

July 6, 2015

Kevin Skelly, Ph.D., Superintendent
San Mateo Union High School District
650 North Delaware Street.
San Mateo, CA 94401

Dear Superintendent Skelly:

In March 2015, the San Mateo Union High School District entered into an agreement with the Fiscal Crisis and Management Assistance Team (FCMAT) for a special education review. The study agreement requested that FCMAT perform the following:

1. Review of overall special education delivery system to assure whether the district is complying with IDEA federal and state special education laws.
2. Review special education staffing of classified including 1:1 support and certificated staff and caseloads for all district special education programs and make recommendations for improved efficiency and cost effectiveness.
3. Review the district's identification rate for students with disabilities to determine if the district exceeds the statewide average.

The purpose of this management letter is to provide the findings and recommendations developed by FCMAT in response to this request. FCMAT conducted staff interviews at the district office on June 16 and 17, 2015. The study team also reviewed various documents during and after the visit. This management letter is the result of those efforts.

FCMAT's 2-day on-site technical assistance study was intended to identify key areas that would make the district's special education delivery system more effective and efficient. This letter is not intended to be a full report, but a brief overview of areas in which the district can immediately start planning for improvement. If a more in-depth analysis is requested after the district addresses the findings and recommendations in this technical assistance management letter, FCMAT would be pleased to provide a full study.

In writing its reports and letters, 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.

FCMAT

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Study Team

The study team was composed of the following members:

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*As a member of this study team, this consultant was not representing his employer but was working solely as an independent contractor for FCMAT. Each team member reviewed the draft management letter to confirm its accuracy and to achieve consensus on the final recommendations.

Background

The San Mateo Union High School District receives students from the San Mateo-Foster City, Hillsborough, Burlingame, Millbrae Elementary, and San Bruno Park school districts. San Mateo Union has an enrollment of 8,154, students in grade nine to age 22 served at six school sites. Approximately 909 district-of-service students have individualized education plans (IEPs). The district is in the San Mateo Special Education Local Plan Area (SELPA) and contracts with the San Mateo County Office of Education and county mental health for public services to serve students.

The district has basic-aid status, which means its local property taxes meet or exceed its revenue limit. A basic-aid district retains resources from local property taxes and still receives the constitutionally guaranteed state basic aid funding. Of California's nearly 1,000 elementary, high school, and unified school districts, approximately 80 have basic-aid status. However, this number changes from year to year as local property tax revenues and enrollments fluctuate. A district can be a revenue limit district one year and basic aid the next.

Service Delivery

The district serves 909 special-needs students across several high schools, county office programs, nonpublic schools, alternative education sites, and separate schools. All high schools have reportedly transitioned to a "push-in" or "co-teaching" model for students with mild to moderate disabilities and instructional needs. Students with more moderate to severe disabilities receive intense or modified instruction in special day classes, specialized programs, or segregated sites. FCMAT was asked to review the overall special education delivery system to determine whether the district complies with all state and federal special education laws.

Compliance

Interviews indicated staff have various concerns about compliance, including the following:

- Data entry errors are made in the Special Educational Information System (SEIS)
- The average amount of time students receive their special education or services in settings apart from their nondisabled peers and identification rates.
- Some teacher data errors were related to the IEP dates in the SEIS not matching actual IEP timelines, and required data are left blank.

These errors are reported to the SELPA through SEIS, and become compliance issues with the California Department of Education (CDE) if not corrected. The SEIS does not communicate directly with the district's student information system (Aries) just as the California Special Education Management Information System (CASEMIS) does not communicate directly with the California Longitudinal Pupil Achievement Data System (CALPADS). The two separate systems require accurate data entry until local and state data systems are integrated. Ongoing and consistent training is necessary for special education administrators, teachers, district data technicians, and school registrars. The district should contact the San Mateo SELPA staff to arrange professional development in writing legally defensible and compliant IEPs, SEIS data entry and management, and IEP trainings for general education staff and administrators.

Special Education Delivery System

The district offers a continuum of services for all students who are eligible for special education. As part of this continuum, FCMAT reviewed the district's scope of service from preidentification to placement. A district's special education system should include preidentification services consisting of a multitier system of supports, according to "One System: Reforming Education to Serve ALL Students," the report of California's Statewide Task Force on Special Education, which was issued in March 2015.

The district provided a Response to Intervention and Instruction (RtI2) overview outlining interventions and instructional strategies related to the following:

- Tier 1: Primary prevention-high quality core instruction
- Tier 2: Secondary prevention-evidenced-based intervention of moderate intensity
- Tier 3: Tertiary prevention-individualized interventions of increased intensity.

Interviews indicated the district has not implemented an RtI or multitier system of supports. A RtI2 or multitier system of supports gives districts a method to drive educational decisions, measure academic growth, and respond to the individual learning needs of students who do not respond to instructional strategies in general education. The district leadership team should review effective RtI2 systems, and develop, and implement a process (supported by board policies) that mandates staff utilize all less restrictive, research-based academic and social emotional interventions before referring for special education identification.

A systemic change of this type should include all staff and should be supported with a strategic plan outlining the timelines for formative assessment development and implementation, intervention curriculum adoption and implementation, progress monitoring tools and methodologies, data analysis strategies, and implementation of norms continuing through the student success team (SST) process and finally in the assessment for special education services. The district should consider expanding and targeting more actions and services under goal 2 of the Local Control Accountability Plan (LCAP) toward developing a strong RtI2 system.

Several interviews indicated SST practices are inconstant across sites, likely resulting in different practices for preidentification or interventions and assessment. The California School Board Association (CSBA) provides districts with guidance on SSTs and what school boards throughout California should adopt. The district should ensure that a comprehensive formal training on the SST process, guidelines and handbook is provided to all school sites and included in the RtI2 system mentioned above.

Interviews and data from the district’s special education annual data comparison report show an increase in emotional disturbance (ED) eligibility over the past four years. Specifically, eligibility rose by 11% from 2013 to 2014 and 25% from 2011 to 2014. The report of the California’s Statewide Task Force on Special Education indicates that multitier systems of support are a proven vehicle for providing appropriate degrees of social-emotional learning, all of which are geared toward the specific needs of the child, with universal positive behavioral supports (such as positive behavior intervention and supports, restorative practices, and other programs identified through the Collaboration for Academic, Social and Emotional Learning, (CASEL). The district should consider adding schoolwide supports and services to its RtI2 strategic plan.

Interviews indicate the district has transitioned to a co-teaching model for students with mild to moderate disabilities and services. This model has lowered the special education student-to-teacher ratio from a more traditional 28-to-1 to 22-to-1. Although the co-teaching model has been implemented across the sites, the district does not meet the target indicators in the CDE’s Annual Performance Report Measure for students receiving special education services in settings apart from their general education peers.

FCMAT reviewed the 2013-14 District Level Special Education Annual Performance Report Measure, indicator 5 – least restrictive environment. This indicates the average amount of time students ages six through 22 receive special education or services in settings apart from their nondisabled peers. The state target requires that more than 49.2% of the students spend over 80% of their school day in the general education class; however, the district did not meet this target. As shown in the table below, the district also did not meet the target of having less than 24.6% of the students attend inside of general education class less than 40% of the school day.

Table 1 Indicator 5 results on the annual performance measure

- A. Inside of the regular class 80% or more of the school day
- B. Inside regular class less than 40% of the school day
- C. In separate schools, residential facilities or homebound placements

| Measure | Percent of Students in Environment Receiving Special Education | Target This Year | Target Met |
|---------------------|--|------------------|------------|
| A. >80% | 33.4% | >49.2% | No |
| B. <40% | 25.5% | <24.6% | No |
| C. Separate Schools | 5.7% | <4.4% | No |

Source: 2013-14 District Level Special Education Annual Performance Report Measure compiled by the California Department of Education, Assessment Evaluation and Support Unit.

The above performance indicators should be a factor at IEPs when placing students in separate classes or co-teaching classes. The same indicators should be strongly considered before modifying or building a segregated special education site on the Peninsula Alternative High School Campus. The district should consult with the SELPA on the potential obstacles to adding or creating segregated or separate schools.

The district has 45 nonpublic school (NPS) placements, including eight in residential facilities. This number is higher than surrounding districts and factors into the separate school indicator as well as increasing special education costs. The district should review and assess students placed in NPS and residential settings and recommend district-level services when appropriate.

A final factor in reviewing the overall special education delivery system is the expense of legal costs and settlements. A brief analysis of district data on legal costs for the past three years found that legal fees increased 350% from 2012 to 2013. The director of special education and the associate superintendent of student services should review the past three years of complaints and analyze trends as well as review legal and settlements costs. This analysis should be provided to the SELPA director, and a professional development plan should be developed and implemented.

Staffing and Caseloads

The district provides for a continuum of services to nonseverely handicapped (non-SH) students and severely handicapped (SH) students through non-SH special day classes/learning centers, SH SDCs, and related services. The latter services include speech/language therapy, adapted physical education (APE), and psychological services.

Documents and interviews with district staff found that there are numerous discrepancies in the district's data showing the number of staff providing special instructional assistance services and related services. The Human Resources, Business, and Special Education departments also lack coordination and communication. The district should correct the inconsistent data and review communication processes so that data provided from the various departments is consistent.

FCMAT analyzed caseloads for speech/language therapy, APE and psychological services. Several documents had inconsistent data on the full-time equivalents (FTEs) hired in these positions. One document listed 3.6 speech/language therapists excluding an independent contractor who is a signing speech therapist, but another showed 4.6 FTEs. Excluding the independent contractor's load of 14 students, 3.6 therapists serve 133 students, yielding an average of 36.94. If the contractor's caseload is included in the calculation, the average number of students decreases to 31.9.

Both averages are significantly below the industry standard of 55. District staff indicated that most services are provided through a "push-in" model, which gives the therapists an opportunity to communicate with the general education staff. The district has an open-door policy for general education teachers to refer nonidentified special education students to the therapists for drop-in support. Education Code 56563.3 requires a SELPA-wide average ratio of 1-to-55 for speech/language therapists, which means 2.4 language/speech therapists would be required to serve the 133 students. The district should analyze the potential savings that could result from aligning the number of therapists with this Education Code requirement and assigning the therapists to multiple sites.

One data sheet shows 1.2 APE specialists provide services to 62 students, and another indicates 1.8 APE specialists provide these services. If the correct number of APE is 1.2, the average caseload is 51.7, which is within the industry standard of 1 FTE to 45-55 students. However, if the actual number is 1.8, the average caseload falls to 34.4, which is considerably lower than the industry standard. The district should rectify the inconsistencies in data and determine how many APE specialists should be hired to align with industry standards.

The number of psychologists employed varies from five to 6.4 depending on the data sheet reviewed and staff interviewed. The district is either slightly below or considerably above the industry standard depending on the number used. With an industry standard of 1-to-1,469 and an enrollment of 8,154 students, the district should have 5.5 psychologists. The psychologists attend all SST meetings and most 504 meetings. These personnel spend almost all of their time completing assessments and attending meetings, with little time allocated to counseling. The district should correct the inconsistent data, analyze the psychologists' responsibilities and determine the correct number necessary to provide the required services.

The district eliminated the resource specialist positions and delivery model from its continuum of service options. Instead, non-SH SDCs/learning centers operate with an official district guideline recommending a class size ratio of 1-to-22. The nonseverely handicapped SDC student enrollment is 676, but one data sheet shows 32.6 FTE non-SH teachers, and another shows 36.2. The average load ranges from 18.7 to 20.7 depending on which number of staff is accurate. Both caseloads are considerably below the district determined average of 1-to-22 for specialized academic instruction classes. District guidelines would require 30.7 FTEs. The district should correct the inconsistent data and analyze the savings that could be realized by reducing the appropriate number of FTEs to align with district guidelines.

The district operates 17 SDCs designated as SH. Two classes for autistic students have a total enrollment of 15. The average of 7.5 is lower than industry standards (eight to 10) and lower than the district-recommended guideline of 10-12 students. Because only two classes are in operation, the district should gradually move toward industry standards as enrollment of autistic students increases.

The district operates six classes for the emotionally disturbed with a total enrollment of 63 students for an average of 10.5. Industry standards recommend an average of eight to 10. In this particular disability classification, the district operates at slightly above industry standards. However, a seventh teacher awaits clearance of the required credential. Once that occurs, the average will drop to nine students, which is within industry standards.

Finally, the district operates eight SDCs for intellectually disabled students with an enrollment of 94 and average caseload of 11.7. The industry standard for this disability is 10-12, which means the district is within guidelines for this population.

Instructional aides are assigned to sites and not specific teachers. The district maintains a list of the instructional aides and their respective FTEs assigned to each site; however they are not designated as SH or non-SH. As a result, it is difficult to determine if non-SH and SH SDC classes are overstaffed or understaffed in relation to the industry standards of one 6-hour aide per non-SH class and two 6-hour aides per SH classroom.

One staff member designated each classroom assistant as SH or non-SH, and based on these designations, FCMAT came to the following conclusions:

- The 17 SH classes allow 34 aides based on industry standards, equating to 204 hours (six hours each). Nine were hired as 1-to-1 aides accounting for 57.5 hours, and there are 24 aides hired for a total of 142.5 hours providing a total of 200 hours hired for the SH classrooms.

A list of 1-to-1 aides was provided to FCMAT. All assistants work with a designated student who receives 1-to-1 assistance according to the services portion of the IEP and also work with whole classes and small groups. The total number of hours for 1-to-1 aides and aides assigned to SH classrooms is slightly less than the industry standard.

The non-SH classes based on industry standards allow for one 6-hour aide per class. Because of the discrepancy in the number of non-SH classrooms operated (32.6 or 36.2), the number of aide hours allowed for non-SH classrooms is either 195.6 or 217.2. FCMAT determined that the aides classified as non-SH work 332.3 hours daily. If the correct number of classes is 32.6, the district operates at 136.7 hours more than the industry standard, which equates to an excess of 22.8 FTEs. If the correct number of classes operated is 36.2, the district operates at 115.1 hours over the industry standard, which is 19.2 FTEs in excess.

The district has 14 different classified FTE categories, allowing for aides to work anywhere from 2.1 hours to 7.5 hours per day. The district should analyze the number of hours of aide time hired versus the length of the school day. The data also do not designate on one sheet which of the 91 aides are designated SH and non-SH nor are the number of hours worked by each aide listed. The sheet lists portions of FTEs, which makes it difficult to complete calculations and comparisons. For more efficient tracking, the district should develop a 1-page list of classes by disability, teachers and aides by SH or non-SH designation, and aide hours.

The district has no consistent formal process to determine the need for special circumstance instructional assistance. A manual developed by the San Mateo SELPA is available, but not consistently utilized. The district should review this document with staff and provide training on determining the need for this assistance, monitoring progress, and developing a “fade” plan to ensure that students do not become overly dependent on 1-to-1 assistance.

The director of special education unilaterally decides when to add a class or aide. A proposal is developed with rationale and submitted to cabinet for approval. The Business Department is not involved until after the fact, nor is the director of special education involved in budget development. Budget development meetings should be scheduled involving the Human Relations, Business, and Special Education departments so that all are aware of budgetary changes and the ramifications of increased expenditures. The district should also schedule periodic meetings between the departments to improve communication and coordination.

Identification Rate

The district’s overall identification rate for disabled students was 11.6% in 2012-13 (based on district or residence), 11.5% in 2013-14 (district of residence), and is 11.1% for 2014-15 (district of service). The state average for identification of students with special needs from birth to age 22 is 11.3%. As indicated earlier in this report, the district does not have a formalized multitier system of supports or RtI designed to respond to academic and behavioral problems that students may face during the school year. Staff perceive that some students remain in special education instead of exiting the program and utilizing a formalized multitier system of supports since the district has minimal general education interventions if the student does not qualify for special education. This approach violates state and federal regulations (IDEA, 2004, and Education Code 5600- 5601) on maintaining placement in least restrictive environment and significantly delays students’ access to the initial levels of intervention before consideration for special education services.

The district was unable to provide FCMAT with the December 1, 2014 district of residence enrollment by age and disability so an in-depth analysis of the identification rate could be completed and the results compared to county and state statistics. However, FCMAT analyzed the primary disability eligibility rate over the past five years. The district should consider performing an analysis of its own or initiating a formal study.

Comparisons of District of Service Students by Disability and of Increase by Percentage for the Past Five Years

| Disability | % Rate change from December 2010 to December 2014 |
|-------------------|--|
| MR | -.20 |
| HH | 1.1 |
| Deaf | 2 |
| SLI | -66.6 |
| VI | small population variable |
| ED | 28 |
| OI | -42.8 |
| OHI | 42 |
| SLD | -11.7 |
| DB | 0 |
| MD | -33.3 |
| AUT | 36.5 |
| TBI | Small population variable |

Source: CASEMIS report 12-1-2014

The district should review the high identification rates and determine if there is a pattern or root cause.

As mentioned throughout this letter, the district lacks a comprehensive preintervention plan and implementation plan. Although there are written procedures and forms for 504 accommodation plans, staff reported they are unaware of a structured 504 accommodation procedure. Yet there are students with 504 plans at all sites. This is similar to the RtI documents presented to FCMAT.

FCMAT reviewed the 2013-14 District Level Special Education Annual Performance Report Measure. The district did not meet the disproportionality overall measure for African-Americans in indicator 9 – disproportionality overall, which indicates the percentage of racial and ethical disproportionality among students ages six through 22 that may be due to policies, procedures, or practices. The district also did not meet indicator 10 - disproportionate disability, which indicates disproportionality among the same age group and for the same reasons. The district did not meet the disproportionality disability in two areas, African-American students with learning disabilities, and white students with emotional disturbance.

The district has allocated more than \$200,000 to correct the disproportionality. The CDE has timeline requirements regarding the allocations of these funds and corrective actions, and the due date was December 2014. The corrective action plan has been drafted multiple times, and is yet to be finalized. The plan reportedly does not directly include a plan to support the disproportionate indicators, but places funds towards items such as technology. The district should consider a strategic plan focusing on indicators to reduce overidentification in the above areas. The district should consider obtaining a technical assistant advisor through CalSTAT in addition to utilizing the SELPA.

The district staff reported the high school staff representative attends articulation meetings with the feeder districts each spring to discuss the needs of students matriculating from eighth grade to ninth

grade. The high schools discuss schedules, and minutes of services required, while the middle school staff discuss the present levels of the students. District staff indicate they receive students with current IEPs and with established eligibility criteria met. However, the staff indicated the feeder schools do not always correctly identify students' needs, and the high school district inherits their eligibility. The district should work with the feeder school throughout the school year by meeting at least quarterly to discuss potential future needs, and eligibility of students. The district should utilize the meetings to develop a consistent understanding of eligibility and services required for students with IEPs.

Conclusion

This technical assistance management letter has outlined specific areas that the district can immediately address to improve the efficiency and effectiveness of its special education delivery system. All issues identified can be resolved; the district will need to outline its priorities for action and develop a plan for implementation.

The district recently began reorganizing the district office, and an assistant superintendent of student services will supervise the director of special education. This will support an accountability and strategic planning process with additional opportunities for communication. The district should continue to develop the reorganizational structure and request an analysis of the district office organizational structure if necessary.

The district should consider conducting an in-depth cost analysis and developing the procedures required to evaluate the efficiencies of the county office as the provider of services. If the district decides to directly provide the program and services to its students, it should develop a systematic and transparent plan. The district should also consider analyzing the transportation provided by the county office as well as its own special education transportation system for greater efficiencies. Because of the increase in special education costs, the district should consider analyzing how to reduce special education deficit spending and continue meeting student needs.

FCMAT thanks all staff and administrators of the San Mateo Union High School District for their cooperation during fieldwork. We appreciate the opportunity to serve the district and hope that this letter is beneficial to all concerned.

Sincerely,



William Gillaspie, Ed.D.

Deputy Administrative Officer