

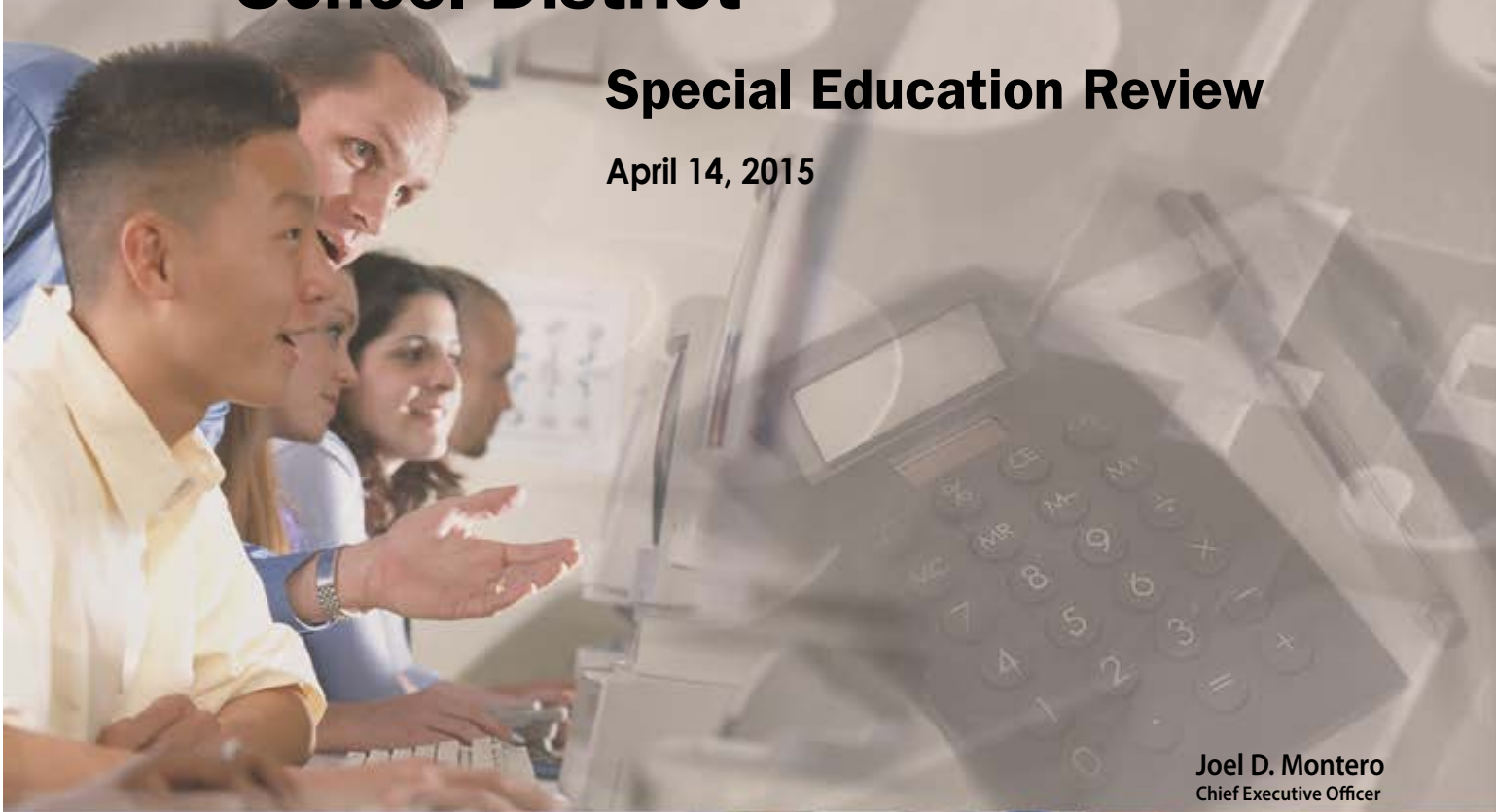


**CSIS** California School Information Services

# San Dieguito Union High School District

## Special Education Review

April 14, 2015



**Joel D. Montero**  
Chief Executive Officer







CSIS California School Information Services

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April 14, 2015

Rick Schmitt, Superintendent  
San Dieguito Union High School District  
710 Encinitas Blvd.  
Encinitas, CA 92024

Dear Superintendent Schmitt:

In October 2014, the San Dieguito Union High School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for a review of the district's special education programs and services. Specifically, the agreement states that FCMAT will perform the following:

1. Provide an analysis of staffing ratios, class and caseload size using statutory requirements for mandated services and statewide guidelines.
2. Provide an analysis of all staffing and caseloads for designated instruction providers: speech therapists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education, credentialed nurses and others.
3. Review the use of resource allocations for nonpublic schools and agencies and mental health services, alternative programs and make recommendations for greater efficiency. What contracted services could be provided by the district more cost-efficiently?
4. Review the costs of due process, mediations, and settlements for the past three years.
5. Review the efficiency of staffing allocations of para educators throughout the high school district. Analyze the procedures for identifying the need for instructional aides, the process for monitoring the resources for allocating para educators and determining the ongoing need for continued support from year to year.
6. Review the transition of students from elementary schools to the district, ensure the least-restrictive environment is provided, and determine whether services are decreased or reduced. Review inherited costs/services to identify any last-minute addition of services at the elementary level and any unreasonable/costly inherited services.
7. Determine how the district can reduce deficit spending in special education and remain in compliance with appropriate laws and regulations.

**FCMAT**

Joel D. Montero, Chief Executive Officer

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Administrative Agent: Christine L. Frazier - Office of Kern County Superintendent of Schools

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

We appreciate the opportunity to serve you and we extend thanks to all the staff of the San Dieguito Union High School District for their cooperation and assistance during fieldwork.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel D. Montero". The signature is fluid and cursive, with a large loop at the end of the last name.

Joel D. Montero

Chief Executive Officer

# Table of Contents

About FCMAT .....	iii
Introduction .....	I
Executive Summary .....	3
Findings and Recommendations .....	5
<i>Staffing and Caseloads</i> .....	5
<i>Related Services (formerly known as Designated Instructional Services)</i> .....	9
<i>Nonpublic Schools and Agencies</i> .....	13
<i>Due Process/Mediation and Litigation</i> .....	17
<i>Instructional Assistants</i> .....	21
<i>Transition from Feeder Schools</i> .....	25
<i>Fiscal Issues</i> .....	27
Appendix.....	27



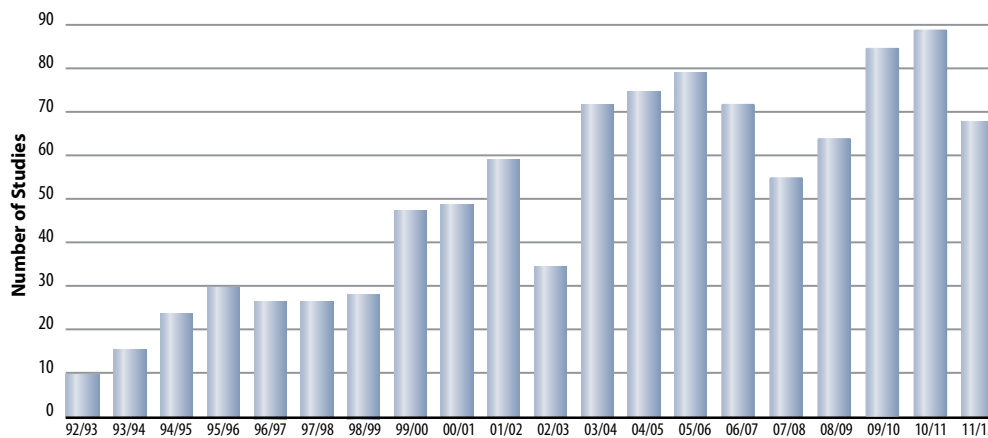
# About FCMAT

FCMAT's primary mission is to assist California's local K-14 educational agencies to identify, prevent, and resolve financial 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 and efficient operations. FCMAT's data management services are used to help local educational agencies (LEAs) meet state reporting responsibilities, improve data quality, and share information.

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 local education agency 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 also develops and provides numerous publications, software tools, workshops and professional development opportunities to help local educational agencies operate more effectively and fulfill their fiscal oversight and data management responsibilities. The California School Information Services (CSIS) arm of FCMAT assists the California Department of Education with the implementation of the California Longitudinal Pupil Achievement Data System (CALPADS) and also maintains DataGate, the FCMAT/CSIS software LEAs use for CSIS services. FCMAT was created by Assembly Bill 1200 in 1992 to assist LEAs to meet and sustain their financial obligations. Assembly Bill 107 in 1997 charged FCMAT with responsibility for CSIS and its statewide data management work. Assembly Bill 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. Assembly Bill 2756 (2004) provides specific responsibilities to FCMAT with regard to districts that have received emergency state loans.

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

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 Joel D. Montero, Chief Executive Officer, with funding derived through appropriations in the state budget and a modest fee schedule for charges to requesting agencies.



# Introduction

## Background

The San Dieguito Union High School District serves approximately 12,497 middle and high school students and coordinates services for five feeder elementary schools, including 1,452 students who have an individualized education program.

The district has basic-aid status and includes the communities of Cardiff-by-the-Sea, Encinitas, Leucadia, and Olivenhain in the city of Encinitas; the cities of Del Mar and Solana Beach; the communities of La Costa in the city of Carlsbad, Carmel Valley in the city of San Diego; and Rancho Santa Fe and Fairbanks Ranch.

In October 2014 the district requested that FCMAT review its special education programs and services.

## Study Team

The study team was composed of the following members:

William P. Gillaspie, Ed.D.  
Deputy Administrative Officer  
Sacramento, CA

Jackie Kirk-Martinez, Ed.D.  
FCMAT Consultant  
Pismo Beach, CA

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FCMAT Technical Writer  
Bakersfield, CA

Don Dennison  
FCMAT Consultant  
Grover Beach, CA

Keith Butler, Ph. D.\*  
Assistant Superintendent  
Coronado Unified School District  
Coronado, CA

Sandee Kludt, Ed.D.  
FCMAT Consultant  
Stockton, CA

\*As members of this study team, these consultants were not representing their respective employers but were working solely as independent contractors for FCMAT. Each team member reviewed the draft report to confirm accuracy and achieve consensus on the final recommendations.

## Study and Report Guidelines

FCMAT visited the district on January 20-23, 2015 to conduct interviews, collect data and review documents. This report is the result of those activities and is divided into the following sections:

- Executive Summary
- Staffing and Caseloads
- Nonpublic Schools and Agencies
- Due Process/Mediation and Litigation
- Transition from Feeder Schools
- Fiscal Issues
- Appendix

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.

# Executive Summary

At the San Dieguito Union High School District, students are identified as requiring special education at meetings of the Individualized Educational Planning Team. The district serves these students with a continuum of options through district programs or nonpublic schools or agencies. However, there are no written guidelines, policies, or contract language addressing staffing ratios, class, and caseload size. Computerized staffing reports on certificated and classified staff and student class lists are not reconciled.

San Dieguito Union operates 44 resource specialist programs (RSPs) four of which are called learning centers (LC). The district also operates eight classes designated as non-severely handicapped (SH) classrooms, three for students with emotional disturbance (ED), and six for the moderately to severely disabled.

The district employs 10 full-time equivalent (FTE) psychologists serving special education and general education students. The district also employs 8.60 FTE speech and language pathologists, one FTE occupational therapist (OT) and contracts for OT services to assist with assessment requirements at a cost of \$32,000 for the 2013-14 school year. The district employs one FTE school nurse, one full-time and two part-time adaptive physical education (APE) specialists.

Since 2011-12, total nonpublic school (NPS) and nonpublic agency (NPA) costs at the district rose from \$2,671,644 to a projected \$3,412,096 in 2014-15. Although the district has begun to directly serve more of its own students, the actual costs of day treatment NPS daily rates have increased. The average cost per district NPS student is \$39,000 annually compared to the Legislative Analyst Office's report, which indicated average costs of \$22,300 per disabled student throughout the state. The district has increased the use for NPAs and individual contracts over the past three years. More than \$1 million annually is spent on NPA and individual contracts.

The district lacks a formalized system for tracking high-profile cases starting from the lowest level of mediation to due process filings. To reduce exposure for expenses incurred by costly mediation and/or due process, the district should develop a comprehensive database of information, correspondences, and the support provided for each potential case. Since 2011-12, total settlement and legal costs have risen from \$380,832 to a projected \$793,804 for 2014-15, and the cost of settlements as well as legal expenses have increased annually.

The district developed a process for identifying the need for additional instructional aides and determining the ongoing need for continued support from year to year, but it is used inconsistently. The special circumstances instructional assistance process provides for analyzing classroom support and evaluating the need for 1-to-1 assistance. The criteria for transition or "fading" plans are unclear, and while these plans are suggested, they are not always implemented. Special education administrative staff seem to have little knowledge of the cost of the large number of 1-to-1 aides and the effect on the district's unrestricted general fund budget.

The district coordinates with five feeder elementary districts to transition sixth grade students to the appropriate middle school site for seventh grade and has a clear process and procedures to accomplish this task. A district office program specialist is assigned to coordinate this process between the district middle schools and staff representatives and parents from the five elementary feeder districts; however, the amount of cooperation and the use of the outreach components offered in the transition process vary among these districts.

The overall contribution to special education increased from 49.2% in 2011-12 to more than 59.9% in the first interim financial report for the 2014-15 fiscal year.

# Findings and Recommendations

## Staffing and Caseloads

At the San Dieguito Union High School District, students are identified as requiring special education at meetings of the Individualized Educational Planning Team. The district serves these students with a continuum of options through district programs or nonpublic schools or agencies. District documents and interviews indicate the programs offered are classified as non-severe or severe depending on the students' needs and are staffed according to district determination.

The district has no written guidelines, policies, or contract language on staffing ratios, class, and caseload size. Computerized position control reports on certificated and classified staff are not reconciled with student class lists, resulting in more discrepancies and inaccuracies in the calculation of staff ratios between the Human Relations (HR), Business, and Special Education departments. Several individual documents are produced that include the teacher's name, school assignment, student enrollment, classroom assistant and 1-to-1 assignments, and the number of hours and full time equivalents (FTEs) allocated for classified staff. However, this information is not maintained on one spreadsheet that includes a position control sheet, making the calculation of class and caseload sizes and staffing ratios burdensome, time-consuming, and prone to errors. As a result, the calculation of class and caseload sizes and staffing ratios is burdensome, time-consuming, and prone to errors.

San Dieguito Union operates 44 resource specialist programs (RSPs). Four of these programs are called learning centers and have instructional assistants and 1-to-1 aides assigned to them. District staff report that students in this program are mostly mainstreamed and have at least one learning center period (sometimes two) scheduled. Learning center students have more severe needs than those in RSP classes, e.g., difficulty with transition, executive functioning, sustaining attention etc. The learning center classroom is also available to these students throughout the day in case they need a place to feel safe or receive small group instruction. The remaining 40 operate with no additional staff beyond the teacher. Most RSP students in these classrooms have one academic support class on their schedules. RSPs and learning centers operate with an average of 24.75 students, which is slightly lower than the Education Code limit. The district could legally function with 39 FTE of RSP/learning center teachers, decreasing staff by five for a cost savings of \$101,125.90 per FTE for a total savings of \$505,629.50 annually.

Education Code (EC 56362(c)) limits RSP caseloads to 28 students per teacher without a state waiver. One of the 44 teachers assigned to RSP or learning centers operates with more students than allowed. Staff report that no waiver requests have been submitted to the California Department of Education, and an effort is made to keep these programs at an enrollment of 28 students or fewer.

The district operates eight designated classrooms for students who are not severely handicapped, e.g., the Transitional Alternative Program and the Coast Learning Academy. The program is for students on a certificate-of-completion track who are required to develop functional, social, vocational, and independent living skills. The academy serves district and non-district students from a variety of North county districts. The academy is designed primarily for students who are in college-preparatory classes and diploma-bound, often those transitioning from nonpublic, day treatment, or residential settings, and the enrollment ranges from eight to 16 with an average of 11.63. This average enrollment is slightly less than the industry standard of 12 to 15.

The district operates three classes for students with emotional disturbance (ED) called social emotional academic success programs. The purpose of the program is to provide individualized supports for students with social, emotional and academic needs. A behavioral modification system helps students decrease or replace undesired behaviors with those that are positive and appropriate. An educational related mental health specialist provides counseling at least four days a week. Two classes are within industry standards for moderate to severe programs (eight to 10 students), and one operates considerably above that level (13 students), with a classroom average of 10 students for the three programs. The district designates ED classes as non-severely handicapped programs.

The district operates six moderate-severe classes (three on functional life skills and three on transitional skills). These students are on a certificate of completion track. Life skills classes serve students in seventh through 12th grade, and adult transition classes serve adults ages 18 to 22. The adult transition program is community-based and located on off-campus sites, with the main goal of helping each student achieve his or her highest level of independence. The program curriculum addresses education needs, job readiness skills, supported employment, community experience, recreation and leisure activities, and independent living skills. All SH classes have caseloads of between eight and 10. These caseloads are below the range of the industry standards (10-12), and the average caseload for the six classrooms is nine. Using industry standards, the district could reduce by one classroom, resulting in a savings of \$98,807.01 annually.

### *Summary of Teacher Caseloads*

Program	Teacher FTEs	Caseload	District Caseload Average	Ed Code Maximum Caseload	Industry Standard
RSP/Learning Centers	44	1089	24.75	28	
Non-SH Classrooms	8	93	11.63	None	12-15
ED	3	30	10	None	8-10
Moderate/Severe	6	54	9	None	10-12

*Source: School Services of California, Education Code 56362 (60(f) and district data*

## Recommendations

*The district should:*

1. Develop guidelines for staffing ratios, class, and caseload size for mild-moderate and moderate-severe classes.
2. Develop a computerized, all-inclusive spreadsheet in addition to a position control format listing the teacher's name, school assignment, student enrollment, classroom assistant and 1-to-1 assignment, and the number of hours and FTE allocated for classified staff. This information should periodically be provided to the Human Resources, Business, and Special Education departments.

3. Periodically review RSP and learning center caseloads to determine if enrollment warrants filing for a waiver once the class surpasses 28 students.
4. Analyze class sizes and class ratios before adding a class for the SH population housed on district sites.
5. Designate ED classes as SH rather than non-SH to allow for lower caseloads and higher allocation of aide time.





## Related Services (formerly known as Designated Instructional Services)

### Psychologists

The district employs 10 full time equivalent (FTE) psychologists for special education and general education students.

The California Association of School Psychologists and May 2014 KidsData.org report each recommend a caseload of 1,469 students per psychologist. District data indicates it has 12,497 students in the 2014-15 school year for a psychologist to student ratio of 1-to-1,250. Based on the California Association of School Psychologists recommendation, the district is overstaffed by 1.5 FTE psychologist.

Virtually all administrative, certificated and classified staff interviewed by FCMAT indicated that the psychologists are extremely overworked and have difficulty fulfilling their responsibilities. The district special education enrollment is at the statewide average for a K-12 district; however, initial referrals for services typically decrease at the secondary level. District data shows that approximately 22% of the assessments conducted by psychologist are initial, and two school sites generate 50% of these. In addition to providing initial and triennial assessments, the psychologists also attend student study team (SST) meetings. Staff reported that these teams operate inconsistently across the district and that general education early intervention, also known widely as Response to Intervention (RtI), lacks consistency. These factors presumably contribute to the rate of initial referrals for special education and therefore increase the impact and demand on school psychologist services.

The psychologists also carry a caseload of related services for individual and small group counseling. District data indicates that the hours required for these responsibilities range from a high of 17 to a low of six per month per psychologist. School psychologists also help develop behavior support plans and special circumstance instructional assistance assessments, conduct manifestation determinations, and participate in threat assessments at their school sites.

Districts may knowingly choose to exceed average staffing recommendations because of unique circumstances; however, the recommendations provided below were developed to reduce the demand on the psychologists and allow the district to consider a possible reduction. Districts frequently utilize psychology interns to support credentialed school psychologists, and the average annual cost for three interns is approximately \$39,000.

Provider	No. of FTE	Caseload	CASP Data for Students per Class	District Caseload Average
Psychologist	10.0	12,497	1-to-1469	1-to-1250

Source: CASP and district data

### Speech and Language Pathologists

The district employs 8.60 FTE speech and language pathologists and serves 623 students who require these services in individual and small group delivery models and through direct and consult services. The average caseload for the speech pathologists is 72 per FTE, according to district data, and the statutory requirement for speech and language pathologists is an average of 1-to-55 students (Education Code 56563.3). Based on these requirements, the district is understaffed by 2.7 FTE.

Since overall speech pathologist caseload numbers include students receiving either direct or consult services it would be helpful to analyze data on the number of students receiving low levels of speech consult. This analysis may reveal a segment of the speech services population that could be reduced through exit and reclassification.

Provider	District Total FTE-to-Caseload Ratio	District Average Caseload Ratio	Ed Code Maximum FTE-to-Caseload Ratio
Speech-Language Pathologist-Overall Ratio w/o consults	8.60-to-623	72	1-to-55

*Source: California Education Code 56363.3 and district data Other Specialists/Personnel*

The district employs one FTE occupational therapist (OT) and contracts for OT services to assist with assessment requirements at a cost of \$32,000 for the 2013-14 school year. There are no statutory caseload requirements for occupational therapists. The Association of Occupational Therapists recommends a caseload of 45-55, and district data shows that the occupational therapist has a caseload of approximately 157 for the 2014-15 school year. Industry standards indicate the district is understaffed in occupational therapy by 1.9 FTE. These services include a combination of direct service and consultation. Approximately 62% of the OT caseload is for consultation, but the OT's records indicate this can represent from 60 to 600 minutes per year. Approximately 10% of this population has both direct service and consultation.

### ***Occupational Therapists Caseload Comparison***

Provider	FTE	Caseload	Occupational Therp FTE-Student Ratio	Ratio (FTE-to Student Caseload)
Occupational Therapist	1	157	1-to-157	1-to-45-55

*Source: SSC guidelines and district data*

The district employs one FTE school nurse and 6.06 FTE health technicians assigned to school sites. Most of the staff interviewed perceived the district as adequately staffed for health services based on this approach.

### ***School Nurse Caseload Comparison***

Provider	FTE	Caseload	School Nurse FTE-Student Ratio	Health Tech FTE	CASP Ratio (FTE-to Student Caseload)
School Nurse	1	12,497	1-to-12,497	6.06	1-to-2815

*Source: CASP and district data*

The district employs one full-time and two part-time adaptive physical education (APE) specialists. One part-time position covers one school site, and the other covers two school sites. The district operates three physical education classes, which combine general education and students with APE services with an enrollment of approximately 30 students per class, and staff indicates that these services operate effectively. The following table includes students with APE services only, with an average official APE caseload of 25. To assist with transition, elementary APE students from the feeder districts are invited to participate in the district's APE sports league, a commendable practice that should continue.

## *Adapted Physical Education Caseload Comparison*

Program	No. of FTE	Caseload	SSC Guideline for Students per Class	Average No. of Students	Aides	I:I Aides
APE	1.60	40	1-to-45-55	1-to-25		

*Source: School Services of California and district data*

District data indicates 22 students receive SELPA-provided services for the deaf and hard of hearing (DHH) at a cost of \$256,774 per year. According to School Services of California and KidsData.org, the industry standard for a DHH caseload is one FTE for 10 to 30 students.

The district applies the term “behavior specialist” to a program specialist with limited behavior specific responsibilities and does not use the position as it is usually defined by the industry. It should consider creating a more traditional behavior specialist position at a certificated teacher salary. Several staff members stated that this type of position may help reduce the demand on school psychologist services. The district should explore the impact of adding a behavior specialist position and determine whether this change could allow for a reduction in FTEs for school psychologists and provide a more behavior-focused resource for students and staff.

## Recommendations

*The district should:*

1. Reduce the rate of initial referrals to special education across the district. This can be accomplished by increasing the number of general education interventions available to SSTs by developing RtI resources.
2. Consider participating in the school psychologist intern recruitment program.
3. Evaluate the school psychologist designated instructional services (DIS) counseling program to determine whether efficiency can be increased or positions reduced.
4. Consider implementing alternative processes and procedures, including professional development, to train school staff in developing behavior plans and special circumstance instructional assistance assessments. This would reduce the number of responsibilities for the psychologist.
5. Evaluate the number of students receiving both mild/moderate specialized academic instruction and speech and language consultation for possible exit from speech and language services.
6. Review the number of students with moderate/severe services who also receive direct speech and language service in self-contained classrooms with language development curriculum.
7. Evaluate the number of students receiving speech with ongoing articulation goals and determine whether they need to continue the service.

8. Ensure that speech and language pathologists participate in each seventh-grade transition IEP with speech services.
9. Review and reduce the rate of initial referrals for speech services by??
10. Determine if it is cost-effective to hire an additional occupational therapist or continue privately contracting for additional support.
11. Develop policies and procedures to determine when consultation services are included on a related service provider's caseload, and reduce those caseloads before determining the need for any additional staff.
12. Establish a special education and general education team with administrative support to revise SST procedures across district.
13. Once uniform SST procedures are developed, implement them consistently with administrative supervision across the district.

# Nonpublic Schools and Agencies

## Nonpublic Schools (NPS)

Education Code Section 56034 states the following:

Nonpublic, nonsectarian school means a private, nonsectarian school that enrolls individuals with exceptional needs pursuant to an individualized education program and is certified by the department. It does not include an organization or agency that operates as a public agency or offers public service, including, but not limited to, a state or local agency, an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, or a public university or college. A nonpublic, nonsectarian school also shall meet standards as prescribed by the Superintendent and board.

When a district determines it does not have the appropriate educational placement or related service for a specific student or cannot hire staff to provide related services to students, it may contract with an NPS or NPA. The North Coastal Consortium for Special Education is a Special Education Local Plan Area (SELPA) that assists with this process by providing the NPS and NPA contracts and negotiating rates for its member districts.

Since 2011-12, the total of NPS and NPA costs increased from \$2,671,644 to a projected \$3,412,096 2014-15. FCMAT reviewed the district's expenditures for NPS tuition, room and board for students in residential placements.

Although the district has begun to directly serve more of its own students, the actual costs of day treatment NPS daily rates have increased. The average cost per district NPS student is \$39,000 annually. This compares to the cost of \$22,300 per disabled student cited in the Legislative Analyst Office of California report of January 2013, which is \$16,700 less than the district's cost. With 55 NPS placements, the district could realize an annual savings of at least \$918, 500 in this area by directly serving more of its own students. This does not include the cost savings of transportation, where expenses have also significantly increased.

NPS costs increased from \$1,958,258.01 in 2012-13 to \$2,048,887.66 in 2013-14 and have risen to \$2,142,167.50 in 2014-15. However, the cost of students in a residential placement has decreased from \$1,688,875.37 in 2012-13 to \$851,341.85 in 2013-14 and to \$508,296.98 in 2014-15.

### *District Students in Nonpublic Schools 2012-13 to Date*

Year	No. in Residential Placement	No. in Day NPS	Total	Cost of Residential Placements	Cost of NPS Placements
2012-13	26	63	89	\$1,688,875.37	\$1,958,258.01
2013-14	16	59	75	\$851,341.85	\$2,048,887.66
2014-15 to date*	6	55	61	\$508,296.98	\$2,142,167.50
Reduction/Increase	-20	-8	-28	reduction	increase

*Not final actuals*

The district developed an alternative program for students who require intensive behavioral and social emotional support as an alternative to placing them in a nonpublic school. The Seaside Program was also intended to reduce overall NPS and NPA costs by serving students who returned from NPSs; however, district staff reported that the original intent was not fully realized because the students enrolled in Seaside were receiving services in the district. FCMAT was not provided documentation to verify this information.

IEPs for students in NPS placements do not include a transition plan and specific goals in returning to a district program annually.

## Nonpublic Agency (NPA)

The district provided FCMAT with the following data on NPA and independent contracts although it indicated some contracts may not be included, and the amounts are estimates for the 2014-2015 school year. The use of NPAs and independent contracts has increased over the past three years, with more than \$1 million spent annually in this area. NPAs provide more than \$200,000 in autism services per year. These are consultant services, and the NPA provides an instructional assistant trained in autism to work with students in the district classroom. Students receive more than \$1.8 million in mental health services per year. One of the larger contracts is from Vista Hills, which performs assessments and therapy for students who live in the district. The district also has large contracts with Alternative Teaching Strategy Center and Maxim for services that could be provided by district personnel. Reducing these four contracts could decrease costs by \$912,506.43.

### *Nonpublic Agency Contracts and Independent Contracts for Three Years*

Year	NPA Cost	IC Cost	Total	Increase/Decrease
2012-13	\$1,042,961.50	\$231,759.70	\$1,274,721.20	N/A
2013-2014	\$1,240,219.55	\$247,365.00	\$1,487,584.55	\$212,863.35
2014-1215*	\$991,798.93	\$178,295.00	\$1,170,093.93	\$317,490.62*

*\*Year to date, not actuals*

## Recommendations

*The district should:*

1. Develop defensible district alternative programs with a cost that is equal to or less than the cost per students in an NPS and directly provide these services.
2. Before considering the addition of any other in-district programs intended to reduce NPS/NPA costs, analyze the total number of NPS/NPA and Seaside placements to determine why these costs have not decreased.
3. Develop language stating that NPS students will return to a less-restrictive environment when they meet certain criteria.

4. Develop a collaborative protocol with the feeder districts establishing a transition process for students receiving services outside the district, including those served by NPAs and through independent contracts. This should include a process for the district to attend the annual IEP meeting of sixth graders to discuss the district's offer of placement and services for fall.
5. Develop the skills of district staff so they can provide certain NPA services to students, and eliminate the cost of these contracts.
6. Intensively train its own staff to provide applied behavior analysis services, data collection, oversight, etc., to support the students who are on the autism spectrum disorder.
7. Provide its own educationally related mental health services assessments and counseling support instead of using private contractors.





# Due Process/Mediation and Litigation

The most effective step in reducing the cost of litigation is to have legally defensible IEP team meetings and IEPs. The second most important step is to communicate proactively with parents. A well implemented, effective communication plan can save the district hundreds of thousands of dollars in one school year; however, some cases are still likely to require one or more levels of mediation/resolution.

The district does not have a formalized system for tracking high-profile cases starting from the lowest level of mediation to due process filings. To reduce exposure for the expenses incurred by costly mediation and/or due process, the district should develop a comprehensive database of information, correspondences, and the support provided for each potential case.

Education Code 56501(a) states the following:

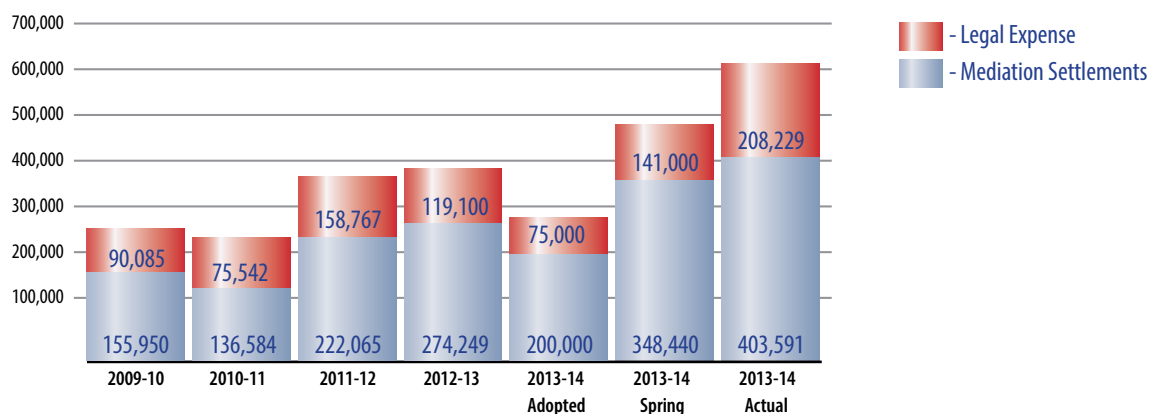
The parent or guardian and the public agency involved may initiate the due process hearing procedures prescribed by this chapter under any of the following circumstances:

- There is a proposal to initiate or change the identification, assessment, or educational placement of the child or the provision of a free appropriate public education to the child.
- (2) There is a refusal to initiate or change the identification, assessment, or educational placement of the child or the provision of a free appropriate public education to the child.
- (3) The parent or guardian refuses to consent to an assessment of the child.
- (4) There is a disagreement between a parent or guardian and a local educational agency regarding the availability of a program appropriate for the child, including the question of financial responsibility, as specified in Section 300.148 of Title 34 of the Code of Federal Regulations.

During the initial determination of whether to consider due process proceedings, the district calculates the potential cost. It should also consider the amount it contributes to the SELPA for support with due process, the cost of district attorney fees for pursuing and/or defending a due process filing, and the additional expense of any settlement agreements.

Since 2011-12, total settlement and legal costs have risen from \$380,832 to \$793,804 through 2014-15 first interims. In considering settlement costs, legal expenses should decrease over time, yet this has not occurred. Seven cases cost \$360,000 in the 2013-2014 school year, and 11 cases have cost \$398,380 in 2014-15. The district is considering filing for due process in two cases, which will increase legal costs.

**Special Education Settlement and Legal Costs**



Documentation and interviews indicated the district inherits several ongoing settlement agreements and placements. Many of the settlement cases also include attorney fees and a tuition cost for a private service or program. Staff indicated that the district does not challenge these issues if they result in a cost savings, regardless of the risk or potential for prevailing.

The district does not have a range of alternative dispute resolutions, including the facilitated IEP process. Facilitated IEP is a research-based approach that has been successful in establishing IEP processes resulting in FAPE offers. This is achieved by using neutral facilitation. Program specialists are IEP administrative designees. More information on facilitated IEPs is available at the following Web page: <http://cehs01.unl.edu/ECSE/960/Mueller-IEP.pdf>

The SELPA does not attend IEP meetings to help facilitate disputes.

## Recommendations

*The district should:*

1. Develop a formal system for tracking high-profile cases starting with alternative dispute resolution intervention to due process filings.
2. Maintain a comprehensive database of each potential case for key information, correspondences, and support to the student.
3. Establish timelines for proactive communication with families to resolve disputes at the lowest level, and focus on the least restrictive environment.
4. Formalize communication templates (letters, resolution agreements, and mediation procedures) to minimize legal expense, but ensure the system integrity.
5. Formally train the certificated staff and administration in due process procedures including the following:
  - Writing legally defensible IEPs
  - Conducting legally defensible IEP team meetings
  - Implementing a free appropriate public education in the least restrictive environment.
6. Define the role of each IEP team member in avoiding due process and providing a response when it is initiated.
7. Focus on litigated trends to develop district programs and services and defend its programs and services, therefore able to offer FAPE and reduce settlements.
8. Provide special education and general education administration with professional development and training in litigation and the defensibility of programs and services. This can be accomplished through various legal workshops and conferences.

9. Determine defensible disputes and challenge the issues through alternative dispute resolution including due process.
10. Provide certificated and administrative teams with professional development in the formal facilitated IEP process.



## Instructional Assistants

The table below summarizes the instructional assistants assigned to the resource specialist and learning center programs, which are both classified as mild/moderate programs. If the district were to use the resource specialist model instead of its current model, Education Code 56362 (6)(f) requires that, “At least 80 per cent of the resource specialists within a local plan shall be provided with an instructional assistant.”

The district operates 44 resource specialist programs, and four function as learning centers with instructional assistants and 1-to-1 aides assigned to them. All resource specialist programs operate with no aides.

### *Summary of Instructional Assistant Support*

Program RSP/ Learning Centers	Number of Classes	Caseload	District Caseload Average	Ed Code Maximum Caseload	Instructional Assistant Hours/FTE	Average Instructional Assistant Hours to Teacher/FTEs
Mild to Moderate Programs	44	1089	24.75	28	63/ 10.5	1.43/.24

### *Summary of 1:1 Aide Support*

Program RSP/ Learning Centers	Number of Classes	Caseload	District Caseload Average	Ed Code Maximum Caseload	1:1 Aide Hours/ FTE	Average 1:1Aide Hours to Teacher/ FTEs
Mild to Moderate Programs	44	1089	24.75	28	60.6/10.1	1.38/.23

Source: School Services of California, Education Code 56362 (60(f) and district data

The resource specialist programs and learning centers operate with considerably less aide time than the 264 hours that could be used with 44 teachers. The learning centers use only 63 hours in this area, and none are utilized in the resource specialist programs. However, in addition to instructional assistant time, they operate with 60.6 hours of 1-to-1 aide time, which equates to 10.1 FTE of unfunded 1-to-1 time assigned for the four learning centers.

The average number of instructional assistants assigned to mild/moderate and moderate/severe classrooms is higher than industry standards in some cases (1-to-12 for non-SH and 1-to-6 for SH). However, this recommendation does not consider specific needs such as those for students who use a wheelchair or have medical issues. Most importantly, the district utilizes large number of unfunded 1-to-1 aides (33.38 FTEs) as depicted in the charts below.

### *Mild/Moderate Class Instructional Assistant Support*

Program	Number of Classes	Number of Students	District Caseload Average	Recommended Caseload	Instructional Assistant Hours/FTE	Average Instructional Assistant hours to Teacher/FTEs
Mild/Moderate Class	8	93	11.63	12-15 Students	77.1/12.85	9.64/1.61

Source: district data

### *Mild/Moderate 1:1 Aide Support*

Program	Number of Classes	Number of Students	Hours of 1:1 Aide Time Hours/FTE	Average 1:1 Aide Time to Teachers Hours/FTEs
Mild/Moderate Class	8	93	105.9/17.65	13.24/2.21

Source: district data

The three classes for the emotionally disturbed (ED) operate with classroom instructional assistants and no 1-to-1 assistants. Because these classes should be classified as SH (even though the district classifies them as non-SH), they are understaffed by .4 FTE classroom assistants

### *ED Instructional Assistant Staffing*

Program	Number of Classes	Number of Students	District Caseload Average	Recommended Caseload	Instructional Assistant hours/ FTE	Average Instructional Assistant Hours to Teacher/FTEs
ED Class	3	30	10	8-10 Students	33.6/5.6	11.2/1.87

Source: district data

Six severely handicapped classes are in operation, (three teaching functional life skills and three transitional skills). Twelve hours of classroom assistant time could be allotted to each class, but only 43.8 hours are utilized, which is an understaffing of 28.2 hours or 4.7 FTEs. However, a total of 15.73 FTEs in 1-to-1 aide time is assigned to the six classes.

### *Moderate/Severe Class Instructional Assistant Staffing*

Program	Number of Classes	Number of Students	District Caseload Average	Recommended Caseload	Instructional Assistant hours/FTE	Average Instructional Assistant Hours to Teacher/FTEs
Moderate/Severe Class	6	54	9	10-12 Students	43.8/7.3	7.3/1.22

Source: district data

### *Moderate/Severe 1:1 Aide time*

Program	Number of Classes	Number of Students	Hours of 1:1 Aide Time Hours/FTE	Average 1:1 Aide Time to Teachers Hours/FTE
Moderate/Severe Class	6	54	94.4/15.73	15.73/2.62

Source: district data

The district developed a process for identifying the need for additional instructional aides and determining the ongoing need for continued support from year to year, but it is used inconsistently. The special circumstances instructional assistance (SCIA) process requires a careful analysis of classroom support and an evaluation of the need for 1-to-1 assistance. The district's criteria for transition or "fade" plans are vague, and these plans are not always implemented or included because they are not required. Special education administrative staff appear to have little awareness of the cost of the large number of 1-to-1 aides (a total of 43.48 FTEs, 10.1 FTEs assigned to learning centers, and a total of 33.38 FTEs assigned to classrooms as well as the effect on the district budget.

# Recommendations

*The district should:*

1. Continue designating a staff person(s) from each IEP team to be trained in the SCIA process.
2. Determine the need for continual support by completing the SCIA process at each student's annual review.
3. Before adding a 1-to-1 instructional assistant to a classroom or 1-to-1 aide to a student, analyze the need utilizing the SCIA process and determine whether the student's needs can be met by existing staff.
4. Train the designated person of each IEP team to discuss with parents the fade plan that will ultimately be implemented when a 1-to-1 aide has been assigned to a student.
5. Develop fade plan criteria so that a smooth transition can be implemented when a 1-to-1 aide's time is decreased or eliminated.
6. Hold periodic meetings of the administrative staff from HR, Business, and Special Education departments to monitor the expenditures related to classroom assistants and 1-to1 aides.
7. Convert 1-to-1 aides to classroom aides where possible since FTEs of classroom assistants are underutilized. Every 1-to1 aide eliminated will save the district between \$20,683.71 and \$36,752.74 per year depending on classification, e.g., non-SH or SH.





## Transition from Feeder Schools

The district has clear process and procedures to coordinate with five feeder elementary districts in transitioning sixth grade students to the appropriate middle school site for seventh grade. A district office program specialist is assigned to coordinate this effort, dealing with the district middle schools and staff representatives and parents from the five elementary feeder districts. However, the amount of cooperation and the use of the outreach components offered in the transition vary among the five feeder districts.

The program specialist assigned to oversee elementary transition has developed presentations for elementary staff and parents on the range of services and supports available at the middle school level as well as an overview and welcome to the district. The program specialist offers these presentations to the feeder districts' staff, but several do not use them. The program specialist also offers parent orientation nights. The middle schools hold information nights for parents and students, and accommodations are provided for special education students and their families. Transition meetings for the sending and receiving special education service staff are set up to discuss confidential information before the actual transition IEP meeting, which is held at the receiving middle school site.

The district should continue to emphasize communication with feeder district staff and parents on the services and programs available at each middle school. Otherwise, feeder district staff and parents will not be prepared to write transition IEPs that address the needs of student as they enter the seventh grade.

Despite process and procedures, the middle school staff must still make amendments to IEPs once students begin middle school. Some students are not in the correct classes and therefore must have their schedules changed after the start of the school year. Some are also not served in the least restrictive environment and/or receive more services than they need to receive educational benefit. Changing classes, schedules, and teachers, results in the loss of valuable learning time, which is particularly detrimental to disabled students. All students should have a smooth transition and receive the appropriate classes, supports, and services in the least restrictive environment on the first day of school.

Secondary district staff and site staff indicated that at some sixth-grade IEP meetings, elementary staff and parents make inadequately informed IEP team assumptions about what a student needs to succeed in seventh grade. This is because of the lack of consistency and cooperation with some feeder districts. Accordingly, some students reportedly receive more services than needed, and some services are added in the sixth grade that were not on the IEP before the transition to middle school. Services are often added at the feeder districts at parent request because of pressure on the IEP team to provide more services than recommended by the team, according to staff. This practice does not allow schools to fulfill their legal requirement to provide services in the least restrictive environment, and it places an undue burden on middle school staff to work with parents to decrease services to an appropriate level and complete all the necessary accompanying paperwork. The receiving districts appear to have appropriate procedures to communicate with the sending staff and parents about the resources and supports available in the middle school system. Effective communication and cooperation should be established in areas with frequent transition problems. Teachers and administrators should have meetings to discuss these issues.

The district should determine whether the above perceptions are accurate and be open to suggestions and questions from the elementary feeder districts regarding the transition process and services at the middle school level. Appropriate planning and preparation at sixth-grade IEP meetings would allow the elementary and middle school staff to adjust IEPs before the changes occur in seventh grade.

## Recommendations

*The district should:*

1. Continue to maintain a district office position that organizes and oversees the transition process from elementary feeder districts.
2. Continue to perform outreach and solicit and foster cooperation from senior administration and classroom teachers and other direct service providers at the feeder districts.
3. Ensure that all pertinent elementary feeder district staff receive descriptions of the programs and services provided at each of the middle schools
4. Develop and distribute to elementary staff and parents professional-style public relations material such as brochures that describe and publicize middle school services and supports for transitioning students who receive special education services.
5. Ensure that each elementary transition IEP meeting is attended by a district special education staff member who can help determine like services as well as additional services recommended in preparation for the fall. This will also help the district determine the costs of required services.
6. Work with feeder schools to establish an agreement to use Education Code special education eligibility criteria to determine placement in special education.
7. Perform a data collection and analysis review of incoming sixth-grade IEPs and pre-existing fifth- and fourth-grade IEPs (if any) to determine if there is a pattern of late identification and service addition.
8. If this pattern exists, assign the senior administration to discuss this issue with the feeder district administration. The SELPA director could be requested to assist in this discussion.

## Fiscal Issues

The overall unrestricted general fund contribution to special education is as follows:

Rev and Contribution	Special Ed Program	Mental Health	Transportation	Total Contribution	Total Program Costs	Cont. %
2011-12	6,124,552	374,374	2,779,684	9,278,610	18,849,748	49.2%
2012-13	7,214,177	1,258,690	2,920,244	11,393,111	20,698,387	55.0%
2013-14	9,585,797	558,229	2,711,502	12,855,528	20,791,171	61.8%
2014-15 First Interim*	9,400,768	994,888	2,889,969	13,285,625	22,189,414	59.9%

Staff interviews indicated that outside of monitoring contracts for NPS/NPA placements, the district has no comprehensive list of all services required by IEPs and therefore cannot monitor this area for efficiency.

The special education director has been in that position for 2.6 years, but has not established department fiscal efficiency, according to staff.

The overall identification rate for all district students eligible for special education is 10.8%, which is within the state average range. However the rate for students eligible under other health impairment is 28.4%, with the county rate at 14.93% and state rate of 10.06%.

Documents provided and district staff indicate a high level of initial assessments, especially at the high school level, including speech and language only.

## Recommendations

*The district should:*

1. Identify specific trained staff responsible for receiving all IEP and settlement data, immediately after agreements are signed and entering that data into the SEIS system.
2. Export the data for each service needed for each student, with service initiation and termination dates, into a district-created spreadsheet that will compile all services needed by type of service by site. The spreadsheet should then compile the data district-wide to be used as the basis for position control decisions in conjunction with Human Resources and Business Services.
3. Assign the director to attend the ACSA program for new special education directors, or an equivalent program, to increase knowledge of the position and to build a network of peers.
4. Assign the director to establish priorities including the following:
  - Developing a defensible special education program.
  - Ensuring that the program is delivered effectively and in a standardized manner throughout the district using procedures and processes.
  - Monitoring/enhancing the fiscal accountability and efficiency of the department.

5. Review district's SST process and Response to Intervention and determine if the district can support the students through prereferral or general education accommodations and interventions before a special education assessment.

# Appendix

## A: Study Agreement





**FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM  
STUDY AGREEMENT  
October 27, 2014**

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

**1. BASIS OF AGREEMENT**

The team provides a variety of services to school districts and county offices of education upon request. 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 State 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. Provide an analysis of staffing ratios, class and caseload size using statutory requirements for mandated services and statewide guidelines.
2. Provide an analysis of all staffing and caseloads for designated instruction providers: speech therapists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education, credentialed nurses and others.
3. Review the use of resource allocations for nonpublic schools and agencies and mental health services, alternative programs and make recommendations for greater efficiency. What contracted services could be provided by the district more cost-efficiently?
4. Review the costs of due process and mediations for the past three years.
5. Review the efficiency of staffing allocations of par educators throughout the high school district. Analyze the procedures for identifying the need for instructional aides, the process for monitoring the resources for

- allocating par educators and determining the ongoing need for continued support from year to year.
6. Review the transition of students from elementary schools to the district, ensure the least-restrictive environment is provided, and determine whether services are decreased or reduced. Review inherited costs/services to identify any last-minute addition of services at the elementary level and any unreasonable/costly inherited services.
  7. Determine how the district can reduce deficit spending in special education and remain in compliance with appropriate laws and regulations.

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 Report - 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 summarizing significant findings and recommendations to date and memorializing the topics discussed in the exit meeting.
5. Draft Reports - 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, FCMAT will return to the district at no cost six months after completion of the study 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.



### 3. PROJECT PERSONNEL

The study team will be supervised by William Gillaspie, Ed. D., Deputy Administrative Officer, Fiscal Crisis and Management Assistance Team, Kern County Superintendent of Schools Office. The study team may also include:

- |    |                           |  |
|----|---------------------------|--|
| A. | William Gillaspie, Ed. D. | FCMAT Deputy Administrative Officer,<br>Project Lead |
| B. | Dr. Jackie Kirk Martinez  | FCMAT Consultant                                     |
| C. | Don Dennison              | FCMAT Consultant                                     |
| D. | Dr. Keith Butler          | FCMAT Consultant                                     |
| E. | Dr. Sandee Kludt          | FCMAT Consultant                                     |

Other equally qualified staff or consultants will be substituted in the event one of the above individuals is unable to participate in the study.

### 4. PROJECT COSTS

The cost for studies requested pursuant to E.C. 42127.8(d)(1) shall be as follows:

- A. \$500 per day for each staff member while on site, conducting fieldwork at other locations, preparing and presenting reports, or participating in meetings. The cost of independent FCMAT consultants will be billed at their actual daily rate.
- 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 2 A, the total estimated cost of the study will be \$25,000.**

- 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.

## 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 field work; any delay in the receipt of the requested documents may affect the start 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 preliminary 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:

Orientation:	January 20, 2015
Staff Interviews:	January 20-22, 2015
Exit Meeting:	January 23, 2015
Preliminary Report Submitted:	to be determined
Final Report Submitted:	to be determined
Board Presentation:	to be determined, if requested
Follow-Up Support:	if requested

**7. CONTACT PERSON**

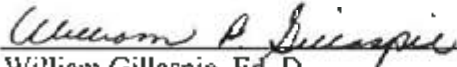
Name: Eric R. Dill  
Telephone: (760) 753-6491  
E-mail: [eric.dill@sduhsd.net](mailto:eric.dill@sduhsd.net)



Eric R. Dill, Associate Superintendent  
San Dieguito Union High School District

10-28-14

Date



William Gillaspie, Ed. D.  
Deputy Administrative Officer  
Fiscal Crisis and Management Assistance Team

10/27/2014

Date