



CSIS California School Information Services

Folsom Cordova Unified School District

Revised Special Education Review

February 3, 2012



Joel D. Montero
Chief Executive Officer







CSIS California School Information Services

February 3, 2012

Deborah Bettencourt, Superintendent
Folsom Cordova Unified School District
125 Bidwell Street
Folsom, CA 95630

Dear Superintendent Bettencourt:

An initial final version of this report was issued on October 25, 2011. This revised final version was developed to response to concerns about the inaccurate data provided by the district regarding due-process hearings. The changes are in blue text and begin on the last paragraph of page 14.

In July 2011, the Folsom Cordova Unified School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement to provide a review of the district's special education programs and services. Specifically, the agreement states that FCMAT will perform the following:

1. Organization study of Special Education Department, to improve communication internally and externally, from central office to school site.
2. Review administrative staffing structure and make recommendations to improve efficiency, if necessary.
3. Review legal fee costs and make recommendations for cost containment.
4. Review status of CDE special education complaints and make recommendations to reduce, resolve and prevent.
5. Review role of principal in special education delivery system and how to develop consistency between school sites and central office.
6. Review special education procedures and policies to assure current and consistent district wide.
7. Review role and responsibilities of program specialists and make recommendations to align with Education Code.
8. Review role of special education teachers in regards to case management of referrals, timelines, process and procedures to assure appropriate timeline and services are being provided to students with exceptional needs.

FCMAT

Joel D. Montero, Chief Executive Officer

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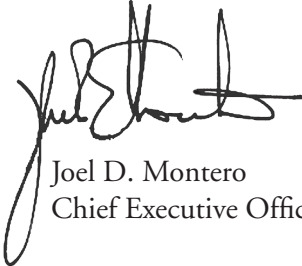
Administrative Agent: Christine L. Frazier - Office of Kern County Superintendent of Schools

9. Review criteria for providing extended year and related services, including transportation and 1:1 aides and make recommendations to assure consistent application of criteria during the IEP process.

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

On behalf of FCMAT, we appreciate the opportunity to serve you and extend our thanks to all the staff of the Folsom Cordova Unified 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 stylized with a large initial "J" and a long horizontal stroke at the end.

Joel D. Montero
Chief Executive Officer

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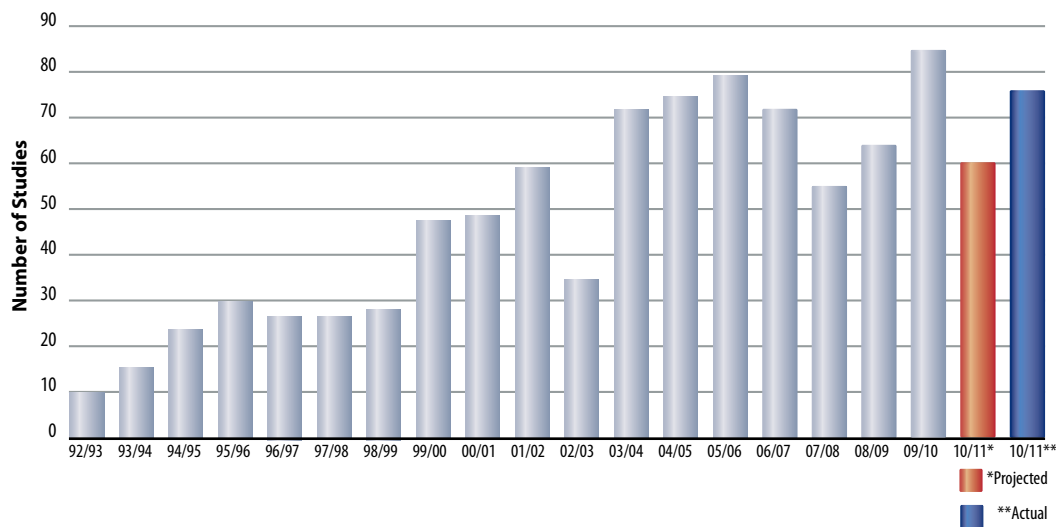
About FCMAT

FCMAT’s primary mission is to assist California’s local K-14 educational agencies to identify, prevent, and resolve financial 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 office 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 nearly 850 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

Located in Northern California approximately 20 miles northwest of Sacramento, the Folsom Cordova Unified School District has approximately 19,000 students and 1,790 staff members. The district has 22 elementary schools, four middle schools, three high schools, two alternative schools, two continuation schools, and a community day school. According to records provided to FCMAT, approximately 2,500 district students have Individualized Education Programs (IEPs), and 107 special education teachers serving in the following programs: mild to moderate, moderate to severe, emotionally disturbed, preschool, language development class and autism.

The Special Education Department and Special Education Local Plan Area (SELPA) administrative staff is composed of a SELPA director, coordinator, program supervisor, and a behavior specialist. The department also has four program specialists that are not considered management positions. In 2007, the district became a single-district SELPA, increasing its special education revenue by approximately \$2 million.

During the past four years, the district has undergone a number of changes including beginning to transition programs for the severely handicapped from the county office of education to the district in 2007. The changes in leadership structure that resulted from the district becoming its own SELPA that year occurred as the district experienced a surge of growth in average daily attendance (ADA).

In July 2011, the district requested that FCMAT review its special education, programs and services. The study agreement specifies that FCMAT will perform the following:

1. Organization study of special education department, to improve communication internally and externally, from central office to school sites.
2. Review administrative staffing structure and make recommendations to improve efficiency, if necessary.
3. Review legal fee costs and make recommendations for cost containment.
4. Review status of CDE special education complaints and make recommendations to reduce, resolve and prevent.
5. Review role of principal in special education delivery system and how to develop consistency between school sites and central office.
6. Review special education procedures and policies to assure current and consistent district wide.
7. Review role and responsibilities of Program Specialists and make recommendations to align with education code.
8. Review role of special education teachers in regards to case management of referrals, timelines, process and procedures to assure appropriate timeline and services are being provided to students with exceptional needs.

9. Review criteria for providing extended year and related services, including transportation and 1:1 aides, and make recommendations to assure consistent application of criteria during IEP process.

Study Guidelines

FCMAT visited the district on September 12-15, 2011 to conduct interviews, collect data and review documents. This report is the result of those activities and is divided into the following sections:

- I. Communication
- II. Organizational Structure
- III. Legal Fees
- IV. Compliance Complaints
- V. Role of the Principal
- VI. Policies and Process
- VII. Role of the Program Specialists
- VIII. Case Management Time Lines and Policies/Procedures
- IX. Extended School Year
- X. Transportation
- XI. 1-to-1 Instructional Assistants

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 her respective employer but was working solely as an independent contractor for FCMAT.

Executive Summary

The Folsom Cordova Unified School District is a rapidly growing district of approximately 19,000 students. Four years ago, the district applied for and was granted single-district Special Education Local Plan Area (SELPA) designation by the California Department of Education. In the past 15 years, the district has had seven directors of special education. Factors such as rapid growth, leadership changes, and changes in the SELPA structure created external and internal communication problems, resulting in a lack of confidence in the operations and management of special education programs.

Since 2009, the California Department of Education has investigated 17 compliance cases filed by parents and determined that the district was out of compliance in 15. In large part, this is because of a lack of consistency in leadership and ineffective parent relationships. The superintendent publicly recognized the systemic problems with communication and district follow-through and, along with the district governing board, commissioned this study.

Through extensive interviews with staff, administrators, and parents, FCMAT confirmed the Special Education Department's significant internal and external communication problems. In addition, a lack of clarity in leadership roles and responsibilities has created systemic issues regarding trust and confidence in the department. Members of the special education leadership team are confused about specific areas of responsibility and their position's level of authority in the departmental organizational structure. This confusion extends throughout all levels of the Special Education Department. The site principals indicated they have implied responsibility without formal authority, which causes delays in critical decision-making and in providing the school site staff with necessary direction.

The Special Education Department provides minimal written and oral communication to the school sites. Phone calls and e-mails are not answered in a timely manner. As a result, the sites lack confidence in the department's direction and communication when it is received. Information also varies depending on the department administrator, which leads to an inconsistent message and confusion among the staff.

The department lacks a policy and procedural manual to guide special education practice and decision-making authority. This leads to confusion and procedural mistakes that result in complaints and noncompliance findings. Special education administrators are reluctant to put practices in writing although this is often requested by site administrators. Procedural guidance is needed for providing extended school year services, transportation, and 1-to-1 staffing ratios for instructional aides.

Principals embrace special education on their school sites with little direction from the Special Education Department. Inconsistencies in communication and the lack of procedural definition impede the overall effectiveness of program delivery and compliance.

The lack of responsiveness has affected the efficiency of communication and follow-through with parents. Parent phone calls are frequently transferred to various staff members. As a result, parents do not know who to call with their concerns, and many have lost confidence in the special education administration's ability to help resolve problems. Some district parents fear retaliation if they raise concerns with the department. It will take time to establish trust and confidence in district special education leadership, but consistency in communication and follow-through can help accomplish this goal.

The total annual cost for district legal representation has increased from \$46,343 to \$176,146 over the past three years because of three primary factors: 1) potential increases in litigation; 2) breakdowns in communication between parents and the district, and 3) the failure to follow through on mediated agreements.

The special education administrative department is organized in a vertical organizational reporting structure that frequently causes delays in efficiency and inconsistency in making decisions. Decisions are made at the director level and inconsistently received by the appropriate administrator for dissemination.

The local plan was approved in 2007 and has not been revised since then. The nine board policies on special education are under review by the district, and FCMAT reviewed a preliminary draft of a procedural manual. The review found that approximately 30 areas need to be added to the document. The draft received no input from site administrators, special education teachers and related service providers. The district should postpone distribution of the manual until it is procedurally sound and reviewed in a collaborative manner.

There is no policy and procedure that thoroughly outlines the role and responsibilities of a case manager. The roles and responsibilities of these positions have varying degrees of acceptance throughout the district. Some district special education teachers do not meet time lines or follow policies and procedures, which lead to noncompliance.

Evaluations are not used to address these noncompliant issues, and the district evaluation form is geared toward general education teachers. Principals are not aware of teacher noncompliance and are not trained to evaluate special education teachers.

The Special Education Department has new leadership and a strong commitment for program and structural change from the superintendent and board. While the department has significant issues with communication, leadership, and documented procedures, FCMAT has provided a series of recommendations to support systems change. Successful implementation will lead to a stronger organization that will ultimately result in more effective programs and services for special education students.

Findings and Recommendations

Communication

External

The Folsom Cordova Unified School District's planning for the return of severely handicapped students from Sacramento County Office of Education programs in 2007 and the training of the special education and general education staff was inadequate. The staff was not fully prepared for the return of classes and severely handicapped students. There was a lack of communication and support regarding the implementation plan from the Special Education Department to the school sites where the programs were transferred. School site administrators were not aware of their role and responsibilities in relation to the new programs and students on their campuses.

FCMAT found a systemic lack of verbal and written communication from the Special Education Department to the school sites. The department's administrators and program specialists frequently do not respond to e-mails and phone calls, and follow-up with school sites is very poor. As a result, site principals seek support and guidance from higher level special education administrators only when they have serious issues that require immediate assistance. However, when this type of assistance is requested, the special education administration frequently does not respond.

Site principals are unclear regarding their role in relation to the special education staff and students on their campuses. The Special Education Department provides no communication when staff members are assigned or reassigned to their sites. The department also does not communicate with principals about the roles and responsibilities of the special education staff and programs on their site.

Principals are not regularly invited to the IEP meetings of students who are placed at off-site (nonpublic school) programs. This occurs even when the student may potentially transfer to the principal's school site. Similarly to the special education staff, site principals are unclear who to approach for support and guidance on special education related issues.

Another communication issue arises when program specialists and principals do not consistently receive due process and complaint information that involves a student on their site. The special education administration should immediately convey this critical information to the site leadership and program specialists. Furthermore, due process information and outcomes are not used to prevent further complaints and mediation.

The department has no special education policy and procedure manual to guide special education practice and decision-making. Subsequently, there is no clear written direction, guidelines, or procedures for the Special Education Department staff and site principals. No processes exist to guide the staff in addressing questions and seeking support, and it is unclear who staff members should approach for support; guidance in making requests for services (such as 1-to-1 assistant support); or to determine when a requested service or support is appropriate.

The special education administration and program specialists are reluctant to document anything in writing when attempting to resolve special education related issues and problems. This is frustrating for school site staff, and compounds the lack of direction and program ineffectiveness. Overall, administrators lack decision-making skills. They often provide vague, contradictory, or no answers, change procedures, and fail to follow through. The school site staff and internal staff are also frustrated because information varies from administrator to administrator, creating confusion.

This ineffective communication has created serious issues that the principals and school site staff are still attempting to rectify. Lack of policy and procedures, poorly defined roles and responsibilities, ineffective communication, and nonresponsiveness have debilitated the overall structure of the organization and led to a significant lack of confidence in the Special Education Department administration.

These communication issues were further aggravated by inconsistency in the SELPA/special education leadership because of the high turnover rate of SELPA and special education directors. Each of the directors had a different philosophy and leadership style. The leadership turnover rate and return of programs coupled with the rapid growth in district average daily attendance (ADA) further compounded communication problems.

Recommendations

The district should:

1. Develop centralized structured plans and processes in the Special Education Department and at the school sites.
2. Implement a practice of having the Special Education Department respond to e-mails and telephone calls within 24 hours after they are received.
3. Ensure that the policy and procedural manual is reviewed by a small committee before it is finalized and released.
4. Clearly define the role and responsibilities of the special education administrators, program specialists, and support staff. This information should be provided to the Special Education Department and school site staff.
5. Ensure that the special education managers communicate a common message.
6. Ensure that the information provided to the school sites is consistent with the processes and procedures that will be developed.
7. Provide the Special Education Department and school site staff with training and collaboration on the extended school year, specialized transportation, special circumstances instructional assistance (these topics should be included the policy and procedure manual).
8. Ensure all the necessary staff members are properly notified when special education staff members are assigned or reassigned at the school sites.
9. Ensure that the principals are notified of IEP meetings for students in off-site placements if the student may potentially attend classes at their site.
10. Ensure that all the appropriate staff receives notice and documentation of due process, mediation and compliance complaints and that the information is used to prevent further complaints.

Parents

A 1998 report by researchers Weissberg and Greenberg states the following:

Implicit in national educational Goals 1 and 8 (Goals 2000: Educate America Act, public Law 103-227) is the concept that family and school are partners in prevention of school failure for children. Family-school relationships have been identified as a primary domain of protective factors for children, particularly those living in high-risk circumstances

Special needs children require a high level of participation and communication between home and school. Parent participation and communication with the district is lacking, resulting in due process actions, noncompliant IEPs, inappropriate instructional programs provided to students, and a high level of frustration among many parents.

The lack of responsiveness from the Special Education Department has affected the efficiency of communication and follow-through with parents. Parent phone calls are frequently transferred to various staff members, and parents are uncertain who to contact to resolve issues. As a result, many parents have lost confidence in the ability of the special education administration to help resolve problems and implement mediated agreements.

Parents who attended a FCMAT public forum consistently stated it is extremely difficult to get a timely response to phone calls or e-mails from the department and school sites. They also expressed a high degree of distrust in the district because of a lack of communication. The Special Education Department does not provide consistent direction to parents, who reported that they receive different answers to the same question depending on which employee they ask. Family members who have a different culture, values, or language are more hesitant to interact freely and openly with school personnel. Many parents view the school as unwelcoming, distant, and inflexible, and they cited a lack of communication with 1-to-1 instructional aides. Interviews with staff members indicated that aides were often told not to speak to parents and were denied access to a student's IEP.

It will take time to establish trust and confidence in district special education leadership. Parents fear retaliation when they raise issues with the district, and this problem should be discussed with parent groups and the administration. The use of attorneys to represent the district in the IEP process has created animosity between parents and the staff. Numerous parents have concerns that the district sometimes sends to IEP meetings staff members who are not authorized to make decisions about resources and services for students. As a result, meetings are often rescheduled until someone with authority becomes involved. Documentation indicates that the district has not followed through on some mediated agreements that were developed in good faith between parents and staff.

Recommendations

The district should:

1. Determine who is authorized to make decisions in the IEP process and implement procedures to ensure that an administrative designee is present at all IEPs and has the authority to make decisions about placement and services.
2. Develop a tracking system to ensure there is follow through in implementing mediated agreements, and parents have the opportunity to provide feedback on progress.

3. Develop a department vision, mission, and specific goals for special education with involvement from community advisory committee to ensure the parent perspective is heard.
4. Develop consistency in handling calls from parents to administrators in the special education office. The district should establish a hotline in the special education office that is monitored daily to provide a system of transferring calls to the appropriate administrator.
5. Provide information on the district website so that parents know who to contact to resolve issues at the lowest level.
6. Develop repeated contacts and interactions with parents to improve trust and communication skills.
7. Consider the following actions to promote trust and improve communication with parents:
 - a. Improve communication with parents of all cultures and languages.
 - b. Share information and resources.
 - c. Follow through on promised actions.
 - d. Openly discuss objectives.
 - e. Prepare for meetings.
8. Explore available options for updating parents regarding special education issues through e-mail, telephone contact, parent meetings, etc.
9. Provide principals with training in disability awareness and cultural diversity to ensure that families of students with disabilities feel welcome on the campus.
10. Annually monitor success in this area through parent input sessions, surveys or other appropriate methods.
11. Ensure that parents receive timely and consistent responses from the district on all special education matters.

Internal

The roles and responsibilities of the Special Education Department leadership are unclear and frequently change. The site principals indicated they have responsibility without authority, which causes delays in critical decision-making and in providing the school site staff with the necessary direction. As a result, they are confused about the direction of the department.

Although weekly management meetings were held last year, the agenda was not focused. Little time was allotted for discussing process, making decisions, and clarifying roles and necessary procedures. The clerical support staff did not meet with the director to discuss current projects, upcoming events, track deadlines, report progress on goals and/or the status of workflow. This has created an environment where support staff members work in isolation rather than with a coordinated effort.

Impromptu and emergency meetings were frequently called by administration requesting charts, graphs, and various data points with little notice or time for preparation. As a result, the workflow in support of special education limits the staff's ability to respond to phone calls and e-mails in a timely manner. These unscheduled meetings and information demands could be avoided with ongoing consistently scheduled meetings with the support staff.

The district has established a process for event/meeting planning that does not function consistently because the appropriate forms and process (event planning forms) are often not used. Events requiring agendas, facility use, presentations, and refreshments could be planned, organized and communicated more effectively by using the appropriate forms and process.

Recommendations

The district should:

1. Ensure that the special education administration conducts regular one-on-one meetings with the clerical support staff to report on workflow, track deadlines, and solve problems.
2. Decrease the use of impromptu and emergency meetings and replace them with ongoing consistent planning time with all staff.
3. Assign the newly appointed special education director to clarify roles and responsibilities for all department administrators and provide appropriate support for solving problems and making decisions.
4. Authorize administrators to make consistent, well-articulated decisions in their areas of responsibility.
5. Clearly define the roles and responsibilities of all administrative and clerical staff.
6. Create agendas for management meetings that are well planned and focus on clearly delineated goals, outcomes and expectations.
7. Determine what information items are critical to the organization and develop an internal communication for dissemination to the staff, which will save time for discussion and problem solving in the department.
8. Use the district processes for event/meeting planning to effectively communicate with participants and other district staff.

Organizational Structure

The district's special education administrative department is organized in a vertical type organizational reporting structure. Decisions are made at the director level and inconsistently received by the appropriate administrator for dissemination. This delays critical decisions and resolution of issues that have department wide impact.

Greater efficiency could be achieved with a flatter organizational structure, emphasizing a division between elementary and secondary levels. Each level would be supported by two program specialists and a coordinator of special education who is directly responsible for day-to-day operations. A third coordinator could provide support services related to project or adjunct duties. For example, completion of the Special Education Self Review (SESR) would be facilitated by this coordinator. District coordinators work a 205-day contract year. Increasing the contract year to 222 days for coordinators of health services and special education would be appropriate because of the ongoing programmatic needs of special education and health services required in extended-year programs and the preschool children eligible for transition to the district on their third birthday.

The Special Education Department has assumed responsibility for administering the Workability program for special needs students. Program oversight for Workability has been the responsibility of the director of special education with coordination by a program specialist. The district has used .4 full-time equivalents (FTEs) of Workability to fund the program specialist position. The district has the following two options in managing this program.

- Continue with a split funded position.
- Move the Workability coordination to a teacher on special assignment or a classified position under the director or the coordinator of secondary special education if the district needs to provide 100% of program specialist time to high school programs and services.

The clerical support allotted to the SELPA and Special Education Department is adequate to provide services; but does not operate as efficiently as possible. No one position has responsibility for directing workflow among the clerical support staff, and the staff works in isolation with little overlap and coordination. Minimum administrative direction and support are provided to help with setting goals, reporting progress, tracking deadlines, or solving problems.

Recommendations

The district should:

1. Design an administrative structure that defines decision-making authority and is responsive to school site, district and parent needs.
2. Increase the work year for the coordinators of health services and special education from 205 days to 222 days per year.
3. Designate a clerical lead staff person to oversee the workflow in the Special Education Department and develop a new job description if appropriate.
4. Set up one-on-one meetings between the director and clerical support for the SELPA and district to ensure consistency.
5. Analyze appropriate staffing for Workability.

Legal Fees

In reviewing legal costs incurred over the past three years, FCMAT confirmed that legal fees paid by the district have significantly increased while the total number of students identified with individualized education programs (IEPs) has decreased as shown by the following two tables.

Special Education Enrollment in the District

Year	Number of special education students
2008-09	2,638
2009-10	2,302
2010-11	2,400

Legal Costs Over a Three-Year Period

Year	District Representation	District cost for parent representation
2008-09	\$46,343.68	\$32,669.26
2009-10	\$157,664.94	\$51,667.56
2010-11	\$176,146.56	\$39,229.80

Although there are no definitive reasons for the significant increase, several reasons were discussed by the staff. The first was an increase in the actual number of due process filings during the 2009-10 fiscal year as shown by the following table. A few of those were resolved that year, but several were continued and not resolved until 2010-11.

Revised Number of Due Process Filings by Year

Year	Number of Due Process Cases According to District	Number of Due Process Cases According to Office of Administrative Hearings
2008-09	2	8
2009-10	9	12
2010-11	6	18
2011-12	6	3

A second reason was significant communication problems between the Special Education Department and school sites, between the Special Education Department and parents, and within the Special Education Department. A third reason was the absences of the special education director during the 2009-10 school year. These absences were due to illness and resulted in an increased reliance on district representation at mediations and some IEP meetings. The practice of assigning the district's attorney to attend certain IEP meetings, mediations, and settlement conferences continued in 2010-11.

FCMAT developed an analysis of the issues resolved in due process filings. The Individuals with Disabilities Education Act (IDEA) provides for mediation and due process hearings to resolve disputes related to educating disabled children to ensure that each child receives a free appropriate public education (FAPE) tailored to his or her unique needs. Issues that resulted in a due process filing in this SELPA included requests for nonpublic agency services rather than district services, denial of requests for related services, denial of an independent evaluation, and failure to provide the services that were in the student's IEP.

In a report written in 2006, the former assistant superintendent of special education recommended the district pursue Alternative Dispute Resolution (ADR) and training in techniques to resolve difficulties at the IEP level. The report included the following:

If filed, though, there are practices that a district can have in place for alternative dispute resolution, like Solutions Panels, or to help work through difficult IEPs, like Facilitated or Guided IEPs. Training in alternative dispute resolution and Facilitated or Guided IEPs is recommended. One of the elements that is most effective about such trainings is the positive, effective communication practices they all include, which help every IEP member.

Training such as facilitated IEPs has not been made available to staff and ADR has not been established in the district. Facilitated IEPs are conducted in a specific way to provide all parties with an opportunity to be heard and address issues in a nonconfrontational setting. Contentious IEPs held with a trained facilitator are often resolved at the IEP level without incurring legal costs while establishing more positive long-term relationships with parents.

ADR is designed to resolve issues that would ordinarily result in a due process filing, but it cannot prevent or delay these filings. Further, ADR is difficult to provide in a single-district SELPA because it is intended to have an unbiased trained panel review the dispute and help parents and the district arrive at a mutually acceptable solution. However, by collaborating with nearby districts or SELPAs, ADR can be established and effective. Both practices are designed to reduce legal costs, establish positive relationships with families, and provide students with an appropriate special education program.

School administration reported that school site teams do not meet with the special education district staff to review IEP information before the IEP meeting. These meetings are often referred to as “staffing” or “file reviews” and are intended to discuss any additional supports or services a student may need, or any IEP meeting requests that may require a district response.

The school sites were provided with training on compliance issues in August 2011, but administration indicated that the training has not resulted in fewer filings. Sites are unclear about how their actions led to a due process filing, what this process means to the district and school site, and how they can prevent filings from reoccurring. However, the sites understood that they need written procedures and responsive and accurate support from the Special Education Department.

In the past, site administrators, school site special education staff and often program specialists were not informed when a due process was filed and were not included in the discussions or review of records. They were informed only of the results of the resolution meeting or mediation and provided with instructions on how they should proceed. The new special education director recently changed this process to include site and department staff members when a due process is filed.

The Special Education Department did not arrange for meetings with those responsible for implementing the resolution or mediation plan to ensure that the agreement decisions were implemented. Administration indicated that items in an agreement were sometimes not followed, and another due process was filed.

In the initial version of this report, FCMAT reported the number of due-process hearings as provided by the district Special Education Department. However, the numbers of due-process filings on the Office of Administrative Hearings (OAH) Web page are different from those reported by the district. These differences are reflected in the revised table shown on the previous page.

The difference in numbers occurred for several reasons. The primary reason is that the Special Education Department had to research this information for FCMAT at the time of the study. This information was not readily available and therefore errors were made, and some filings were not reported. A second and important reason for the differences is the way filings are tracked by districts and OAH. If a due-process filing is withdrawn and then refiled, OAH counts this as two filings while a district would count this as one. This would also occur if a filing was found to be insufficient by OAH, returned to the party filing the request, and resubmitted. OAH would count this as two filings, while a district would count this as one. Finally, a filing that has been carried over to the current year was counted in the current year, while OAH counts this in the year filed.

The modification in the number of filings from the original data in the report would not change any recommendations made in that report. However, it is important for a district to have accurate data regarding due process filings. This data enables a district to determine whether specific areas need to be addressed in programs, services, providers, curriculum, etc. Therefore, FCMAT added a recommendation concerning that issue.

Recommendations

The district should:

1. Reduce the reliance on district legal representatives at IEP meetings by training special education district staff in techniques such as facilitated or guided IEPs. Information regarding facilitated IEPs is attached Appendix A to this report.
2. Develop and train site, district, and parents in ADR in conjunction with other SELPAs or districts in the area. Information on ADR is attached Appendix B to this report.
3. Provide training for site administrators in specific identified areas that have resulted in due process filings, and provide strategies to appropriately address these issues at their school site.
4. Provide school site special education teams with this training.
5. Ensure that site administrators, site teams, and representatives from the Special Education Department meet before IEPs to discuss programs or services whenever the staff needs additional guidance in determining whether these are appropriate. These staffings will assist with the difficulty of having district special education staff at the IEP meetings.
6. Ensure that site administrators, site teams and Special Education Department staff are involved with any due process filing from the time of the filing or before and are an integral part of the process, including the resolution meeting or mediation when appropriate. This will enable the staff members that work most closely with the student to understand the process and be a part of the solution.
7. Ensure that once an agreement is reached, the staff members responsible for implementing the agreement meet with a Special Education Department administrator to review the agreement, develop a plan to implement it, and determine dates for follow-up of the plan.

8. Develop a system to accurately and completely track all due process filings, including the following:
 - The dates of the initial filing and as applicable
 - Withdrawal of filing
 - Return of filing for insufficiency
 - Resolution meeting, including rescheduled meeting(s)
 - Mediation, including rescheduled meeting(s)
 - Due process hearing
 - Follow-up meeting(s)
 - Student information
 - Grade
 - Program and services
 - Issue(s) listed in the filing
 - Specific resolution of issues
 - Responsible staff for follow-up with dates for review

Compliance Complaints

A complaint may be filed with the California Department of Education (CDE) when there is an allegation that a district has violated federal and state law and regulations pertaining to the education of a disabled student. In addition, through compliance monitoring, the state may determine that a district has noncompliant items that must be resolved. Therefore, CDE compliance was reviewed in the following two areas:

- Complaints filed with the CDE by families in the SELPA
- The SESR

The most prevalent noncompliant items in complaints filed by families included failure to perform the following:

- Adhere to time lines, assess in all areas of suspected disabilities
- Provide records in five business days
- Provide the written assessment report at the IEP meeting
- Implement the IEP
- Provide required notices
- Make the IEP available to the general education teachers

Similarly to due processes, site administrators, site special education staff, and in many cases district special education staffs were not aware of complaints filed and were not included in the response. They often first learned of the complaint when they were informed of the required corrective actions, and no follow-up meetings were scheduled to ensure that these actions were completed. Even when site administrators were informed, they were not provided with the guidance and support needed to resolve these items.

Of the 87 items found out of compliance in the SESR, 36 were systemic. These items were similar to those found in the CDE complaints, but included other areas because of the specific review of files.

Categories of the 36 Systemic Noncompliant Items

Category	Number of items
Time Lines	2
Assessment issues	4
General Education participation/information	6
Transition	11
Forms not complete or provided	4
IEP document missing items or not documenting consideration of item	7
Behavior	2

The SESR has very specific steps and time lines to correct the systemic and nonsystemic items found out of compliance. The Special Education Department completed the initial steps in resolving the systemic items and is awaiting the written response from CDE so that the district can begin the final portion of the review.

The district initially was required to complete another review of a specific number of files for each of the 36 items to ensure that less than a specific percentage were out of compliance. However, a recent review of CDE by the Federal Department of Education resulted in the new requirement that the district review a specific number and type of files to ensure that the items are in compliance in all of them.

The report indicated for example: “The District Staff will sample half of the student referrals for the most recent six months, up to twenty students, to ensure that the LEA provides parents with a written notice that their student is being referred to determine eligibility for special education and the reason for the referral.” or “The District staff will sample half of the student referrals since completing the review, up to twenty students, to ensure that the Assessment Plan explains the type of assessments to be conducted.”

This is a significant effort that is required to be completed by November 1, 2011.

Site special education staffs are not held accountable for noncompliant items that are within their scope of responsibility. Some examples are developing and providing to a parent an assessment plan within the required time line or inviting all mandatory IEP team members to the IEP on the required form. Site administrators do not have the authority to evaluate the special education staff in these areas, nor do they have the training required.

Recommendations

The district should:

1. Provide site administrators and site special education staff members with additional training on what constitutes noncompliant items, how to prevent them from occurring at the school site, and how to make the required corrections.
2. Involve school site administration and the special education staff as well as the district office special education staff when responding to a CDE complaint by assigning them to review the document and the documentation required when responding.
3. Meet with the school site staffs that are responsible for working with the student to review the corrective action and help the site implement the corrective actions.
4. Schedule follow-up meetings after initial implementation of the corrective actions to ensure that they have been implemented as required.
5. Immediately begin the file reviews of the 87 noncompliant items.
6. Complete these reviews no later than two weeks before the submission deadline, and submit the findings for review to the special education director to enable any corrections or additions to be included before the data is entered.

7. Work with human resources in conjunction with the Special Education Department and site administrators to develop training for administrators to evaluate special education teachers and support staffs to include special education compliance.

Role of the Principal

Principals embrace special education on their school sites with little direction from the Special Education Department. The inconsistencies outlined in the communication section of this report and the lack of procedural definition impede the overall effectiveness of program delivery and compliance. Principals never receive written direction from the Special Education Department. Phone calls and e-mails frequently receive no response. All administrators would benefit from training once the procedural handbook is completed.

Recommendations

The district should:

1. Provide principals with written procedural and operational guidelines for special education.
2. Follow the recommendations of the communication section of this report.
3. Provide principals with training in special education and the IEP process.
4. Develop a principal leadership team to provide ongoing feedback regarding special education communication, leadership and efficiency.

Policies and Procedures

FCMAT reviewed special education procedures and policies in three areas: the local plan, board policies and the draft procedure manual.

The local plan has not been revised since it was approved in 2007. Several areas may need to be reviewed. However, it is anticipated that CDE will require specific changes in the plan within the next year, probably regarding special education services for incarcerated students ages 18-22.

The district has nine district board policies or administrative regulations on special education and is in the process of reviewing and revising all board policies. The policies and the date they were most recently approved are as follows:

- BP 0430(a) – Comprehensive Local Plan for Special Education April 2009
- AR 5141.24(a) – Specialized Health Care Services August 2011
- AR 5144.2(b-g) – Suspension and Expulsion/Due Process (students with disabilities) May 2011
- BP 6159 – Individualized Education Program January 2001
- AR 6159 – IEP Program January 2001
- BP 6159.1 – Procedural Safeguards and Complaints for Special Education January 2001
- BP 6159.2 – Nonpublic, Nonsectarian School and Agency Services for Special Education August 1999
- AR 6159.4 – Behavioral Interventions for Special Education Students January 2001
- AR 4112.23 – Special Education Staff (under Personnel) November 2007

The policies and administrative regulations written and approved in 2011 are current and may not need to be reviewed or revised. Those written before that time will need the review and probable revision. In particular AR 4112.23 reflects the resource specialist/special day class model of special education instruction. The district provides special education instruction using different terminology, specialized academic instruction, which aligns with the California Special Education Management Information System (CASEMIS). School administration stated that the district provides instruction through a learning center model at some sites, which does not reflect the resource/special day class model.

The district has developed a draft procedure manual that was written primarily by one program specialist with some input obtained from other Special Education Department staff members during a two-week period in the summer. This is a well written document considering the limited time in which it was written.

Although site special education staff and site administrators were told about the document, they did not have an opportunity for input. Specific sections of the document may be inaccurate or may not reflect current practice. The staff expressed concern that releasing the document in its current state could decrease trust in the special education district staff's knowledge, even if staff members realize it is in draft form. The document accurately covers many procedures and provides specific information needed by the sites; however, it also contains information on student study team and section 504, which may be unnecessary.

Interviews with the staff, a review of due process resolutions and complaint corrective actions, and review of the systemic noncompliance items from the SESR indicate that a significant number of procedures should be included in a final procedure manual.

Twenty-five areas should be added to the document. The areas identified may require a separate section or the addition of information added to a current section, and additional areas may be identified as staff members review the document.

The identified areas are as follows:

- A flow chart of Special Education Department staff with each employee's specific duties and responsibilities so that staff members know who to call when a specific question arises.
- The definition of least restrictive environment. As stated in the August 15, 2011 workshop "Students must be educated with their non-disabled peers to the maximum extent appropriate. Supplementary aides and services must be provided to enable disabled students to access general education. Only the most severely disabled students should be provided with separate schooling." This definition can be used as the basis for many sections of the procedure manual.
- The continuum of educational options offered in the districts, with descriptions of each, including nonpublic schools, state schools, etc.
- A clear definition of accommodations and modifications and the responsibility of the general education teacher in providing these based on a student's IEP.
- The definition of due process and complaints to clarify which issues may result in each of these actions.
- The process that the district and CDE follow when a due process or complaint is filed.
- The responsibility of the site administrator and site staff in responding to a complaint and/or resolving the complaint.
- The responsibility of the site administrator and site in responding to a due process and/or resolving the issues that resulted in the due process filing.
- An explanation of how and when transition IEPs should be held for students changing programs from one school to another at the same level or from one level to another such as from elementary to middle school.
- The steps for completing interim placements for a student who enrolls in the district when schools are not in session and how this information is provided to the school site on time.
- The process for completing all interim placements, who is responsible for the paperwork, who decides where the student will be placed and the process for ensuring that the receiving school is prepared for the student. An intake procedure form developed by the Special Education Department with input from sites. This form could be completed at the time of the interim placement so that a student's specific requirements are available when the student comes to school the first day. If a behavior support plan is part of the IEP, this plan would be available before the student's first day, and any necessary personnel could be present the day the student arrives.

- The process for transitioning district students from a nonpublic school to district-operated programs, who will attend IEP meetings when this issue is discussed, how to inform the site the student may attend, and the responsibility of the district office and the site in implementing the IEP.
- A description of when an interpreter should be at an IEP meeting, who is responsible for ensuring that the interpreter is present, and the duties of the interpreter.
- The documents and/or IEPs that should be translated to the language of the parents, the process of accomplishing this, and the person responsible for the translation and forwarding the documents to the parents.
- The time line for producing special education records when they are requested by parents or parent attorneys, which records should be copied, and who is responsible for ensuring that all required records are copied and sent on time.
- The process for hiring a new aide for a school site either as an additional classroom aide or as a specific aide for a student based on the IEP. The process would include the appropriate forms and time lines for approval from initiation through hiring.
- The procedure for determining whether an aide should be moved with a student from one site to another.
- The procedure for determining whether an aide is no longer needed for a student.
- The procedure to determine where an aide will be placed when the student to which he or she is assigned moves from the district or no longer requires an aide.
- A formula for assigning aides to mild/moderate programs, moderate/severe programs, and specialized programs with information regarding exceptions to this formula.
- A description of how to schedule “staffings” or “file reviews” and who should attend these meetings.
- A description of how to schedule IEP meetings when district special education staff members should be in attendance and how to proceed if the staff members are unable to attend.
- The components that must be included in an assessment report to ensure that the report is defensible in a due process hearing and that it is available to the parents at the IEP meeting.
- The process for completing the required forms that have been identified as problematic including the prior written notice, the invitation to the IEP meeting, and the assessment plan.
- The steps for completing the IEP sections that have been identified as problematic including transition, assessment, general education and parental input.

Recommendations

The district should:

1. Review and revise the SELPA local plan either when changes are required by the CDE or within one year if changes are not required.
2. Review and revise board policies and administrative regulations as indicated to ensure that each reflects the current Education Code requirements.
3. Revise AR 4112.23 referring to resource specialists to reflect the change in district practice of identifying special education teachers as specialized academic instruction teachers. In addition, the district should revise the case-load maximum of 28 students to include appropriate case load maximums for the current district model of instruction.
4. Postpone release of the draft procedure manual.
5. Establish a committee made up of representative Special Education Department staff, site administrators, site special education staffs, related services and other district departments to review the draft procedure manual and make changes as needed. This committee should meet as soon as possible and have a very short time line to revise the document.
6. Develop a training module and schedule to distribute the revised procedure manual to all site administrators and special educators to promote consistency in providing special education throughout the district.
7. Post the procedure manual online so that it can be accessed by all staff.
8. Establish a process to write the additional sections or portions of sections of the procedure manual indicated in this report.
9. Establish a committee to review these additions to the procedure manual.
10. Develop a training module and schedule to distribute these additions.
11. Incorporate the additions into the online manual.
12. Develop a process for reviewing and revising the procedure manual at least annually and when any changes are required because of state and federal regulations or due to due process resolutions or corrective actions.
13. Remove from the manual the sections on SST and 504. The district should assign the appropriate department to review, revise and distribute those sections as separate documents.

Role of Program Specialists

The district's program specialists are assigned to provide program support for the elementary or secondary levels and do not function as administrators. Their focus should be on programs and services for students instead of the administrative functions to appropriately align this position to Education Code requirements. Program specialists frequently become involved in staffing issues regarding instructional aides at school sites. The district should ensure that program specialists focus on programs and services to individual students. Staffing decisions should be the responsibility of site administrators and the special education administrator.

An informal time study of program specialists indicates that their responsibilities are aligned with Education Code as follows:

- Twenty percent of their time is devoted to observing, consulting and assisting resource specialists, designated instruction service providers, and special day class teachers.
- Thirty percent is spent attending problematic IEP meetings
- Twenty percent is designated for providing consultation, program coordination and program development in one specialized area of expertise.
- Thirty percent is devoted to other duties such as planning programs, coordinating curriculum and evaluating program effectiveness, staff development and staff training.

Recommendations

The district should:

1. Ensure program specialist's focus on programs and services to individual students.
2. Ensure that staffing decisions are the responsibility of site and special education administrators.

Case Management Time Lines and Policies/Procedures

Each district student that has an Individualized Education Plan (IEP) or Individual Service Plan (ISP), or who is referred for assessment for special education services is required to have a case manager that has primary responsibility for the student's educational and/or therapeutic program. If a student is in specialized academic instruction (SAI) all day (special day class) or less than 50% of the day (resource specialist program) and also receives speech and language services, adapted physical education, counseling or any other instructional services support, the SAI teacher is considered the case manager and holds primary responsibility. For designated instructional services (DIS) students only, the instructional services provider is the case manager.

FCMAT found that some district case managers do not meet time lines or follow policies and procedures, resulting in noncompliance issues. This became evident through staff interviews and a review of the district's recent SESR and corrective actions from CDE.

Case manager evaluations are not used to address noncompliance issues, and the evaluation form used to evaluate these employees is geared toward general education teachers. The Special Education Department does not provide this information to the site principals, who also have not received training in evaluating special education case managers and teachers.

The district has no policy and procedure thoroughly outlining a case manager's role and responsibilities, and case managers have not received training in these areas. Some case managers also do not track and monitor services. Although there are some obstacles to releasing case managers for training, this is necessary to ensure IEP compliance.

Recommendations

The district should:

1. Ensure the evaluations of special education teachers include areas of noncompliance. To accomplish this, principals will need input from the Special Education Department.
2. Ensure that the case manager evaluation form is amended to include special education compliance components.
3. Provide case managers with training on their role, responsibilities and duties.
4. Ensure that the principals receive guidance in evaluating special education case managers and teachers.
5. Ensure that the policy and procedural manual under development thoroughly defines the role and responsibilities of a case manager, including tracking and monitoring of services (A sample is attached Appendix C to this report).

Extended School Year

Extended School Year (ESY) is a program provided to students with IEPs during extended periods of time when school is not in session such as summer break, school holidays (depending on the length), and when school is off-track. ESY differs from general education summer school because its intent is to address regression and recoupment of students with special needs.

The district has no regression and recoupment standards established in relation to ESY. Regression and recoupment refer to the likelihood of a child losing critical skills or failing to recover critical skills within a reasonable time of returning to school after a break. ESY is available to students with IEPs if they exhibit a need for these services; however, the need should be evaluated on an individual basis and from year to year. ESY services are costly and should be provided only when IEP teams have determined that they are necessary and appropriate.

The district provides ESY to many students without considering regression or recoupment factors and on the assumption that every child with an IEP needs the service. The SELPA has no policy or procedure to help IEP teams determine the appropriateness of ESY services for individual students.

Recommendations

The district should:

1. Develop a policy and procedures for determining the need for ESY services for individual students (samples are attached as Appendix D to this report).
2. Develop a regression and recoupment matrix for determining the need for ESY for individual students.
3. Develop a policy and procedures that include the following factors: nature and severity of disability; current IEP goals and objectives; emerging skills and breakthrough opportunities; interfering behaviors; severe regression during the extended break; rare and unusual circumstances.
4. Provide the special education staff and school site administrators with mandatory extensive training on regression and recoupment.
5. Clearly define the roles of the special education directors, special education staff, and school site staff regarding regression and recoupment.

Transportation

The district has no policy or procedure for determining the appropriateness of specialized transportation. Specialized transportation is a related service that is provided to students based on need and is not appropriate for all students with IEPs. Transportation is required if a student needs it to benefit from specialized academic instruction. The need for specialized transportation should be determined based on the unique needs of each individual student.

The district has no policy or procedure to help IEP teams determine the appropriateness of specialized transportation, and IEP teams have no structure to help them make decisions in this area. As a result, “curb to curb” transportation is automatically included in the IEPs of all students. The term “curb to curb” transportation is used in IEPs and included in the draft language of the policy and procedural manual, but teachers are unclear about the definition. It is not necessary to include the term in the manual and “curb to curb” transportation is not necessary for all students.

Although there have been some improvements, the Transportation Department is not consistently receiving student transportation lists for regular year and ESY in a timely manner and is therefore not ready to transport students on day one. It is critical that the district continue to improve the timeliness of transportation information.

Recommendations

The district should:

1. Review the transportation guidelines for IEP teams developed by the California Department of Education. (These can be found on the California Department of Education website at <http://www.cde.ca.gov/sp/se/lr/trnsprtgdlns.asp>)
2. Develop a transportation policy, procedure, and guidelines for IEP teams to evaluate students’ specialized transportation needs for ESY and during the regular school year.
3. Remove the term “curb to curb” from the draft of the policy and procedural manual before finalizing the document.
4. Provide the special education staff and school site administrators with training on policy and procedure for specialized transportation.
5. Ensure that the Transportation Department receives lists for transportation timely.

1-to-1 Instructional Assistants

Throughout California the number of districts utilizing instructional assistants, 1-to-1 and special circumstance instructional assistants has increased dramatically over the past few years. This has affected special education budgets and contributions from the unrestricted general fund, especially in situations where the services are not warranted or monitored, and creates a sense of dependence. One strategy is to determine whether these services are appropriate and implement a policy, procedures, and guidelines strictly monitoring them so that they are not unnecessarily provided.

According to data provided to FCMAT, the district employs approximately 259 instructional assistants to serve mild to moderate and moderate to severe programs students, and 138 are assigned as 1-to-1 instructional assistants. The 1-to-1 assistants represent a relatively high proportion, 53%, of the instructional assistant assignments in district special education programs. The district would increase efficiency by determining which students have a need that warrants the service of a 1-to-1 instructional assistant. The goal should be to foster student independence.

The district has no policy or procedures for assigning, supporting, transitioning or dismissing instructional assistants, including 1-to-1 instructional assistant services. This increases the potential for adversarial IEPs because when a 1-to-1 instructional assistant is requested or recommended, no structure guides the determination of whether this support is appropriate. When it is determined that this type of assistant should be provided, the IEP team does not include a fading or exit plan for these services. Teachers are unclear about when they can decline a request for a 1-to-1 instructional assistant. In addition, the Special Education Department does not reevaluate to determine whether this type of assistant is still needed for the student to benefit from education.

Because of a lack of thorough tracking, students have sometimes moved after being assigned a 1-to-1 instructional assistant, but the assistant remained at the site conducting other duties such as assisting in the office.

The establishment of policies and procedures provides an opportunity to clearly define the role of the special education director, special education staff, and school site administrators. Guidelines can assist the district staff when challenged by parents and advocates who request these services and help the focus remain on students at IEP meetings. Extensive training and strategies must follow the development and implementation guidelines. Administrators, general and special education staff should attend mandatory training on the usage of the guidelines. Once policy and procedures are in place, a review of all instructional assistant placements should be conducted, with the goal of utilizing these resources more effectively.

Policy and procedure should include the following components:

1. Determination of the assignment of instructional assistants to classrooms.
2. Determination of the need for 1-to-1 instructional assistant assignments in a step-by-step structured process.
3. Alternatives to 1-to-1 instructional assistants.
4. Determination of the utilization of existing resources.
5. Evaluation of the continuing need for 1-to-1 instructional aides.

6. Determination of when it is appropriate to add hours to an existing instructional assistant's schedule.

Many districts use the term special circumstance instructional assistants (SCIA) instead of 1-to-1 instructional assistant to indicate that an assignment is temporary and should be transitioned or "faded" after a predetermined period of time. Fading is an important aspect of these services and is crucial to encouraging independence. The district has developed a draft policy to address 1-to-1 instructional assistants that uses the term special circumstance instructional assistant.

Recommendations

The district should:

1. Develop policy and procedure for the use of special circumstance instructional assistants (SCIA) instead of 1-to-1 instructional assistants; along with general instructional assistant guidelines (additional information is attached as Appendix E to this report).
2. Develop a policy and procedures to help assign, support, transition or "fade," and terminate 1-to-1 instructional assistant services.
3. Develop a policy and procedures to include the establishment of monitoring and transition or "fading plans" at IEP meetings.
4. Provide the special education staff and school site administrators with mandatory training on the policy and procedure for determining the need for 1-to-1 instructional assistants.
5. Closely monitor the assignment of 1-to-1 instructional assistants and the placement of the student to which they are assigned.
6. Evaluate the continuing need for 1-to-1 instructional assistants. Whenever possible, the district should consider the use of 3.5 hour 1-to-1 instructional assistants to reduce costs. The district should identify specific staff members to be responsible for analyzing 1-to-1 aide usage and student needs and clearly define roles of the special education directors, special education staff, and school site staff.
7. Ensure that the placement of 1-to-1 instructional assistants is appropriate for the student and staff.

Appendices

- A. Facilitated IEPs**
- B. Alternative Dispute Resolution**
- C. Roles and Responsibilities of a Case Manager**
- D. Sample Policies and Procedures for ESY Services**
- E. Sample Policies and Procedures for Special Circumstances Instructional Aides**
- F. Study Agreement**

Appendix A - Facilitated IEPs



- [Home Facilitated IEP & Conflict Resolution Resources](#)
[Testimonials About Us](#) [Contact Us](#)

Key2Ed is Your Key to Professional Development

Key2Ed is an educational consulting company, specializing in personalized consulting services to state and local education agencies, including and providing training in special education meeting facilitation and conflict resolution, as well as educational leadership. Key2Ed was founded by Joyce and Doug Little who designed and developed meeting facilitation for IEP meetings through JDL Associates, their previous company. Key2Ed also provides consulting for districts for finance, instructional leadership, and special education.

Testimonials

"This has been the best workshop I have attended in 30 years of "doing special ed" in terms of over all impact on a wide-spread perspective. When implemented, this process will have more positive impact..."

- Ann Paetz, MSD Lawrence Township Indiana

Facilitated IEP & Conflict Resolution



The Key2Ed founders also founded JDL Associates, and developed individualized education program (IEP)...

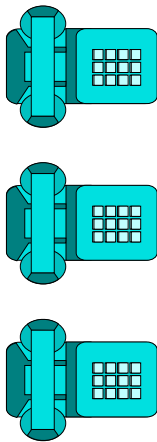
Contact Key2Ed

Appendix B - Alternative Dispute Resolution

*Contra Costa Special Education
Local Plan Area
2520 Stanwell Drive, Suite 270
Concord, CA 94520*

Phone: (925) 827-0949 x10
FAX: (925) 825-1124
Website: www.ccselpa.org

*Laura VanDuyn, Ed.D.
SELPA Director*



**FOR INFORMATION
CALL:**

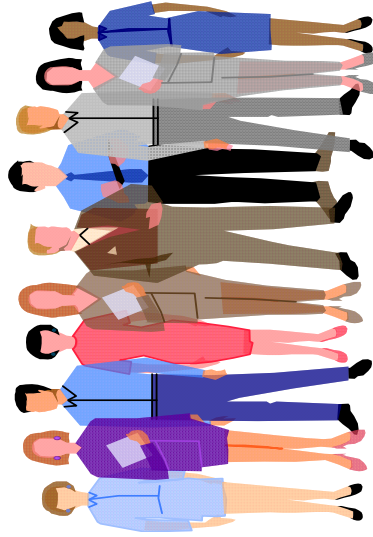
Laraine Domenico

ADR Intake Coordinator

(925) 827-0949 ext. 24

*Contra Costa
Special Education
Local Plan Area*

**DO YOU HAVE
A DISPUTE
AND NOTHING
SEEMS TO WORK?**



**FOR SPECIAL
EDUCATION ISSUES
THERE IS A
SOLUTION.....**

Acalanes Union High School District
Antioch Unified School District
Brentwood Union School District
Byron Union School District
Canyon School District
County Office of Education
John Swett Unified School District
Knightsen School District
Lafayette School District
Liberty Union High School District
Martinez Unified School District
Moraga School District
Oakley Union School District
Orinda Union School District
Pittsburg Unified School District
Walnut Creek School District

Contra Costa Special Education Local Plan Area Solutions Panel

☺ **MORE SATISFACTION**

The process is more satisfying than legal action. Courts dictate decisions. The Solutions Panel allows the parties in conflict to control and shape their own agreement. A collaborative working relationship between parents and district personnel is maintained and often improved.

☺ **LESS COST**

Panels are provided at no cost. The expense of one panel is less than one hour of attorney time.

☺ **FASTER**

Panels are usually held within two to three weeks. Formal State level Due Process has a 45-day timeline. Use of a Solutions Panel approach does not delay the timeline for Due Process.

☺ **CONVENIENT**

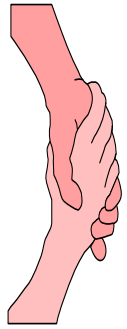
Panels are held at a site agreeable to both parties.

☺ **CONFIDENTIAL**

Everyone involved in the Panel process is bound by agreement and law to maintain confidentiality.

☺ **RESULTS IN AGREEMENT**

If both parties agree, signed agreements can be legally binding on the parties. 85% of community panels have resulted in agreements. 95% of these agreements have held for a year or more.



SETTLE YOUR DISPUTE WITH A CONFLICT RESOLUTION PANEL.

WHAT IS A SOLUTIONS PANEL?

The panel uses a problem solving method that brings disputing people or parties together, guided by a neutral panel, to reach a mutually satisfying agreement. The Solutions Panel is provided by your Local Education Agency member of the Contra Costa Special Education Local Plan Area.



Solution Panels provide an informal no-pressure setting for settling differences.

own written agreement. Your voluntary signature signifies your commitment to uphold the resolution. If an agreement cannot be reached, either party may request local or state level assistance. Parent rights are not compromised.



WHAT HAPPENS WHEN I CALL?

1. The Coordinator listens to your concern and helps you clearly identify problems and conflicts. Information about the laws and regulations may be provided. Referral may be made to others who may more appropriately and directly work with your issues.
2. With your permission, the coordinator contacts the other party and encourages participation in a Solutions Panel process.
3. With agreement by both parties, the Coordinator will assign panel members and schedule a time and location acceptable to both parties.
4. The panel will not decide who is right or wrong, but will assist the parties in reaching a mutually satisfactory agreement.
5. When agreement is reached, the specifics are put into writing and signed by all parties.
6. The coordinator continues to be available to assist as requested.

WHO WILL HELP YOU?

Trained and certified Solution Panel volunteers work with you to find resolution. The panel is made up of a parent, a teacher/support staff, an administrator, and a community member, all from outside your school district.

HOW DOES THE SOLUTIONS PANEL PROCESS WORK FOR YOU?

At a scheduled session, you get to have your 'say' and listen to the other party's point of view. The Solutions Panel does not take sides, but acts as a neutral third party to ease the way to a solution. You and the other party work through a proven process to create your

CALL (925) 827-0949 ext. 24

Appendix C - Roles and Responsibilities of a Case Manager

SPECIAL EDUCATION CASE MANAGER RESPONSIBILITIES-SAMPLE

Each special education student will have only one IEP folder. It will be the responsibility of the case manager to maintain that folder. This will require the cooperation of all persons involved (providers) with the student. Most of the time the case manager will be the person providing the majority of services to the student and who has the most contact with the student.

Typical Case Manager Duties:

- Schedule and facilitate all IEP meetings, including annual, triennial, transition, other, etc...
- Communicate with non-school personnel providers such as regional center, mental health, etc...
- Communicate regularly with site administrator; particularly regarding more involved students.
- Facilitate the attendance and participation of all IEP meeting attendees including required team members and additional participants.
- Prepare all necessary IEP documents for IEP meetings including the following:
 - Appropriate IEP pages
 - Parents Rights and Procedural Safeguards
 - Release of Information if appropriate
- Facilitate inputting of goals and Present Levels into SEIS from all providers.
- Facilitate inputting of direct and related services into SEIS from all providers.
- Input all additions/changes to IEP document after IEP meeting takes place, including meeting notes.
- Affirm/Attest IEPs
- Correct CASEMIS errors in SEIS
- Properly maintain all information in the IEP folder. Each folder should contain evaluation information and IEPs and as appropriate:
 - Reports provided by outside evaluators
 - Release of Information
- Be responsible for the original copy of the IEP (make copies as needed).
- Supply the general education teachers with copies of the special education student's goals & objectives, accommodations/modifications.
- Complete progress reports and provide to parents at appropriate reporting periods.
- Coordinate the reporting of progress by other special education providers (psych, speech, OT, etc...)
- Report new students to central office and request IEP record via SEIS.
- Report discipline to central office by sending or faxing appropriate paperwork associated with disciplinary action.
- Request student changes via SEIS when appropriate (student is exited from sped, student moves to new school, etc...)
- Send student file to central office when student moves or is exited from special education.

Appendix D - Sample Policies & Procedures for ESY Services

§3043 Extended School Year

Extended school year services shall be provided for each individual with exceptional needs who has unique needs and requires special education and related services in excess of the regular academic year. Such individuals shall have handicaps which are likely to continue indefinitely or for a prolonged period, and interruption of the pupil's educational programming may cause regression, when coupled with limited recoupment capacity, rendering it impossible or unlikely that the pupil will attain the level of self-sufficiency and independence that would otherwise be expected in view of his or her handicapping condition. The lack of clear evidence of such factors may not be used to deny an individual an extended school year program if the individualized education program team determines the need for such a program and includes extended school year in the individualized education program pursuant to subsection (f).

- (a) Extended year special education and related services shall be provided by a school district, special education local plan area, or county office offering programs during the regular academic year.
- (b) Individuals with exceptional needs who may require an extended school year are those who:
 - (1) Are placed in special classes or centers; or
 - (2) Are individuals with exceptional needs whose individualized education programs specify an extended year program as determined by the Individualized Education Program Team.
- (c) The term "extended year" as used in this section means the period of time between the close of one academic year and the beginning of the succeeding academic year. The term "academic year" as used in this section means that portion of the school year during which the regular day school is maintained, which period must include less than the number of days required to entitle the district, special education services region, or county office to apportionments of state funds.
- (d) An extended year program shall be provided for a minimum of 20 instructional days, including holidays.

For reimbursement purposes:

 - (1) A maximum of 55 instructional days excluding holidays shall be allowed for individuals in special classes or centers for the severely handicapped; and
 - (2) A maximum of 30 instructional days excluding holidays shall be allowed for all other eligible pupils needing extended year.
- (e) A local governing board may increase the number of instructional days the extended year period, but shall not claim revenue for average daily attendance generated beyond the maximum instructional days allowed in subsection (d)(1) and (2).
- (f) An extended year program when needed, as determined by the Individualized Education Program team, shall be included in the pupil's individualized education program.

- (g) In order to qualify for average daily attendance revenue for extended year pupils, all of the following conditions must be met:
- (1) Extended year special education shall be the same length of time as the school day for pupils of the same age level attending summer school in the district in which the extended year program is provided, but not less than the minimum school day for that age unless otherwise specified in the individualized education program to meet a pupil's needs.
 - (2) The special education and related services offered during the extended year period are comparable in standards, scope and quality to the special education program offered during the regular academic year.
- (h) If during the regular academic year an individual's Individualized Education Program specifies integration in the regular classroom, a public education agency is not required to meet that component of the individualized program if no regular summer school programs are being offered by that agency.
- (i) This section shall not apply to schools which are operating a continuous school program pursuant to Chapter 5 (commencing with Section 37600) of Part 22, Division 3, Title 2, of the Education Code.

[Authority cited: Section 56100(a) and (j), Education Code. Reference: Sections 37600, 41976.5 and 56345, Education Code; 34 C.F.R. 300.346]

REFERENCES:

Extended School year Services. www.matrix.org

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Learning Support/Equity and Advocacy, "Information UPDATE, No. 96.01 – Extended School Year." www.dpi.state.wi.us/dpi/een/bu196-01

Pinkerton, Diana, Extended School Year. ERIC Digest #E471, 1990, (ED 371503).
www.ericfacility.net/databases/ERIC_Digests

Tilley, B.K., Cox, L.S., & Staybrook, N. (1986). An Extended School Year Validation Study. Report No. 86-2). Seattle: Seattle Public Schools.

*Based on/adapted from "Extended School Year (ESY)". Pinkerton, Dianna, ERIC Digest #471.

Appendix E - Sample Policies and Procedures for Special Circumstances Instructional Aides

Observational Evaluation for SCI Assistance

Student: _____ School: _____

Teacher: _____ Date: _____

Observer's Name/Title: _____ Setting: _____

Section I: Please complete the following review of the visual and physical structure of the classroom, curriculum design, data collection and planning.

A. Posted classroom schedule _____ Yes _____ No

If yes, complete section below:

1. The following elements are included in the classroom schedule:

- | | |
|--------------------------------------|-------------------------------------|
| <input type="checkbox"/> Times | <input type="checkbox"/> Locations |
| <input type="checkbox"/> Students | <input type="checkbox"/> Activities |
| <input type="checkbox"/> Staff names | |

2. The schedule is Daily Weekly Other _____

B. Individual student schedule _____ Yes _____ No

If yes, complete section below:

1. Student uses the following format for individualized schedule:

- | | |
|-------------------------------------|-------------------------------|
| <input type="checkbox"/> Object | <input type="checkbox"/> Icon |
| <input type="checkbox"/> Photograph | <input type="checkbox"/> Word |
| <input type="checkbox"/> Picture | |

2. Room is arranged with structure to correlate with tasks on schedule:

- | | |
|---|--|
| <input type="checkbox"/> Area for one-to-one work | <input type="checkbox"/> Area for independent work |
| <input type="checkbox"/> Area for group work | <input type="checkbox"/> Area for leisure |
| <input type="checkbox"/> Not applicable | |

3. Student ability to follow the schedule:

- | | |
|--|--|
| <input type="checkbox"/> Independent | <input type="checkbox"/> With direct verbal prompt |
| <input type="checkbox"/> Non-verbal with gestural prompt | <input type="checkbox"/> With physical prompt |
| <input type="checkbox"/> With indirect verbal prompt | |

Consistent Inconsistent

4. Student use of the schedule:

- | | |
|---|---|
| <input type="checkbox"/> Student carries schedule | <input type="checkbox"/> Student uses transition cards |
| <input type="checkbox"/> Student goes to schedule board | <input type="checkbox"/> Teacher carries and shows the schedule |

Consistent Inconsistent

***Attach sample classroom schedule and individual student schedule**

C. Curriculum and instructional planning

1. Check the curricular domains included in the student's program:

- Communication
 Self care
 Academics
 Motor skills/mobility
 Domestic

- Social/behavioral
 Pre-vocational/vocational
 Recreation/leisure

Other: _____

2. Describe curricular accommodations and/or modifications currently being used:

3. List equipment or devices used /available that may relate to the need for assistance (may be low incidence equipment or assistive technology device):

4. Are materials and activities age appropriate? _____ Yes _____ No

5. Are materials and activities instructionally appropriate? _____ Yes _____ No

D. Current data systems and collection of data

Has data been collected on student performance? _____ Yes _____ No

If yes, complete section below:

1. Current data on each objective includes:

- Date
 Task

Level of independence (prompting needed)

2. Data is collected:

- Daily
 Weekly

Biweekly
 Monthly

3. Data is summarized in the following manner:

- Graphed
 Written narrative

Other _____

**Attach sample*

E. Behavior and safety

1. Describe the behavior management system in the classroom, including positive reinforcers and consequences. Is the system appropriate for the student or does it need modification?

2. Are specific positive behavior supports utilized for the student? Yes No
Describe:

3. Is there appropriate safety equipment in place? Yes No

4. Are appropriate safety and medical procedures being used? Yes No

5. Does it appear appropriate training has been provided? Yes No

Comments:

6. Describe the student's interactions with peers:

7. Describe the student's interaction with non-classroom staff in a less structured environment:

8. What activities does the student choose during breaks?

9. What problems are evident?

F. Planning team meetings

1. Are team meetings held? (formal or informal meetings to problem solve) ____ Yes ____ No
If yes, complete section below:

- | | |
|---|-----------------------------------|
| <input type="checkbox"/> Daily | <input type="checkbox"/> Biweekly |
| <input type="checkbox"/> Weekly | <input type="checkbox"/> Monthly |
| <input type="checkbox"/> Need to be scheduled | |

2. Meetings include the following participants:

G. Current utilization of assistance

How is existing assistance utilized?

- | | |
|--|---|
| <input type="checkbox"/> Behavior management | <input type="checkbox"/> Medical assistance |
| <input type="checkbox"/> Curriculum adaptation and preparation | <input type="checkbox"/> Supervision |
| <input type="checkbox"/> Instruction - individual | |
| <input type="checkbox"/> Instruction - group | <input type="checkbox"/> Other _____ |

H. Team Summary/Action Plan

1. Can current conditions be modified to meet the student's goals and objectives and/or personal care needs? If so, how?

2. What other types of assistance are needed? Why?

3. Are there any other issues that need to be addressed?

4. Recommendations:

SCIA rev. 2/12/09

Request for Special Circumstance Instructional Aide Student-Related/Transportation Support

Please complete all required information and return to the Special Education Department, Director of Special Education. Notification of approval will be provided to the Program Manager, Special Education Accountant, Finance Department, and Human Resources Department.

Program _____
Teacher _____

Program Specialist _____
Date _____

Student _____
DOB _____

District of Residence _____
Classroom _____

Requested Start Date _____ **Anticipated Ending**
date _____

Transportation Provider (check one): _____ **District of Residence** _____ **First**
Student

Rationale for ride-along support: (Attach additional information/documentation)

Department Approval:

Program Specialist Date

Special Education Director Date

Comments:

SCIA Assignment Codes:
0100-56400-0-5750-3142-220004-XXXX-XXX
0100-65000-0-5750-1110-210004-XXXX-XXX

Enter budget code:

FUND	RESOURCE	YEAR	GOAL	FUNCTION	OBJECT	DEPT.	MANAGER

SCIA: rev. 9/1/09

Techniques to Promote Independence and Fading of Support

1. Watch before assisting. Can the student ask for help from teacher or peer?
2. Can the student problem solve independently?
3. Give the student extra time to process and respond before assisting.
4. Provide consistent classroom schedule (posted, visual, at desk if needed, reinforcement periods included). Teach the student how to use it.
5. Start with the least intrusive prompts to get the student to respond:
 - A. Gestural, hand or facial signals
 - B. Timer
 - C. Verbal
 - D. Light physical
 - E. Hand over hand
6. Prompt, then back away to allow independent time.
7. Use strengths and weaknesses, likes and dislikes to motivate student participation and interest.
8. Model; guide (watch and assist); check (leave and check back).
9. Teach independence skills (raising hand, asking for help, modeling other students).
10. Praise for independent attempts.
11. Direct the student to answer to the teacher.
12. Prompt the student to listen to the teacher's instructions. Repeat only when necessary.
13. Encourage age appropriate work habits. See what other students are doing.
14. Be aware of proximity. Sit with the student only when necessary.
15. Encourage peer assistance and partnering. Teach peers how to help, not enable.
16. Utilize self-monitoring checklists for student.
17. Color code materials to assist with organization.
18. Use transition objects to help the student anticipate/complete transition (i.e., head phones for listening center).
19. Break big tasks into steps.
20. Use backward chaining (i.e., leave the last portion of a cutting task for the student, then gradually lengthen the task).
21. Assist in encouraging a means for independent communication (i.e., PECS).
22. Provide positive feedback (be specific to the situation).
23. Ask facilitative questions ("What comes next?" "What are other students doing?" "What does the schedule say?" "What did the teacher say?").
24. Give choices.

Guidelines for Requesting Special Circumstance Instructional Assistance

Rationale: Special circumstance instructional assistance (SCIA) may be indicated in situations where additional staff support is needed in the classroom or en route to and from school due to 1) pervasive and aggressive student behaviors directed towards self or others, or 2) intensive student needs.

Factors for review and consideration:

The goal for any special needs student is to encourage, promote, and maximize independence. If not carefully monitored, special circumstance instructional assistance can easily and unintentionally foster dependence. A student's total educational program must be carefully evaluated to determine where support is indicated. Natural support and existing staff support should be used whenever possible to promote the least restrictive environment.

Special factors for students residing in the _____:

1. All requests for SCIA shall be submitted to the Director of Special Education. SCIA should not be indicated in individual student IEP's as a service. However, in certain circumstances the need for additional support may need to be indicated in a student's IEP. In those instances, the need shall be indicated in the present levels or meeting notes as "100% supervision."
2. For services requiring additional personnel support as a result of student-related behavioral issues, a positive behavioral support plan or Behavior Intervention Plan should be developed and should include provisions describing how and when the support will be utilized to implement the plan and when the plan will be reviewed and modified, including the fading of SCI Assistance.
3. Observational assessments and team staffing will be conducted on a quarterly basis to evaluate the continued need for SCIA.

Budget coding for additional paraeducator support (classroom and/or transportation):

0100-56400-0-5750-3142-220004-XXXX-XXX

0100-65000-0-5750-1110-210004-XXXX-XXX

The appropriate code must be entered on all status forms and payroll timesheets. The Special Education Department Accountant shall receive a copy of all SCIA requests and shall be notified routinely of all excess costs.

Process for requesting SCI Assistance:

1. Complete the Request for Special Circumstance Instructional Assistance (for Classroom Support and/or Transportation Support).

2. Complete the Observational Evaluation for SCI Assistance (For Individual Student Support only).
3. Complete the Student Needs for Additional Support Rubric (For Classroom Support , Individual Student Support and Transportation Support).
4. Complete the Class Weighting Worksheet (For Classroom Support only).
5. Attach supporting documentation if pertinent (IEP, Behavior Plan, etc.).
6. Submit all paperwork to the Director of Special Education.
7. Upon approval, complete the Request for Long-term Substitute for classroom support and/or an employee status form for transportation support (regular employee ride along).
8. All forms will be disseminated to the Special Education Accountant, Human Resources Department, Program Specialist and Special Education Director.
9. The Special Education Director will assist the site during each quarter to review the need for on-going SCIA classroom and/or transportation support.

Student Needs for Additional Support Rubric

Student Name: _____ DOB: _____ Disability: _____ Date Reviewed: _____

Teacher: _____ Current Program: _____

Select the number that best describes the student in each rubric category that is appropriate.

	<i>Health/Personal Care/Rating</i>	<i>Behavior/Rating</i>	<i>Instruction/Rating</i>	<i>Inclusion/Mainstreaming/Rating</i>
0	General good health. No specialized health care procedure, medications taken, or time for health care. Independently maintains all "age appropriate" personal care.	Follows adult directions without frequent prompts or close supervision. Handles change and redirection. Usually gets along with peers and adults. Seeks out friends.	Participates fully in whole class instruction. Stays on task during typical instruction activity. Follows direction with few to no additional prompts.	Participate in some core curriculum within general education class and requires few modifications. Can find classroom. Usually socializes well with peers.
1	Mild or occasional health concerns. Allergies or other chronic health conditions. No specialized health care procedure. Medications administration takes less than 10 minutes time. Needs reminders to complete "age appropriate" personal care activities.	Follows adult direction but occasionally requires additional encouragement and prompts. Occasional difficulty with peers or adults. Does not always seek out friends but plays if invited.	Participates in groups at instructional level but may require additional prompts, cues or reinforcement. Requires reminders to stay on task, follow directions and to remain engaged in learning.	Participates with modification and accommodation. Needs occasional reminders of room and schedule. Requires some additional support to finish work & be responsible. Needs some social cueing to interact with peers appropriately.
2	Chronic health issues, generic specialized health care procedure. Takes medication. Health care intervention for 10-15 min daily (diet, blood sugar, medication). Requires reminders and additional prompts or limited hands on assistance for washing hands, using bathroom, wiping mouth, shoes, buttons, zippers, etc. Occasional toileting accidents.	Has problems following directions and behaving appropriately. Can be managed adequately with a classroom behavior management plan, but unable to experience much success without behavior support plan implementation.	Cannot always participate in whole class instruction. Requires smaller groups and frequent verbal prompts, cues or reinforcement. On task about 50% of the time with support. Requires more verbal prompts to follow directions.	Participates with visual supervision and occasional verbal prompts. Requires visual shadowing to get to class. Needs modifications & accommodations to benefit from class activities. Regular socialization may require adult facilitation.
3 *	Very specialized health care procedure and medication. Limited mobility. Physical limitations requiring assistance (stander, walker, gait trainer or wheelchair). Special	Serious behavior problems almost daily. Defiant and/or prone to physical aggression. Requires a Behavior Intervention Plan (BIP) and behavior goals and objectives on the IEP.	Difficult to participate in a large group. Requires low student staff ratio, close adult proximity and prompts including physical assistance to stay on task. Primarily complies	Participation may require additional staff for direct instructional and behavioral support. Requires direct supervision going to & from class. Always requires

<p>food prep or feeding. Health related interventions 15-45 min. daily. Frequent physical prompts and direction assistance for personal care. Food prep required regularly. Requires toilet schedule, training, direct help, diapering.</p>	<p>Requires close visual supervision to implement BIP. Medication for ADD/ADHD or other behaviors.</p>	<p>only with 1:1 directions & monitoring. Cognitive abilities & skills likely require modifications not typical for class as a whole. Needs Discrete Trial, ABA, Structured Teaching, PECS. Requires signing over 80% of time.</p>	<p>modifications & accommodations for class work. Requires adult to facilitate social interaction with peers.</p>
<p>Specialized health care procedure requiring care by specially trained employee (G tube, tracheotomy, catheterization.) Takes medication, requires positioning or bracing multiple times daily. Health related interventions 45 min. daily. Direct assistance with most personal care. Requires two-person lift. Direct 1:1 assistance 45 or more minutes daily.</p>	<p>Serious behavior problems with potential for injury to self and others, runs-away, aggressive on a daily basis. Functional Analysis of Behavior or Hughes Bill has been completed and the student has a well-developed BIP, which must be implemented to allow the student to safely attend school. Staff has been trained in the management of assaultive behaviors.</p>	<p>Cannot participate in a group without constant 1:1 support. Requires constant verbal and physical prompting to stay on task and follow directions. Regularly requires specific 1:1 instructional strategies to benefit from the IEP. Cognitive abilities and skills require significant accommodation and modification not typical for the class group.</p>	<p>Always requires 1:1 staff in close proximity for direct instruction, safety, mobility or behavior monitoring. Requires 1:1 assistance to go to and from class 80% of the time. Requires adult to facilitate social interaction with peers and remain in close proximity at all times.</p>

*** Attach a copy of documentation indicating frequency and duration over a period of time to determine further consideration of special circumstance instructional assistance. If mostly ratings of 3's & 4's, in two or more areas, continue with needs assessment process.**

Appendix F - Study Agreement

FCMAT

FISCAL CRISIS & MANAGEMENT
ASSISTANCE TEAM

CSIS California School Information Services

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM STUDY AGREEMENT July 21, 2011

The FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM (FCMAT), hereinafter referred to as the Team, and the Folsom Cordova Unified School District, hereinafter referred to as the District, mutually agree as follows:

1. BASIS OF AGREEMENT

The Team provides a variety of services to school districts and county offices of education upon request. The District has requested that the Team provide for the assignment of professionals to study specific aspects of the Folsom Cordova Unified School District 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 AB1200, 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 be published on the FCMAT website.

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

The scope and objectives of this study are to:

1. Organization study of special education department, to improve communication internally and externally, from central office to school sites.
2. Review administrative staffing structure and make recommendations to improve efficiency, if necessary.
3. Review legal fee costs and make recommendations for cost containment.
4. Review status of CDE special education complaints and make recommendations to reduce, resolve and prevent.
5. Review role of principal in special education delivery system and how to develop consistency between school sites and central office.

6. Review special education procedures and policies to assure current and consistent district wide.
7. Review role and responsibilities of Program Specialists and make recommendations to align with education code.
8. Review role of special education teachers in regards to case management of referrals, timelines, process and procedures to assure appropriate timeline and services are being provided to students with exceptional needs.
9. Review criteria for providing extended year and related services, including transportation and 1:1 aides, and make recommendations to assure consistent application of criteria during IEP process

B. Services and Products to be Provided

Orientation Meeting - The Team will conduct an orientation session at the School District to brief District management and supervisory personnel on the procedures of the Team and on the purpose and schedule of the study.

On-site Review - The Team will conduct an on-site review at the District office and at school sites if necessary.

1. 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.
2. Exit Letter - The Team will issue an exit letter approximately 10 days after the exit meeting detailing significant findings and recommendations to date and memorializing the topics discussed in the exit meeting.
3. Draft Reports - Sufficient copies of a preliminary draft report will be delivered to the District administration for review and comment.
4. Final Report - Sufficient copies of the final study report will be delivered to the District administration following completion of the review.
5. Follow-Up Support – Six months after the completion of the study, FCMAT will return to the District, if requested, to confirm the District’s progress in implementing the recommendations included in the report, at no cost. Status of the recommendations will be documented to the District in a FCMAT Management Letter.

3. PROJECT PERSONNEL

The study team will be supervised by Anthony L. Bridges, CFE, Deputy Executive Officer, Fiscal Crisis and Management Assistance Team, Kern County Superintendent of Schools Office. The study team may also include:

- | | |
|---------------------------------|---------------------------------------|
| <i>A. Dr. William Gillaspie</i> | <i>FCMAT Chief Management Analyst</i> |
| <i>B. JoAnn Murphy</i> | <i>FCMAT Consultant</i> |
| <i>C. Anne Stone</i> | <i>FCMAT Consultant</i> |
| <i>D. Trina Frazier</i> | <i>FCMAT Consultant</i> |

Other equally qualified consultants will be substituted in the event one of the above noted 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:

- A. \$500.00 per day for each Team Member while on site, conducting fieldwork at other locations, preparing and presenting reports, or participating in meetings.
- B. All out-of-pocket expenses, including travel, meals, lodging, etc. 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 acceptance of the final report by the District.

Based on the elements noted in section 2 A, the total cost of the study is estimated at \$20,000.

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

Payments for FCMAT 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 while on-site reviews are in progress.
- B. The District will provide the following (if requested):
 - 1. A map of the local area
 - 2. Existing policies, regulations and prior reports addressing the study request
 - 3. Current or proposed organizational charts
 - 4. Current and two (2) prior years' audit reports
 - 5. Any documents requested on a supplemental listing
 - 6. Any documents requested on the supplemental listing should be provided to FCMAT in electronic format when possible.
 - 7. Documents that are only available in hard copy should be scanned by the district and sent to FCMAT in an electronic format.
 - 8. All documents should be provided in advance of field work and any delay in the receipt of the requested documentation may affect the start date of the project.
- C. The District Administration will review a preliminary draft copy of 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 key study milestones:

<i>Orientation:</i>	<i>September 12, 2011 - 9 a.m.-10 a.m.</i>
<i>Staff Interviews:</i>	<i>September 12-14, 2011</i>
<i>Exit Interviews:</i>	<i>September 15, 2011 – 9 a.m.</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</i>
<i>Follow-Up Support:</i>	<i>if requested</i>

7. **CONTACT PERSON**Name of contact person: Debbie Bettencourt, SuperintendentTelephone: (916) 355-1150 FAX: _____E-Mail: dbettenc@fcusd.org

 7-24-11
Debbie Bettencourt, Superintendent Date
Folsom Cordova Unified School District

 July 21, 2011
Anthony L. Bridges, CFE Date
Deputy Executive Officer
Fiscal Crisis and Management Assistance Team

