-22 proposed SELPA budget spreadsheet and ensure LEAs understand the existing SELPA fiscal allocation plan and budget.
    - b. Discuss the continuum of special education services available for students in each LEA, and review each member's county office classroom program enrollment. Then, identify any gaps or needs in offering a full continuum of special education services while ensuring that to the greatest extent possible students with disabilities are educated with students who are not disabled.
    - c. Discuss the advantages and disadvantages of the current SELPA fiscal allocation model for each LEA.
  - B. Form a SELPA fiscal allocation plan ad-hoc committee composed of the county office deputy superintendent of business services, the SELPA director, and at least one representative from each member LEA (e.g., superintendent, lead business office staff person, lead special education staff person) to explore revisions to the existing SELPA fiscal allocation model, which may include:

- a. Develop a set of core principles (e.g., stability and predictability of funding, timely and accurate projections, timely and accurate distribution of cash, transparency, serving students in the least restrictive environment, and minimizing out-of-county placements) to provide a foundation for evaluating and revising the SELPA's fiscal allocation method.
- b. Develop a SELPA budget approval process and determine a procedure for the operator of regional classroom programs to make midyear budget revisions to meet students' and programs' needs. This procedure should describe what types of changes to the SELPA budget need to be approved by the SELPA governing board after budget adoption. For example, the SELPA governing board could give the county office's Special Education Department autonomy to do the following:
  - i. Add positions or make budget adjustments as needed throughout the school year without SELPA governing board approval.
  - ii. Add positions or make budget adjustments as needed throughout the school year up to a certain dollar amount or percentage of the total program budget without SELPA governing board approval.
  - iii. Require that all positions and budget adjustments be presented to the SELPA governing board for discussion.
- C. Re-evaluate the purpose and composition of the SELPA finance committee, and determine which budget items need to be presented to the SELPA finance committee before consideration by the SELPA governing board.
- D. Consider whether it should continue to assign program support and administrative services costs to classroom programs and related services at 52% and 48%, respectively. Alternatively, to increase transparency, the SELPA could estimate the percentage of time each employee included in the program support or administrative costs spends supporting each classroom program and related service, then assign a cost correspondingly. For example, if a registered behavior technician spends 50% of his or her time supporting the Jamestown Nexus 5-8 program, 50% of his or her salary would be added to the budget for that program. Other nonpersonnel costs included in the program support and administrative budgets could be averaged across programs and related services.
- E. Evaluate whether LEAs should be billed for the excess costs of classroom programs based on the cost per pupil of each classroom program instead of based on the average cost of all classroom programs. For example, an LEA could be billed for the cost of a student's placement in the Jamestown Nexus K-5 program based on the cost of only that program divided by the number of students in the program, rather than based on the average cost of all regional classroom programs.
- F. Determine if it is feasible to move any additional county office-operated classroom programs or related services to a member LEA.
- G. Decide whether the board-certified behavior analyst (BCBA) should continue to be a related service cost or part of the direct staffing costs of classroom programs.

- H. Evaluate SELPA legal expenditures, including the following:
- i. Discuss whether to limit each LEA's access to the SELPA's attorney to a certain number of hours and charge LEAs individually for any use greater than that predetermined amount.
  - ii. Determine whether to create a cost sharing pool instead of budgeting to cover legal costs for the SELPA.
- I. Review and finalize its "Agreement for High-Cost Pool for Services and Legal Expenses," including the following:
- i. Determine the purpose of the high cost pool and which items it should pay for.
  - ii. Discuss whether the SELPA should limit the scope of the high cost pool. For example, should it no longer cover high cost placements, or should high cost placements be covered only for the first year and LEAs required to budget for high cost placements in subsequent years.
  - iii. Consider whether LEAs should continue to be able to request reimbursement for the cost of 1-to-1 aides.
  - iv. Discuss whether members should be reimbursed for the cost of settlement agreements when they are offered without approval from the SELPA director and without using the SELPA's attorney.
  - v. Create an application and a formal approval process for LEAs to request access to the high cost pool.
  - vi. Determine whether the current high cost pool's 70% SELPA, 30% LEA split meets the SELPA's needs.
- J. Assign an indirect charge for all special education resources so the true cost of special education services is known.
2. Review the current SELPA fiscal allocation method, and follow the process outlined in Recommendation 1 above to review and revise the SELPA fiscal allocation plan.
  3. Present any revisions of the current SELPA fiscal allocation model to the SELPA finance committee and governing board for formal consideration and action.
  4. Create and adopt a written SELPA fiscal allocation policy that outlines SELPA revenues, expenditures, and allocation method.
  5. Post the SELPA's fiscal allocation plan on the SELPA website.
  6. Post and send out all documents presented to the SELPA finance and governance committees at least three days before the meeting to allow for review.
  7. Review the SELPA fiscal allocation plan at least annually, using the SELPA's core principles as a guide, to determine if changes are needed to accommodate changes in district and program needs, funding and SELPA dynamics.
  8. Provide annual training for LEAs on the SELPA's fiscal allocation plan and budget.

9. Develop a process for the county office and any future operators of regional classroom programs to annually make available to the SELPA its prior year unaudited actual expenditures for operating regional programs.
10. Create a SELPA policy stipulating student-to-staff ratios, criteria for opening and closing classes, and criteria for adding instructional aide support for regional classroom programs.

# Administrative Organizational Structure

## Current Organizational Structure

The SELPA is a necessary small, single county SELPA and is composed of 11 school districts, one charter school, and the county office, which acts as both the AU for the SELPA and the only operator of regional classroom programs and related services. These are two distinct and independent functions, and it is not required that both functions be performed by a single LEA. Responsibilities of a SELPA typically include the following:

- Ensuring program availability for all students with disabilities
- Governance committees, including community advisory committee
- Assistance with understanding compliance requirements
- Transition planning
- Program coordination
- Fiscal management
- Staff development
- Curriculum development and support
- Data management and reporting to the state
- Interagency coordination
- Program evaluation
- Budget planning and review
- Community awareness

These SELPA functions are separate and distinct from the operation of special education regional programs.

The SELPA employs a 1.0 full-time equivalent (FTE) executive director special education/SELPA, who has two roles: implementing the local plan for the SELPA, and administering the county office special education regional programs. The job description for the position states that it reports directly to the county Superintendent of Schools and the SELPA governing board, and includes as essential tasks the items in the table below.

### ***Essential Tasks in Job Description for Executive Director Special Education/SELPA***

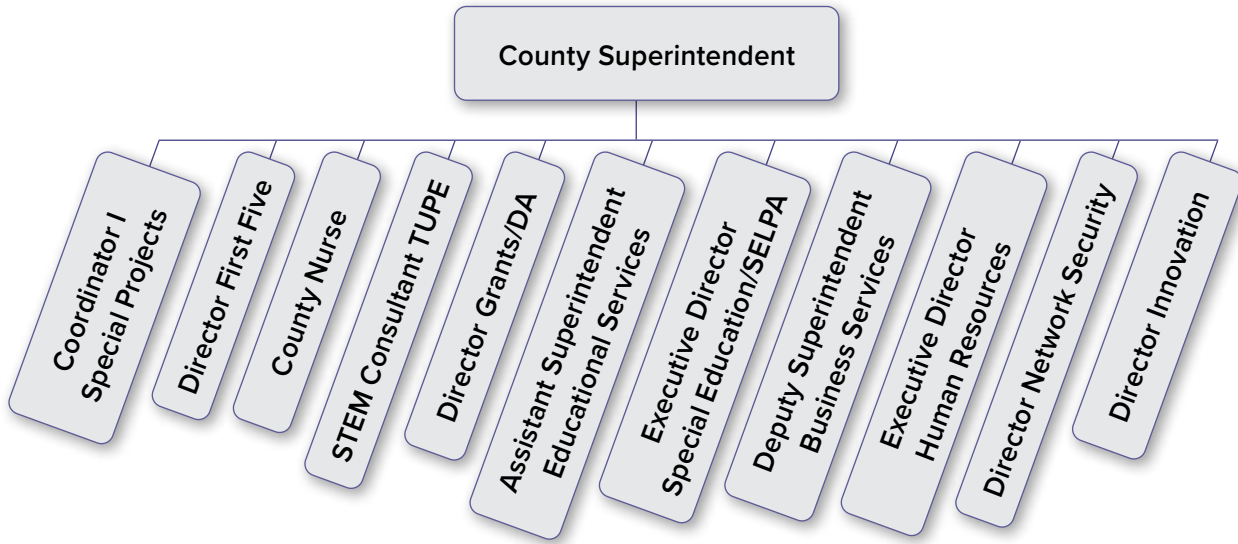
Special Education	SELPA
Provide administrative leadership for the various special education programs.	Oversee the preparation of fiscal reports.
Provide for evaluation of the instructional program and state evaluation report.	Oversee the management of the Responsible Local Agency (RLA) as well as the allocation of staff for SELPA programs and services.
Provide for an effective program of staff development.	Administer and implement the Tuolumne County special education local plan.

Special Education	SELPA
Develop and maintain an effective system of communication with and among all personnel.	Participate in recruitment and selection of administrative staff.
Encourage parent participation within the special education community.	Assure compliance with state and federal regulations.
Approves all division expenditures.	Provide for a comprehensive program of staff development activities.
Provides leadership, direction, and guidance for assigned staff.	Provide for the maintenance of a management information system to collect required data.
Assists staff in problem solving and decision making.	Participate in liaison activities and coordinate services with associated agencies.
Coordinate facilities use and development; provide responsible staff assistance in the management of the special education program.	Develop and monitor regional interagency agreements.
Approves department expenditures.	Develop and administer the SELPA budget including grants (i.e., low incidence, preschool, workability, transition).
Monitors department budgets.	Represent districts in mediations/due process/complaint procedures.
Supervise and evaluate the performance of assigned staff.	Serve as secretary to the SELPA governing board.
Provide consultation and technical expertise to faculty, staff, administrators, outside agencies, families school districts, and the public concerning assigned programs.	
Coordinate program communications, resources, activities, and information between administrators, personnel, school districts, outside organizations, families, the public and various local, state, and federal agencies.	
Visit school sites, monitor, and evaluate programs for educational and financial effectiveness and operational efficiency.	
Develop and implement policies, standards, and procedures to enhance the educational and financial effectiveness and operational efficiency of programs.	

Source: County office job description for the executive director special education/SELPA.

The county office is organized as shown in the chart below.

**Tuolumne County Office Administrative Organization**

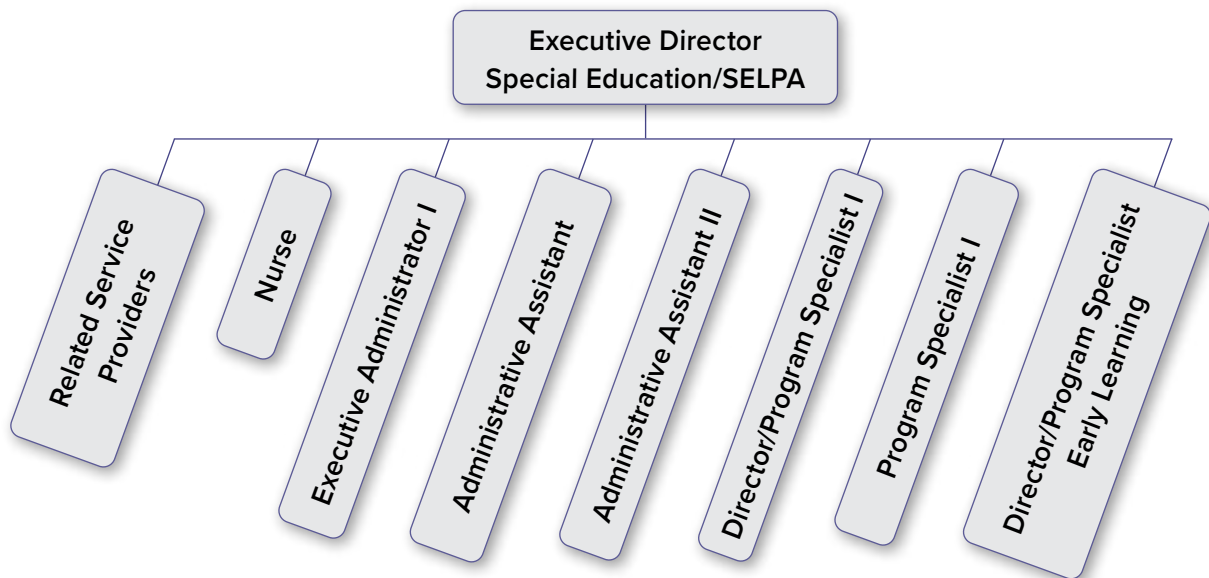


Despite the fact that the county office serves as both the administrative unit for the SELPA and the operator of regional programs, the county office and the SELPA should be distinct entities. FCMAT provided technical assistance to the SELPA in 2016 and found a lack of distinction and delineation between the county office and the SELPA then. In interviews conducted in 2021, LEAs reaffirmed this finding; LEAs countywide remain confused about the roles and responsibilities of the SELPA and the county office.

Splitting the 1.0 FTE executive director special education/SELPA position into two positions would provide distinction and delineation between the county office and the SELPA, and help member LEAs improve outcomes for students with disabilities as outlined in the state’s continuous improvement system of support.

The county office executive director special education/SELPA position oversees nine other positions, as shown in the organizational chart below.

**Tuolumne County SELPA Administrative Organization**



## California's System of Support

California's new public school accountability system, based on the Local Control Funding Formula (LCFF), includes a system of support as one of its central components. This new accountability and continuous improvement system includes a three-level framework: Level 1 is support from state and local agencies for all LEAs and schools to improve performance across LCFF priorities; Level 2 is differentiated assistance through county superintendents, the California Department of Education, charter authorizers, and the California Collaborative for Educational Excellence for certain LEAs to address identified performance issues; and Level 3 is intensive intervention from the State Superintendent of Public Instruction for LEAs that have persistent performance issues.

The main goal of California's system of support is to help LEAs and their schools meet the needs of every student they serve. Education Code (EC) Section 52059.5(b) states that purpose of the system of support is to build the capacity of LEAs in each of the following areas:

- Support the continuous improvement of student performance in each of the eight state priorities described in EC Section 52060(d).
- Address the gaps in achievement between student groups identified in EC Section 52052.
- Improve outreach and collaboration with stakeholders to ensure that goals, actions, and services described in school district and county office of education local control and accountability plans reflect the needs of students and the community, especially for historically underrepresented or low-achieving groups.

Because the LCFF reform holds LEAs accountable for improving student performance and narrowing performance gaps among student groups, and because the largest performance gaps are often in meeting the needs of students with disabilities, SELPAs are uniquely positioned to use a network of well-established resources to help LEAs improve outcomes for these students.

Therefore, as articulated by the SELPA Administrators of California, the role and responsibilities of SELPAs need to change to give priority to the following:

- Participating in SELPA member LEAs' Local Control and Accountability Plan (LCAP) process.
- Building capacity of SELPA member LEAs to implement highly effective and evidence-based practices.
- Developing annual assurance support plans (that is, plans to ensure compliance with all federal and state laws and regulations, and with SELPA policies) to align SELPA goals and services with SELPA member LEAs' LCAP priorities.
- Facilitating SELPA member LEA improvement efforts to ensure best practices and a culture of continuous improvement.
- Providing oversight and monitoring to ensure a full continuum of educational options (including oversight of nonpublic schools).

While some of these new SELPA priorities are related to traditional SELPA roles and responsibilities, in the era of LCFF the SELPA Administrators of California have re-envisioned the role of SELPAs to serve as capacity builders, facilitators, and connectors as outlined in the table below.

**SELPA Administrators of California — Role of SELPAs.**

SELPAs as Capacity Builders	SELPAs as Facilitators	SELPAs as Connectors
SELPAs provide targeted technical assistance resulting in quality programs with aspirational goals for student achievement and engagement in the least restrictive environment.	SELPAs facilitate equity in local decision-making and access to the full continuum of supports and services in the least restrictive environment for students with disabilities.	SELPAs ability to connect is rooted in the foundation of shared leadership, local control, expertise in a variety of areas, and relationships across many perspectives - education, advocacy, community, and policy.
As partners in quality assurance monitoring and differentiated assistance processes, SELPAs utilize continuous improvement as a framework for identifying equity gaps and improving student outcomes.	Leadership support for local governance structures is provided by SELPAs in the allocation of resources and dissemination of essential information.	As a member of the system of support, SELPAs provide technical assistance including differentiated assistance and work with the LCAP development to improve student achievement
SELPAs provide professional development on high leverage and evidenced-based practices as well as collaborate with statewide reform efforts.	SELPAs collaborate with LEAs to ensure alignment of statewide and local improvement efforts.	SELPAs encourage parent and community engagement within the LEAs through the Community Advisory Committee (CAC) that provides a forum for collaboration, training, and advisory of special education programs and services.
	SELPAs build positive relationships among stakeholders to ensure quality outcomes for students by providing conflict prevention services and trainings.	Through interagency partnerships, SELPAs leverage resources and opportunities to help districts and families access specialized services and supports, enhance learning opportunities, and develop innovative programs to improve outcomes for children.

Source: SELPA Administrators of California website – SELPAs within the Statewide System of Support .

**Executive Director Special Education/SELPA Position**

Splitting the 1.0 FTE executive director special education/SELPA position into two positions would provide adequate time for the SELPA director to perform the re-envisioned roles and responsibilities of SELPAs for the county’s 13 LEAs. As previously stated, it would also provide distinction and delineation between the county office and the SELPA, and help member LEAs improve outcomes for students with disabilities as outlined in the state’s continuous improvement system of support. If this were done, a 1.0 FTE director of special education would report to the county office (possibly to the associate superintendent of educational services), and a 1.0 FTE SELPA director would report to the Tuolumne County SELPA’s governing board. In addition, the county office would need to determine whether to continue to employ three full-time program specialists or whether to reduce program specialists to two positions because a full-time director of special education would be managing the classroom programs and related services.

**SELPA Fiscal Position**

Interviews indicated that there is no fiscal-related SELPA position to support the SELPA fiscal duties and that these tasks are performed by the county office’s deputy superintendent of business services. A sample of these duties includes budgeting, monitoring and analysis, as well as compiling information related to preparing and presenting SELPA fiscal reports to the SELPA governing board and finance committee. Interviews also indicated that these tasks take an extraordinary amount of time. It would benefit the SELPA

to consider adding a SELPA fiscal analyst position, which, along with the SELPA director, would be responsible for the SELPA fiscal duties.

## Recommendations

The county office and SELPA should:

1. Consider splitting the 1.0 FTE executive director special education/SELPA position into two positions as outlined above.
2. If the county office and SELPA implement the recommendation above, create a job description for a new county office director of special education position and determine this position's essential duties. In addition, analyze the essential duties and responsibilities of the county office special education program specialists to determine whether the county office needs to continue to employ three full-time program specialists.
3. If the county office and SELPA implement the first recommendation above, create a job description for a new 1.0 FTE SELPA director position that includes the essential tasks from the current job description for the executive director special education/SELPA and adds the following essential tasks:
  - a. Participating in SELPA member LEAs' LCAP processes.
  - b. Building the capacity of SELPA member LEAs to implement highly effective and evidence-based practices.
  - c. Developing annual assurance support plans to align SELPA goals and services with SELPA-member LEAs' LCAP priorities.
  - d. Facilitating SELPA member LEA improvement efforts to ensure best practices and a culture of continual improvement.
  - e. Providing oversight and monitoring to ensure a full continuum of educational options (including oversight of nonpublic schools).
4. Consider adding a SELPA fiscal analyst position, which would be responsible for the duties outlined above.
5. If the county office and SELPA implement recommendation 4 above, create a job description for the SELPA fiscal analyst position and determine this position's essential duties. In addition, analyze the essential duties and responsibilities of the SELPA administrative support staff to determine whether the SELPA needs to adjust administrative support staffing following this addition.

## Staffing and Caseloads for Related Services

Related services are the developmental, corrective and other support services required to help a child with a disability benefit from special education (34 CFR 300.34). These services are written in a student's individualized education program (IEP) and include, but are not limited to, psychological services, speech pathology, adapted physical education, occupational therapy, and behavior support.

In interviews, staff indicated that most employees feel supported by special education department administrators, and that they want continued professional development to remain current in their specific fields.

The county office provides all related services according to each student's needs as outlined in their IEP. In interviews, staff indicated that there is inconsistency among districts in how well they follow established procedures for referring students for county special education services and in the degree to which strategies and interventions are offered to struggling students before they are referred. As a result, some students are referred for assessment having had little to no prior support.

Because the county is considered rural and some specialized positions are hard to staff, the county contracts with NPAs when these positions are vacant or have short-term absences. FCMAT used caseload data provided by the county office to complete its analysis of related service provider staffing. FCMAT did not analyze staffing and caseloads for areas in which all related services are being provided by a contracted teleservice provider, such as vision, orientation and mobility.

FCMAT used information from CalEdFacts for statewide average caseloads and industry standards where noted. The CalEdFacts analysis is based on services to all K-12 students and does not provide a breakdown for specialized assignments or subgroups. Any specialized county assignments not included in the staffing and caseload average will be specified.

### School Psychologists

Documents provided to FCMAT indicate that the county office employs 8.0 FTE school psychologists. Documents reviewed and interviews with staff indicate that the roles and responsibilities of the school psychologists generally comply with state and professional standards. The psychologists provide assessments, attend some student study team (SST) meetings and IEP meetings, and provide direct services for behavior and social emotional support. One school psychologist maintains a preschool only assignment that does not apply to the K-12 student population and so is not included in the county average in the table below.

The county office's average caseload for psychologists is 812 students per 1.0 FTE psychologist. If staffed at the industry standard of 977 students per 1.0 FTE psychologist, the county would require 5.8 FTE psychologists. However, because some of the psychologists necessarily spend a large amount of time driving between school sites and because an increased need for their services is probable, maintaining current staffing levels may be appropriate.

The psychologists perform a comprehensive role based on the needs at each district, which may include participating in crisis management and threat assessments. Psychologist caseloads are shown in the table below.

### Psychologist Staffing and Caseloads

Provider	No. of FTE	Total Caseload	Caseload Average Per FTE	Industry Standard Per FTE	Staffing Above (+) or Below (-) Industry Standard
Psychologist	7	5,686	812	977	+ 1.2

Sources: County provided data, DataQuest and CalEdFacts.

## Speech and Language Pathologists

The county office employs 3.26 FTE speech and language pathologists (SLPs) and contracts with an additional 1.0 FTE SLP, for a total of 4.26 FTE positions that provide services to 237 students ages five to 22. Education Code Section 56363.3 states that the maximum average caseload shall not exceed 55 per FTE for ages five to 22, indicating the county is slightly understaffed. Education Code Section 56441.7(a) states that the maximum caseload for students ages three to five shall not exceed 40. The county has 1.0 FTE SLP dedicated to preschool, with a caseload of 38 students, so is staffed adequately. The county also contracts with an NPA to provide speech and language teleservices to 193 additional students, who are not included in the SLP caseload average in the table below.

### Speech and Language Pathologist Staffing and Caseloads

Provider	No. of FTE	Total Caseload	Caseload Average Per FTE	Education Code Maximum Per FTE	Staffing Above (+) or Below (-) Ed Code
Speech and Language Pathologist (ages 5-22)	4.26	237	55.7	55	-0.05
Speech and Language Pathologist (Preschool)	1.00	38	38	1:40	Within standard

Source: County provided data; EC sections 56441.7(a) and 56363.3

\*Total caseload does not include 193 students who receive contracted teleservices.

The county office also employs 0.8 FTE speech and language pathologist aides. Because this position is not a case manager but instead provides services under the direction of the SLPs, it is not included in the caseload average in the table above.

## Occupational Therapists

The county office employs 3.45 FTE occupational therapists (OTs) and contracts with 1.0 FTE OT, for a total of 4.45 FTE OTs, who provide services to 202 students in preschool through grade 12. The industry standard caseload is 45-55 students per FTE. With a caseload of 45.4 students per FTE, the county office meets the industry standard for OT services. The county office also contracts with an NPA to deliver OT teleservices to 83 additional students, who are not included in the OT caseload average in the table below. If those students were included, the caseload average would rise to 62.7 and the county office would need an additional 0.75 to 1.85 FTE OTs to meet the industry standard.

### Occupational Therapist Staffing and Caseloads

Provider	No. of FTE	Total Caseload	Caseload Average Per FTE	Industry Standard Per FTE	Above (+) or Below (-) Industry Standard
Occupational Therapist	4.45	202	45.4	45-55	Within standard

Source: County provided data and industry standards.

\*Total caseload does not include 83 students who receive contracted teleservices.

### Adapted Physical Education Teachers

The county employs 2.0 FTE adapted physical education (APE) teachers, who serve 76 students county-wide. The industry standard caseload is 45-55 students per FTE. If staffed according to industry standards, the county would need 1.7 FTE APE teachers; however, because of the travel involved and the possibility of increasing need for services, FCMAT believes the current staffing level is appropriate. The table below shows APE caseloads.

#### Adapted Physical Education Staffing and Caseloads

Provider	No. of FTE	Total Caseload	Caseload Average per FTE	Industry Standard per FTE	Above (+) or Below (-) Industry Standard
Adapted PE Teacher	2.0	76	38	45-55	+0.30

Source: County provided data and industry standard.

### Board Certified Behavior Analysts and Registered Behavior Therapists

The county office employs 2.0 FTE board certified behavior analysts (BCBAs) to help students and staff when behavior is interfering with learning and to decrease referrals to an NPA or nonpublic school (NPS). The BCBAs also provide training, data analysis, functional behavioral assessment, and training to help implement behavior intervention plans. The BCBAs work directly with the registered behavior therapists (RBTs), who help implement the behavior intervention plans and collect the related data. The BCBAs have 31 students on their caseloads. There are no industry standards for BCBAs or RBTs because these positions and job descriptions vary among LEAs.

### Recommendations

The county office should:

1. Review the assignments of all related service providers twice a year, and work to reduce driving time when possible.
2. Establish professional development opportunities for its related service providers.
3. Maintain current school psychologist staffing levels.
4. Develop training for districts to reinforce SELPA procedures for assessment of students and eligibility for services in the various disability categories.
5. Develop training for districts to reinforce the need for multitiered system of supports at the local level before a student is referred for special education assessment.

6. Review speech and language staffing levels to determine if an increase in SLPs is warranted to reduce teleservices.
7. Review OT staffing levels to determine if an increase in OTs is warranted to reduce teleservices.
8. Maintain current APE staffing levels.
9. Continue behavior support.

# SELPA Local Plan and Procedures Manual

## Background and Context

Through their local plan, regional SELPAs ensure access to special education services for all students with disabilities who reside in the geographic areas served. Since July 1, 2020, all SELPAs have been required to submit a local plan using the CDE-adopted templates, which include the following sections:

- Section A: Contacts and Certifications
- Section B: Governance and Administration
- Section D: Annual Budget Plan\*
- Section E: Annual Service Plan
- Attachments I–VII

\*The CDE-adopted template has no Section C.

Section B of the CDE local plan template requires SELPAs to document their policies, procedures and programs in 23 areas. Section B must be reviewed by the community advisory committee and county office of education, adopted by each member LEA's governing board at a public hearing before it is submitted to the CDE for review and approval. All sections must be adopted using the SELPA's normal governance and administrative processes. Since July 1, 2020, SELPAs have been required to review their local plan at least once every three years and update it as needed to ensure information in the governance and administration section remains accurate (EC Section 56195.9).

In addition, EC Section 56205 requires each SELPA to submit an annual budget and service plan that it has adopted at public hearings. After initial submission of the local plan, each SELPA is required to submit an annual budget and service plan to the CDE annually by June 30.

## Tuolumne County SELPA Local Plan

The SELPA provided for FCMAT's review a draft of its local plan on the CDE template. The 2019-20 local plan reviewed included sections A and B, and sections D and E. In interviews, staff reported that some sections had been reviewed and approved by the SELPA governing board but others had not. The law requires a SELPA to review its entire local plan at least every three years, and as needed to ensure the information in section B remains accurate. The information in sections D and E (the SELPA's budget and services plans) must be updated annually and submitted to the CDE before June 30.

FCMAT reviewed the SELPA's plan documents and found that the following revisions are needed:

### Section A

- Page A-2 is missing the date the local plan was provided to the community advisory committee for review and the date it was submitted to the county office of education.
- Page A-4, step 4 is missing a list of who collaborated to create the local plan.
- Certification 1 is missing the web address where the SELPA local plan is posted, and the names and signatures of the responsible local agency's or administrative unit's authorized agent, the local governance council chairperson, and the SELPA administrator.
- Certification 2 is missing the SELPA administrator's name and signature, and the date.

## Section B

- Section 1 (geographic area) states the SELPA encompasses all “public and private schools” within the geographic borders of Tuolumne County. Listing private schools in this section is misleading because they are not part of the SELPA. To meet the requirements of the Individuals with Disabilities Education Act (IDEA), every year each LEA must spend a proportionate share of federal IDEA funds on equitable services for students with disabilities whose parents have placed them in private schools. Although SELPAs are required to consult annually with private schools regarding the proportionate share obligation, private schools are not members of the SELPA. The SELPA needs to revise this section to state that the local plan extends to all public schools within the geographic borders of Tuolumne County.
- Section 2 is supposed to explain the governance structure of the SELPA, which includes the SELPA governance board, the finance committee, and the community advisory committee. In the plan FCMAT reviewed, this section defines the roles of the SELPA governing board and the community advisory committee but not that of the finance committee. The role of the finance committee needs to be defined in this section.
- Sections 2 and 6 describe the composition of the community advisory committee and indicate LEAs may appoint members; however, they do not state how many community advisory committee members each LEA may appoint. This information is needed.
- Section 11a states that the SELPA director evaluates the “director and program specialists.” If the SELPA decides to split the executive director special education/SELPA position into two positions as recommended earlier in this report, this wording will need to be changed to state the director of special education will evaluate these positions.

## Recommendations

The SELPA should:

1. Ensure the following changes are made to Section A of its local plan before it is submitted to the CDE:
  - a. Add to page A-2 the date the local plan was provided to the community advisory committee for review and the date it was submitted to the county office of education.
  - b. Add to page A-4, step 4 a list of who collaborated to create the local plan.
  - c. Add to Certification 1 the web address where the SELPA local plan is posted, and the names and signatures of the responsible local agency’s or administrative unit’s authorized agent, the local governance council chairperson, and the SELPA administrator.
  - d. Add to Certification 2 the SELPA administrator’s name and signature, and the date.
2. Ensure the following changes are made to Section B of its local plan before it is submitted to the CDE:

- a. Remove the phrase “public and private schools” from Section 1, and replace it with “all public schools” when discussing the schools to which the local plan applies within the geographic borders of Tuolumne County.
- b. Define the role of the finance committee in Section 2.
- c. Indicate in sections 2 and 6 how many community advisory committee members each LEA may appoint.
- d. If the SELPA splits the executive director special education/SELPA position into two positions, change Section 11a to designate the director of special education as the person who evaluates the director and program specialists.

# Appendix

## Study Agreement



**FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM  
STUDY AGREEMENT  
April 12, 2021**

The Fiscal Crisis and Management Assistance Team (FCMAT) (hereinafter referred to as the team) and the Tuolumne County Superintendent of Schools (hereinafter referred to as the P.O.E.) mutually agree as follows:

**1. BASIS OF AGREEMENT**

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

**2. SCOPE OF THE WORK**

**A. Scope and Objectives of the Study:**

1. Review the Tuolumne County S/EI P/A funding allocation formula; interview COE S/EI P/A personnel, as well as staff of member districts, to discuss and better understand their perspective on the allocation formula; Make recommendations to the COE S/EI P/A, providing guidance on a process that can be used if they desire to revise the S/EI P/A allocation model.
2. Evaluate the administrative organizational structure of Tuolumne County Superintendent of Schools S/EI P/A used to support the special education delivery system in Tuolumne County, and make recommendations for improvement, if any.
3. Analyze structure and caseloads for related service providers, including but not limited to speech pathologists, psychologists, occupational physical therapists, adaptive physical education and other staff who are or will be related service providers, and make recommendations for improvement, if any.
4. Review the location and procedural manual making recommendations for improvement to comply with federal and state regulations.

5. Provide consultation and technical assistance to the SLEPVA director of special education regarding the implementation of delivery systems in Tuolumne County.
4. **Services and Products to be Provided**
1. **Orientation Meeting** – The team will schedule an orientation session at the COE to meet COE 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 COE office and at school sites if necessary.
  3. **Exit Meeting** – The team will be clear exit meeting at the conclusion of the on-site review to inform the COE of significant findings and recommendations at that point.
  4. **Exit Letter** – Approximately 10 days after the exit meeting, the team will issue an exit letter briefly recapping the topics discussed in the exit meeting.
  5. **Draft Report** – Within six copies of a preliminary draft report will be delivered to the COE's administration for review and comment.
  6. **Final Report** – Electronic copies of the final report will be delivered to the COE's administration following completion of the review. The final report will be posted on the CMAI website. Printed copies are available from CMAI upon request.
  7. **Follow-up Support** – If requested by the COE, CMAI staff will meet with COE management after completion of the study. CMAI will return to the COE at no cost to assess the COE's progress in implementing the recommendations included in the report. Progress in implementing the recommendations will be documented in the COE and CMAI management letter. CMAI will work with the COE on a mutually convenient time to provide follow-up support that is no sooner than eight months and no later than 18 months after the completion of the study.

### 3. **PROJECT PERSONNEL**

The CMAI study team may include

- |    |                       |                                      |
|----|-----------------------|--------------------------------------|
| A. | <i>Maureen Harte</i>  | <i>CMAI Deputy Executive Officer</i> |
| B. | <i>Carolynne Bena</i> | <i>CMAI Intervention Specialist</i>  |

#### 4. PROJECT COSTS

The project budget requested pursuant to Resolution Code 16C-47177 (2013) shall be as follows:

- A. \$800 per day for each staff member when while on site, excluding the work at other locations, preparing or presenting reports or data to policy committees. The cost of independent FCMAI consultants shall be included at their actual daily rate for all work performed.
- B. All out-of-pocket expenses including travel, meals, and lodging.
- C. The COI will be budgeted at no cost, with 50% of the estimated budget allowed for the completion of the study to be reviewed and the remaining amount of the approved COI's acceptance of the final report.

**Based on the elements identified in section 2-A, the total not-to-exceed cost of the study will be \$15,400.**

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

Payments for FCMAI's services are payable to Kern County Superintendent of Schools - Administrative Agent located on 1500 17<sup>th</sup> Street, City Center, Hanford, CA 93230.

#### 5. RESPONSIBILITIES OF THE COI

- A. The COI will provide office and conference room space during school reviews.
- B. The COI 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 FCMAI only in electronic form if it is a hard copy and available files should be scanned by the COI and sent to FCMAI 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 FCMAI's online SharePoint document repository, where the COI shall upload all requested documents.

C. The COE's administration will review a draft copy of the report results from the study. Any comments regarding the accuracy of the data presented in the report or the practicality of the recommendations will be received with the intent prior to completion of the final report.

Prior to the COE's final representation of EUMV, we (as a limited liability) will purpose the COE shall take appropriate steps to comply with FCMS 25.100.

## 6. PROJECT SCHEDULE

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

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

## 7. COMMENCEMENT, TERMINATION AND COMPLETION OF WORK

EUMV will begin work as soon as it has assembled an available and appropriate study team consisting of EUMV staff and independent consultants, taking into consideration other projects EUMV 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 COE 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 COE may terminate its request for service and will be responsible for all costs incurred by EUMV. On the date of termination under Section 4, Project Costs, if the COE does not provide written notice of termination prior to completion of fieldwork, the team will complete its work and deliver its report and the COE will be responsible for the full costs. The COE understands and agrees that EUMV is a state agency and all EUMV reports are published on the EUMV website and may be available to interested parties in state government. In the absence of extraordinary circumstances, EUMV will not withdraw preparation, publication and distribution of a report once fieldwork has been completed, and the COE shall not request that it do so.

## 8. INDEPENDENT CONTRACTOR

EUMV is an independent contractor and is not an employee or engaged in any manner with the COE. The manner in which EUMV's services are rendered shall be within its sole control and discretion. EUMV representatives are not authorized to speak for

represent, or obligate the COE in any manner without prior express written authorization from the offices of the COE.

#### 9. **INSURANCE**

During the term of this agreement, FCMAV shall procure public liability insurance of not less than \$1,000,000 and a statewide excess up to \$10,000,000 by the COE and mobile liability insurance in the amount required under California state law and workers' compensation as required under California state law. FCMAV shall provide certificates of insurance to Tuolumne County Superintendent of Schools stamped as additional insured (unless an applicable insurance coverage upon request).

#### 10. **HOLD HARMLESS**

FCMAV shall hold the COE, its board, officers, agents and employees harmless from all claims, damages and liabilities resulting from negligent acts or omissions of its board, officers, agents and employees undertaken under this agreement. Conversely, the COE shall hold FCMAV, its board, officers, agents and employees harmless from all claims, damages and liabilities resulting from negligent acts or omissions of its board, officers, agents and employees undertaken under this agreement.

#### 11. **COVID-19 PANDEMIC**

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

- A. On-site and exit meetings, interviews and other information-gathering activities may be conducted remotely via telephone, video conferencing, or. References to on-site work or fieldwork shall be interpreted appropriately under the circumstances.
- B. Activities performed remotely that are normally performed in the field shall be paid 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 or enhance and other work area facilities to 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**

Contact person: Elizabeth Rico, Deputy Superintendent  
Telephone: (209) 536-2020  
E-mail: [erico@tcsos.us](mailto:erico@tcsos.us)

  
\_\_\_\_\_  
Cathy A. Parker, Superintendent  
Tuolumne County Superintendent of Schools  
Date 4/13/2021

  
\_\_\_\_\_  
Michael H. Fine  
Chief Executive Officer  
Fiscal Crisis and Management Assistance Team  
Date April 12, 2021