



Oakland Unified School District

Special Education Review

November 2, 2007

Joel D. Montero
Chief Executive Officer



November 2, 2007

Vincent C. Matthews, Interim State Administrator
Oakland Unified School District
1025 Second Avenue
Oakland, California 94606-2212

Dear Mr. Matthews,

In June 2007, the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for a fiscal review with the Oakland Unified School District. The agreement specified that FCMAT would:

1. Review the Business Office and Personnel (Human Resources Department) operations in relationship to how procedures and polices are implemented to maintain an effective and efficient special education department. Develop strategies for improving the relationship between the departments.
2. Review the special education delivery system in relationship to compliance with federal and state laws.
 - Review a sample of IEPs and triennial assessments in conformance with the existing Special Education Self-Review (SESR) process.
 - Review how the district responds to complainants, due process, IEP disagreements (conflict resolution, mediations, and executive conferences).
3. Review the effectiveness and efficiency of the special education department staffing, including all positions. Make necessary recommendations to improve staffing ratios for efficiency and effectiveness. Make recommendations, if necessary, to the organizational chart to improve efficiency and cost effectiveness.
4. Review the transition process for all special education students transitioning from high school programs to community at the completion of graduation, or age 21. Review the work to school community placement and process of determining such placements for eligible students up to age 21.
5. Review the status of SESR and determine the effectiveness and accountability of the process. Review the administrative process regarding IEP implementation and decision making. This will include a review of transportation to determine legal compliance and cost and program effectiveness.

FCMAT

Joel D. Montero, Chief Executive Officer

1300 17th Street - CITY CENTRE, Bakersfield, CA 93301-4533 • Telephone 661-636-4611 • Fax 661-636-4647
422 Petaluma Blvd North, Suite. C, Petaluma, CA 94952 • Telephone: 707-775-2850 • Fax: 707-775-2854 • www.fcmat.org
Administrative Agent: Larry E. Reider - Office of Kern County Superintendent of Schools

6. Review the special education budget including state and federal grants and the cost of financial support to special education from the general fund.

The attached final report contains the study team's findings with regard to the above areas of review. We appreciate the opportunity to serve you, and we extend our thanks to all the staff of the Oakland Unified School District.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Montero". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joel Montero
Chief Executive Officer

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Foreword

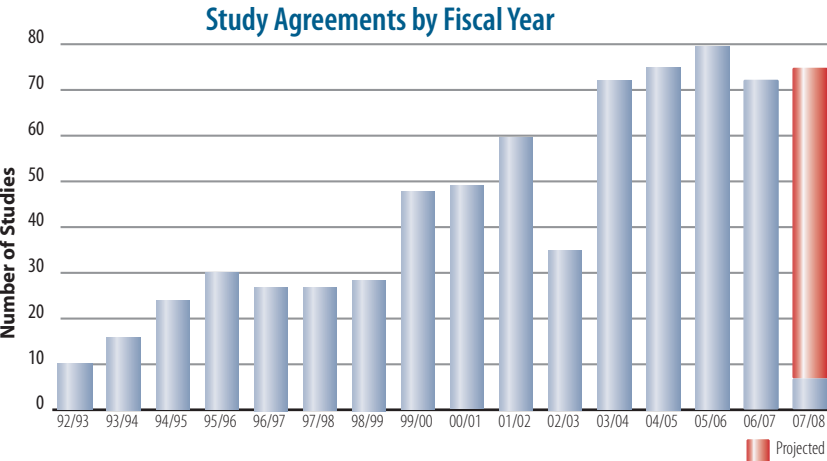
FCMAT Background

The Fiscal Crisis and Management Assistance Team (FCMAT) was created by legislation in accordance with Assembly Bill 1200 in 1992 as a service to assist local educational agencies in complying with fiscal accountability standards.

AB 1200 was established from a need to ensure that local educational agencies throughout California were adequately prepared to meet and sustain their financial obligations. AB 1200 is also a statewide plan for county offices of education and school districts to work together on a local level to improve fiscal procedures and accountability standards. The legislation expanded the role of the county office in monitoring school districts under certain fiscal constraints to ensure these districts could meet their financial commitments on a multiyear basis. AB 2756 provides specific responsibilities to FCMAT with regard to districts that have received emergency state loans. These include comprehensive assessments in five major operational areas and periodic reports that identify the district’s progress on the improvement plans.

Since 1992, FCMAT has been engaged to perform more than 600 reviews for local educational agencies, including school districts, county offices of education, charter schools and community colleges. Services range from fiscal crisis intervention to management review and assistance. FCMAT also provides professional development training. The Kern County Superintendent of Schools is the administrative agent for FCMAT. The agency is guided under the leadership of 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.

Total Number of Studies.....	660
Total Number of Districts in CA.....	982
● Management Assistance.....	625 (94.7%)
● Fiscal Crisis/Emergency	35 (5.3%)
Note: Some districts had multiple studies.	
● Districts (7) that have received emergency loans from the state.	
(Rev. 8/6/07)	



Introduction

The Oakland Unified School District has an enrollment of approximately 40,000 students and is overseen by a State Administrator as assigned under the conditions of Senate Bill 39, which also provided a \$100 million state loan to the district. The district serves approximately 5,000 special education students who receive a variety of services through a diagnostic center, occupational therapy program, young adult program and a reading clinic. Other programs serve students with autism or Asperger's syndrome. The special education office conducts about 7,000 individual education program (IEP) reviews each year. An Executive Director oversees the district's special education programs.

In March 2007, the Fiscal Crisis and Management Assistance Team (FCMAT) received a request from the California Department of Education and the district for a Special Education review. The scope and objectives of the study agreement between the district and FCMAT are as follows:

1. Review the Business Office and Personnel (Human Resources Department) operations in relationship to how procedures and policies are implemented to maintain an effective and efficient special education department. Develop strategies for improving the relationship between the departments.
2. Review the special education delivery system in relationship to compliance with federal and state laws.
 - Review a sample of IEPs and triennial assessments in conformance with the existing Special Education Self-Review (SESR) process.
 - Review how the district responds to complainants, due process, IEP disagreements (conflict resolution, mediations, and executive conferences).
3. Review the effectiveness and efficiency of the special education department staffing, including all positions. Make necessary recommendations to improve staffing ratios for efficiency and effectiveness. Make recommendations, if necessary, to the organizational chart to improve efficiency and cost effectiveness.
4. Review the transition process for all special education students transitioning from high school programs to community at the completion of graduation, or age 21. Review the work to school community placement and process of determining such placements for eligible students up to age 21.
5. Review the status of SESR and determine the effectiveness and accountability of the process. Review the administrative process regarding IEP implementation and decision making. This will include a review of transportation to determine legal compliance and cost and program effectiveness.
6. Review the special education budget including state and federal grants and the cost of financial support to special education from the general fund.

Study Team

The FCMAT study team was composed of the following members:

William P. Gillaspie, Ed.D.
Management Analyst
Fiscal Crisis and Management
Assistance Team
Bakersfield, California

Dorothy Kay Atchison
FCMAT Special Education Consultant
Auburn, California

James “Sarge” Kennedy
FCMAT Special Education Consultant
Red Bluff, California

Laura Haywood
Public Information Specialist
Fiscal Crisis and Management
Assistance Team
Bakersfield, California

JoAnn Murphy*
SELPA Executive Director
Poway Unified School District
Poway, California

* As a member of the review team, this individual served as a consultant for FCMAT and did not represent her employer.

Study Guidelines

FCMAT consultants visited the district in July 2007 to conduct interviews, collect data and review documentation. This report is the result of those activities. Findings and recommendations are presented in the following sections:

- Executive Summary
- Business Office and Human Resources Services
- Legal Compliance
- Staffing Efficiency and Effectiveness
- Student Transition Processes
- Site Issues
- Transportation
- Special Education Budget

Executive Summary

The Special Education Department has approximately 1,000 employees and constitutes a significant portion of the workload for the Human Resources and Business departments. HR does not appear to utilize any computer or other technology programs, which greatly limits their productivity and accountability.

The HR system for hiring substitute special education teachers and classified personnel is not effective, and classrooms often are not staffed with appropriate personnel. The district has had situations where there was no substitute teacher and no substitute instructional aide in a special day class.

The district spends \$2.5 million contracting speech and language services from certified nonpublic agencies (NPAs). The district could save as much as \$800,000 if it hired its own therapists on a competitive salary schedule for the 2007-08 school year.

A common process is lacking for monitoring staff attendance at the school sites. Absence forms are not routinely completed or submitted by all staff. The team received anecdotal reports of significant numbers of employees who routinely do not file absence reports.

Staff funded by special education funds are inadequately supervised and monitored by site administrators. This is particularly true for classified staff and staff at secondary-level schools. Site administrators must be held accountable for all site staff to ensure quality education programs for all students.

There are 4,895 special education students in the Oakland Unified School District. This is approximately 12.2% of the total school enrollment, while the statewide average is 11.3%. This suggests that the district appropriately identifies students with disabilities.

In March 2000, 27.9% of the district's special education students had both overdue annual Individualized Education Program (IEP) reviews and triennial assessments. The December 2006 CASEMIS report shows that the current rate of overdue annual and triennials is 11%. This indicates that progress has been made in this area, but the district still fails to meet the compliance standard established by CDE.

The district uses a web-based IEP system that allows a bridge to CASEMIS, but does not use the bridge function at this time. In addition, there is no integration with Aeries, the district's general education enrollment software. Essentially, one Programs for Exceptional Children (PEC) employee manually enters data for all 4,895 IEPs into the CASEMIS reporting system for each reporting period.

FCMAT found 600 IEPs out of compliance. The computerized IEP software has no internal system for establishing compliance. Users are permitted to move forward and finalize

an IEP without addressing key compliance requirements. Approximately 350 teachers do not have personal access to a computer to effectively and confidentially use the computerized IEP system. Many IEPs are written by hand. In some instances, staff members work on their personal computers at home, which can present significant hazards to confidentiality. Some staff indicated that the compliance quality of the IEP documents submitted is unacceptable and that staff responsible for entering the data routinely make changes to the IEP to fill in missing or inaccurate information. This places the district out of compliance with Section 300.320-300.324 of federal law related to the definition of an IEP and the circumstances under which it is developed or revised.

The principals' contract agreement holds principals accountable for overdue IEPs, but there is no defined disciplinary action for continuous problems. Further, there is little indication that principals and schools assume responsibility for timely and updated IEPs.

Over the past four years, the CDE has received 50 formal compliance complaints against the district. In 27 cases, the district was found out of compliance for failure to implement the IEP. From 2005 to 2007, 32 due process cases were filed. Most cases were resolved through mediation, which represents a proactive attempt by the district to resolve issues in an informal setting. However, in 13 cases compensatory services were offered as part of the resolution, either because of noncompliance or failure to provide the necessary services outlined in the IEP. There was no evidence of a systematic procedure for ensuring that the services provided are consistent with the IEP.

The district has an ombudsman to resolve issues/concerns regarding categorical programs. This process is intended to resolve differences at the lowest level. The process is informal, easy to access and parent friendly. Some special education issues have been handled through this process. It appears that some cases were sent to due process without any communication with the PEC department. Due process filings in special education are very costly for the district. An effective system of communication with the ombudsman would assist the district administration in resolving disputes at the lowest level and avoiding the high cost of litigation.

Staff from the CDE's Focused Monitoring and Technical Assistance (FMTA) unit are concerned about the district's lack of timely responses to corrective actions resulting from formal complaints. CDE data showed that the district has not routinely responded to corrective actions within the established time lines. In addition, the PEC department appears to have a fragmented process for responding to corrective actions.

There is some confusion as to when and why psychological assessments need to be completed. As of June 2007, 20 triennial psychological evaluations had not been completed in a timely manner. A standard format for psychological reports could help reduce report writing time and provide consistency.

Student study teams at many school sites do not operate effectively, resulting in inappropriate referrals to special education.

The district has administrative procedures to ensure that all special education students transition from high school to the community upon graduation or program completion.

FCMAT reviewed the proposed budget for WorkAbility I, which provides services and support for 826 eligible middle school and high school students. The services, student wages, training and support for students and teachers are provided directly out of the WorkAbility budget. It appears that the WorkAbility Coordinator will be able to support eligible students under the program but cannot provide the same level of service to the remaining high school students receiving special education services. The WorkAbility funding appears to be appropriately used for the services outlined in the grant application.

Overall, the current findings in the Special Education Self-Review Process indicate that the district continues to have significant compliance issues, particularly with time lines for IEP reviews and triennial evaluations.

Site administrators do not consistently participate in IEP meetings. Conflict can arise with parents when IEP teams are ineffective and when administrators are not aware of the student's special education needs or are ill-informed on decision-making policies.

The total cost of special education mediations and due process activities for the 2005-06 school year was \$353,036 for 19 cases. Currently, all mediation and due process activities are fully paid out of the special education budget.

The district transports 1,041 special education students. The transportation budget is \$7 million. Current contract language regarding age and mileage of the buses could mean 47 new buses will need to be purchased, resulting in a \$2.3 million increase to the budget.

FCMAT's 2000 analysis of the district's budget reported that the local support for special education represented 29% of the total special education expenditures, and 43% of those expenditures were covered by transportation and various federal grants. An analysis of the 2006-07 budget shows that the total expenditures increased by \$16.4 million since 2000 and the net expenditures, after adjusting for transportation and federal grants, increased by \$21.5 million. During the same period, however, the local support decreased by \$1.6 million. For 2006-07, the local support represented only 20.2% of the total expenditures and 24.4% of the adjusted expenditures.

The district receives \$83,000 in special purpose funds to provide materials, supplies and equipment for students with low incidence disabilities. By earmarking the goal code range from 5760 to 5769 for use as subcodes for costs associated with providing

programs and services to these populations, the funds can be monitored and the fiscal supervision of these programs can be made easier.

Business Office and Human Resources Services

Over the past ten years, significant changes have occurred in the way Business and Human Resources departments function in California's school districts. Some of these changes include new employment practices, results-based budgeting, No Child Left Behind Act requirements, changes made in reauthorizing the Individuals with Disabilities Education Act (IDEA) in 1997 and 2004, a new statewide financial reporting system, changes in special education funding, changes in credentialing standards, and continuous legislative and/or judicial changes, all of which have had wide-reaching effects on school district operations.

The Special Education Department has approximately 1,000 employees, which creates a significant portion of the workload for the HR and Business departments. HR does not appear to utilize any computer or other technology programs. This limits their productivity and accountability to a great degree. Technology is readily available to streamline operations in business services, human resources and special education, and to interconnect all departments.

There appear to be difficulties in procuring highly qualified staff for both classified and certificated positions. As a result, classrooms are frequently not staffed according to district standards. Finding qualified, credentialed teachers is a challenge for most school districts. Hiring competent staff leads to students achieving at higher levels and increases parent participation and satisfaction. The district's Programs for Exceptional Children (PEC) department has implemented a number of intern programs over the last five years, with very positive results. While nearly 100 teachers were hired as interns in 2006-07, it appears there will be fewer such interns in 2007-08.

The district has been discussing and planning a special education intern credential program for approximately two years. This program needs to be defined and finalized at least one year before its implementation. It appears that the PEC department requested funding for this program in December 2006 and that the funds were to be earmarked and distributed yearly for this purpose. There is a significant shortage of qualified personnel to staff programs for severely disabled students. The program at San Francisco State University trains a large number of interns to serve this population, and the district's intern program needs to be in place as soon as possible.

The HR system for hiring substitute special education teachers and classified personnel is not functioning effectively, and classrooms often are not adequately staffed or are staffed with inappropriate personnel. The substitute system in large school districts is often complex. However, every effort needs to be made to ensure a properly functioning system. The district has had situations where there was no substitute teacher and no substitute instructional aide in a special day class. This creates significant issues for the principal who has no staff available to fill in.

There appears to be a lack of communication between the PEC and HR departments regarding the time lines for hiring highly qualified special education personnel. The district lacks an ongoing plan to quickly initiate and implement the staffing process when a vacancy exists. With the current shortage of qualified special education professionals nationwide, the two departments must work cooperatively to expeditiously fill vacancies for teachers and other special education professionals.

The team was not provided with current special education job descriptions. The job descriptions received were stamped “2004 draft.” Furthermore, there was considerable variance with regard to the structure and format of the job descriptions reviewed. This is a continuing problem, as it was also reported in the 2006 FCMAT progress report issued as part of the comprehensive assessment and recovery plan for the district.

Job descriptions need to be reviewed and revised, as necessary, for all special education positions. The job descriptions should utilize a common format as determined by the HR department, and should be reviewed by the PEC department for accuracy. Keeping job descriptions up to date is an ongoing task, especially with certificated personnel, because of credentialing and NCLB requirements. Staff evaluations need to reflect the duties and responsibilities listed in the job descriptions and should include the California Standards for the Teaching Profession for certificated staff.

Interviews indicated the lack of a clear and common understanding between the HR and PEC departments regarding the requisite credential for specific assignments and the types of credentials that may be utilized in specific educational settings. Similarly, the issue of highly qualified staff needs to be fully clarified and understood by all parties.

A .75 FTE employee at the management level in the PEC department is paid from IDEA Part B funds to perform duties that are largely personnel-related. Although the HR department charges an indirect cost to IDEA funds and other special education funds for providing such services, it does not carry out necessary functions in a timely and efficient manner, placing the district in danger of failing to comply with state and federal special education laws and regulations.

The team found no organized, ongoing activity in the district for recruiting special education staff. The PEC department is in continual need of highly qualified certificated and classified personnel. Five years ago it was common for the department to be short as many as 60-70 staff members at one time. The PEC department has reduced those numbers to as few as six to nine. The district uses Ed-JOIN for recruitment. The PEC department has assumed the primary responsibility for recruiting qualified staff, as there is only one Recruitment Supervisor in HR for the entire district.

HR department staff members who have become familiar with the unique characteristics and needs of special education staffing have been reassigned to other duties and replaced

with individuals who are not as familiar with the complexities of special education. This has had serious negative effects on staffing time lines.

There appears to be insufficient delineation by the HR department between posting positions for the extended year as compared to posting positions for summer school. Although PEC had identified them in late spring, vacancies for special education extended year positions were not posted until summer school vacancies were ready for posting. Since staffing is a major component in providing a free appropriate public education (FAPE), which includes the extended year program, it must be in place as soon as possible. Potential staffing problems in the extended year programs could result in unnecessary delays in implementing the IEPs that require these services.

The district spends \$2.5 million contracting speech and language services from certified nonpublic agencies (NPAs). Speech and language therapists are in very short supply throughout the nation. Although the district has taken steps with the appropriate bargaining unit to make the salary schedule more attractive, the shortage is likely to continue for some time. Therefore, independent contracts for NPA services will continue to need to be addressed. These contracts will need to be written for 2007-08, keeping in mind that some companies will not let a school district out of a contract once it has been signed. The district could save as much as \$800,000 if it hired its own therapists on a competitive salary schedule before the beginning of school.

A common process is lacking for monitoring staff attendance at the school sites. Absence forms are not routinely completed or submitted by all staff. The team received anecdotal reports of significant numbers of employees who routinely do not file absence reports.

There also is limited accountability for itinerant staff regarding vacation, sick leave, and weekly schedules. Some of the itinerant staff serve various school sites, and there appears to be some confusion as to their home base and to whom and where they should submit leave and absence notices. These staff include speech therapists, adaptive physical education teachers, occupational therapists and low incidence staff.

Staff funded by special education funds are inadequately supervised and monitored by site administrators. This is particularly true for classified staff and staff at secondary-level schools. Site administrators are responsible for supervising and evaluating special education teachers, classified staff, and other support staff at their school. They must be held accountable for all site staff to ensure quality educational programs for all students.

HR is responsible for informing the school site administrators of all staff, including special education staff, assigned to their site. However, this information is often late getting to the school sites and some staff are sent to the wrong site. The PEC department must work with HR to ensure that all staff assignments are correct and are conveyed in a

timely manner. In some cases, misassignments have not been immediately discovered and the program to which the employee was supposed to report remained understaffed.

A position control system functions with some success in the Business and PEC departments. However, it is currently not functioning effectively within the HR department. This is a critical component for each department and a necessary function in any school district. The position control system has to be responsive to the dynamic nature of special education staffing. Otherwise, it could place the district in legal jeopardy.

Business Department employees who work with special education programs have been attending special education funding workshops. The AB 602 special education funding model, maintenance of effort reporting requirements, and Standardized Account Code Structure (SACS) reporting system have significantly changed the business operations pertaining to special education. The process of monitoring and reporting special education finance has become very complex and complicated. Staff involved in special education finance must be extremely knowledgeable and the departments should communicate and collaborate effectively.

The PEC and Business departments have established a cooperative working relationship. The PEC department recently hired an Office Manager who works directly with the Business Department to improve fiscal operations in the PEC department. The Office Manager will receive training on special education funding and fiscal accountability. Under the PEC Executive Director, this effort has improved communication and collaboration between the departments. It might be useful to expand the position to Office Manager/Fiscal Analyst by incorporating some of the duties typical of a fiscal analyst. A job description for a financial analyst is included as Appendix A to this report.

Professional development for all departments is mandatory to ensure that the departments are accountable and to strengthen partnerships in the school district. Professional development for the PEC, HR, and Business departments is essential to provide staff with the most current educational information. Each staff member needs to report the information received to other members of their staff, including the Executive Director and special education coordinators. Conference attendance data needs to be maintained and reported to the Chief Academic Officer annually.

The team also noted that the inadequate computerized systems and the distance separating the PEC department from the HR and Business departments inhibits their ability to work collaboratively and efficiently.

Recommendations

The district should:

1. Include processes for reporting staff absences and for completing and filing relevant personnel forms (absence from duty, vacation request, time sheets, etc.) in the Human Resources section of the district's web site. Implement computer and telephone systems so employees may access these functions.
2. Improve the processes for hiring certificated and classified substitutes for special education. Work to eliminate any lag time in filling positions.
3. By April 1 each year, develop a calendar of key HR/PEC activities that includes posting extended year position vacancies, dates for staffing reports and recruitment schedules, job description reviews, and all other joint activities related to PEC and HR.
4. Include job descriptions in an HR/PEC data base to assist administrators by providing them with quick and easy access to pertinent information.
5. Designate staff positions in the HR Department specifically to serve the complex needs of special education. Ensure that these employees are thoroughly trained in the laws and regulations pertinent to special education staffing.
6. Designate an HR employee as a liaison to the PEC department. This individual should meet regularly with the PEC Executive Director and staff that are responsible for HR activities to ensure that needs are being met and that the HR department is up to date on special education practices and standards. Empower the HR liaison with the authority and responsibility to initiate the hiring process to prevent delays in filling vacancies.
7. Review and evaluate special education recruitment practices. Jointly develop a PEC/HR action plan for ongoing recruitment efforts. Consider including a classified job fair in the action plan to increase the potential pool of classified employees and substitutes.
8. Proceed with the proposal for speech and language salary schedule adjustments.
9. Take the final steps to implement the special education intern credential program.
10. Designate representatives from the HR, Business and PEC departments to jointly attend professional development programs to expand their knowledge of credentialing issues, NCLB requirements, and special class designations, and how these issues relate to the SACS goal and function codes.
11. Hold site administrators responsible for supervising and monitoring special education staff at each school site.

12. Delegate site administrators with the responsibility for itinerant staff assigned to their school site. Clarify responsibilities with regard to weekly schedules of staff and their assignments, the process of submitting vacation and sick leave forms, and the completion of performance evaluations.

Legal Compliance

The California Department of Education (CDE) monitors and evaluates school districts, county offices of education and Special Education Local Plan Areas (SELPA) for compliance with federal/state laws and regulations. The CDE quality assurance process verifies that students with disabilities receive the appropriate programs and services, achieve positive results and are provided procedural safeguards.

The California Special Education Management Information System (CASEMIS) is an information data reporting and retrieval system developed by CDE to monitor and evaluate school district performance on the state's key performance indicators and federal and state time line compliance (e.g., annual individualized education program (IEP) reviews, triennial assessments, transition plans). This data is analyzed and reported each year for further compliance monitoring. In addition, CDE utilizes a comprehensive data system to collect, monitor and analyze formal complaints and due process histories to ensure state and federal laws and regulations are implemented.

The district's history regarding compliance with state and federal laws related to special education programs and services is well documented in the FCMAT study of March 2000 and subsequent reports. For this report, the present compliance level was reviewed using current data in relation to previous findings and recommendations.

There are 4,895 special education students in the Oakland Unified School District. This is approximately 12.2% of the total school enrollment, while the statewide average is 11.3%. This suggests that the district appropriately identifies students with disabilities.

In March 2000, 27.9% of the district's special education students had both overdue annual IEP reviews and triennial assessments. FCMAT reviewed the December 2006 CASEMIS report and found that the current rate of overdue annual and triennials is 11%. This indicates that progress has been made in this area; however, the district still fails to meet the compliance standard established by CDE, which is below 2%. Preparations are under way for the June 2007 CASEMIS report. FCMAT identified a number of compliance concerns with regard to the preparation of this report.

The district uses a web-based IEP system that allows a bridge to CASEMIS, but is not using the bridge function at this time. In addition, there is no integration with Aeries, the district's general education enrollment software. Essentially, one PEC employee manually enters data for all 4,895 IEPs into the CASEMIS reporting system for each reporting period. FCMAT found no evidence of a coordinated flow of technical information between the PEC and technical support departments. District staff have operated under the assumption that they had a web-based, integrated program. FCMAT's interviews of staff showed that staff members lack expertise in specialized software applications that require more substantial knowledge of overall district operations.

FCMAT found 600 IEPs out of compliance. The computerized IEP software has no internal system for establishing compliance. Users are permitted to move forward and finalize an IEP without addressing key compliance requirements. District staff were unaware that the current software program has no internal system of checks and balances for compliance. Approximately 350 teachers do not have personal access to a computer to effectively and confidentially use the computerized IEP system. Further, use of the computerized system is not mandated, so many IEPs are written by hand. In other cases, teachers may have computers incapable of performing the functions necessary for a web-based IEP system. In some instances, staff members work on their personal computers at home, which can present significant hazards to confidentiality. Some staff indicated that the compliance quality of the IEP documents submitted is unacceptable and that staff responsible for entering the data routinely make changes to the IEP to fill in missing or inaccurate information. This places the district out of compliance with Section 300.320-300.324 of federal law related to the definition of an IEP and the circumstances under which it is developed or revised.

Recommendations

The district should:

1. Implement an effective web-based IEP and management system such as SEIS (developed by the San Joaquin County Office of Education), or any other integrated web-based system that meets the CASEMIS requirements.
2. Ensure that the web-based program has a built-in system of checks and balances for compliance before users are permitted to finalize an IEP document.
3. Work with the district's technology department to ensure that web-based software used in special education can integrate with Aeries and that the infrastructure is in place to host an integrated system.
4. Ensure that each teacher has reasonable and personal access to a computer to complete the web-based IEP, and mandate the use of the web-based IEP system by all teachers and service providers.
5. Immediately discontinue making revisions to the IEP document entered into CASEMIS outside of the IEP process. Institute a practice of returning out-of-compliance IEP documents to the case manager or site administrator for revision or completion.
6. Continue ongoing efforts to train staff on developing compliant, effective IEPs.
7. Because of the complexity of the CASEMIS system, create a new job classification at approximately the level of a technical analyst. (An example of such a job description is included as Appendix B.)

Site Administrators' Role

There is confusion among staff members with regard to the administrative designee at IEP meetings. It is not clear which staff members serve in that capacity. In addition, there is a practice of reconvening IEP meetings when costly services such as nonpublic schools are required until the services undergo review and approval by the Executive Director. FCMAT reviewed written district procedures designating the principal as the district representative with the authorization to commit resources, but that does not always occur.

The March 2000 FCMAT study identified issues regarding the site administrator's role with special education. The report stated that the site administrator should be accountable for ensuring timely IEP reviews for special education students, and that special education teachers and specialists should be evaluated on the timely completion of annual and triennial IEP reviews. These findings were further identified and recommendations made in subsequent progress reports, including those in 2003 and 2006.

Principals have received monthly overdue IEP lists, and are provided with triennial and IEP information as a part of their evaluation process. However, interviews with school staff and documentation indicate that the school staff completes work on its own time line, and that the problem of lateness is not corrected.

The principals' contract agreement now holds principals accountable for overdue IEPs. However, there is no defined disciplinary action for continuous problems. Further, there is little indication that principals and schools assume responsibility for timely and updated IEPs. There is no evaluation form to document the accountability. Documents indicate that a formal evaluation still needs to be negotiated for this to occur.

While the number of overdue IEPs and triennials has decreased, little progress has been made to change the role of the site administrators who have special education programs on their sites.

The district has instituted evaluation procedures that designate IEP compliance as 25% of the teacher/service provider's evaluation. A three-step process of progressive discipline is in place for teachers who are regularly out of compliance on IEP time lines. The site principal is assigned as the evaluator for special education teachers/providers on the school site. However, the administrative staff from the PEC department must implement the progressive discipline steps.

FCMAT reviewed the district's Special Education Enrollment Data Reports provided by the CDE for 2001-07. Two critical measures with regard to IEP time lines in this data are: 1) the percentage of IEPs that are one or more years overdue and 2) the percentage of triennial evaluations that are overdue.

% of IEPs One or More Years Overdue					
2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
6.33%	4.77%	7.10%	7.11%	7.35%	8.28%

% of Overdue Triennial Evaluations					
2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
2.38%	2.24%	4.36%	2.82%	3.07%	3.15%

Despite efforts to train principals in the importance of timely triennial evaluations and annual IEPs and to train and support staff in the IEP process, the Special Education Data Report indicates an increase in overdue IEPs and triennial evaluations over the last six years.

Recommendations

The district should:

1. Ensure that procedures/trainings are in place to assign administrative designees at IEP meetings who have the authority to commit district resources and fully understand that authority.
2. Clearly define the site administrator's role and responsibilities for special education. Ensure that the district and sites share accountability for compliance.
3. Continue efforts to train and support site administrators regarding special education compliance and the nature of various disabilities and their effects on learning.
4. Consider incorporating the progressive discipline process for IEP compliance into the site administrators' evaluation responsibilities.

IEP Implementation

Over the past four years, the CDE has received 50 formal compliance complaints against the district. In 27 cases, the district was found out of compliance for failure to implement the IEP. From 2005 to 2007, 32 due process cases were filed. Most cases were resolved through mediation, which represents a proactive attempt by the district to resolve issues in an informal setting. However, in 13 cases compensatory services were offered as part of the resolution, either because of noncompliance or failure to provide the necessary services outlined in the IEP. There was no evidence of a systematic procedure for ensuring that the services provided are consistent with the IEP. The PEC department administrative staff is only aware of the failure to implement the IEP through a formal complaint investigated by CDE or a due process hearing request. It did not appear that site administrators monitor the provision of special education services or report failures to the PEC department.

Recommendations

The district should:

1. Review the corrective actions for the 27 compliance complaints and 13 due process cases to determine whether there is a pattern of noncompliance in IEP implementation either by school site or grade level.
2. Based on the findings above, require district staff to develop a system for monitoring compliance with the implementation of services in the IEP.
3. Explore software options available to track the provision of services in the IEP.
4. Develop and implement accountability systems through which site administrators can monitor the provision of services and implementation of IEPs for special education students on their sites.

Educational Planning/Equal Access

The State Performance Plan contains policies and procedures to ensure that full educational opportunity is available for all children with disabilities. The state must also ensure that all students with disabilities in a local education agency (LEA) have available to them the variety of educational programs and services and extracurricular opportunities that are available to nondisabled children. The Individuals with Disabilities Education Act outlines those responsibilities as follows:

Section 300.109 Full Educational Opportunity

The State must have in effect policies and procedures to demonstrate that the State has established a goal of providing full educational opportunity to all children with disabilities, aged birth through age 21 and a detailed timetable for accomplishing that goal.

Section 300.110 Program Options

The State must ensure that each public agency takes steps to ensure that its children with disabilities have available to them the variety of education programs and services available to nondisabled children in the area served by the agency.

§300.107 Nonacademic services. The State must ensure the following:

- (a) Each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.

(b) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.

The district does not consistently involve the PEC department staff in educational planning. This could be detrimental to students with disabilities. For example, the district's small school movement has been implemented with little or no apparent PEC involvement. FCMAT was unable to verify that students with disabilities have access to the small school programs. District-level administrators reportedly advised staff that these newly established small schools should not have to cope with special education issues for at least their first two years of operation.

Recommendations

The district should:

1. Require district staff to review the level of access that students with disabilities have to all district programs, specifically at small schools.
2. Routinely include the special education staff in educational program planning and development.

Uniform Complaint Process

The district has an ombudsman to resolve issues/concerns regarding categorical programs. This process is intended to resolve differences at the lowest level. The process is informal, easy to access and parent friendly. Some special education issues have been handled through this process. It appears that some cases were sent to due process without any communication with the PEC department. The staff reported that the first time they were aware of an issue was through a formal filing. Due process filings in special education are very costly for the district. The special education administrative team works diligently to resolve issues before they get to the formal level. An effective system of communication with the ombudsman would assist the district administration in resolving disputes at the lowest level and avoiding the high cost of litigation.

According to the PEC Executive Director, the district's legal counsel office is not involved in special education legal matters. This resource could serve to reduce contracted legal costs if properly utilized. Another alternative might be to set up an internship program with a nearby law school.

Recommendations

The district should:

1. Convene a meeting with the ombudsman and the administrator/designee to develop an effective system of communication regarding special education issues forwarded through the uniform complaint process. Specifically address the early, informal resolution of special education issues.
2. Convene a meeting with the administrator/designee and legal counsel regarding the need for the PEC department to obtain expedient legal advice.
3. Explore the possibility of a legal internship with one or more third-year law students from an area law school.

Special Education Self-Review Process

The Special Education Self-Review Process (SESR) is an element of the Quality Review Process used by the CDE. Its purpose is to ensure that students with disabilities receive proper programs and services and achieve positive results, and that procedural safeguards are in place. District staff conduct the SESR internal review annually and report the results to the CDE. One primary element of the process involves randomly selected record reviews for special education students. Specialized software is provided to determine if the IEPs for students with disabilities comply with federal and state law.

In a review of eight randomly selected files used for the district's recent SESR, FCMAT found that five of those records were not congruent with the reported SESR findings. A review of an additional nine randomly selected records found that many of the systemic problems identified in the 2005-06 school year continued to be a problem in 2006-07. A recalculation of the findings in the eight original student records and the nine randomly selected by FCMAT identified several noncompliant, systemic findings:

- The assessment plan did not include the student's primary language
- There was no evidence of a vision screening for the students
- The assessments did not include information related to involving the student in the general education curriculum
- The triennial evaluations occurred approximately 45 days late
- The assessment plans exceeded the 60-day time line
- The IEP did not include academic goals
- The IEP did not address program modifications and supports for school personnel
- The annual IEP reviews were held approximately 14 days late
- The IEP did not address whether the student would need accommodations or modifications for statewide testing

- The IEP team did not include a general education teacher
- The IEP did not include linguistically appropriate goals
- The IEP did not contain transition plans for students age 16 or younger, if appropriate
- Invited agency representatives were not present at the IEP or included in the development of transition services
- No summary of academic achievement and functional performance was developed for students who graduated with a regular diploma or exited the program by exceeding the age of eligibility for FAPE
- The California English Language Development Test (CELDT) was not completed for eligible students
- The IEP did not indicate how the CELDT would be administered
- The IEP did not indicate the activities developed for English language learners to develop English language proficiency
- The IEP did not identify the instructional systems that meet the language development needs and ensure access to the general education curriculum for English learners

Recommendations

The district should:

1. Review and revise district special education policies and procedures to ensure that all systemic noncompliant items are addressed. Distribute revised policies and procedures to all district staff.
2. Provide training to district staff in all identified noncompliant areas.
3. Within 3-6 months after district training is provided, randomly select 20 student records to review for compliance with identified issues, and notify site principals if patterns of noncompliance continue.
4. Provide a response on corrective actions to the California Department of Education Special Education Division within 180 days.

Resolving Legal Issues

The CDE utilizes a comprehensive data system to collect, monitor and analyze violations of federal and state law identified in formal compliance investigations and due process filings. This data is used to analyze noncompliance trends and is designed to assist districts in providing legally compliant programs and services.

From June 2005 to January 2006, the district was involved in 19 mediations/fair hearings. The total cost of these mediations/fair hearings to the district was \$353,000. The school district paid \$28,800 in attorney fees, \$313,379 in parent reimbursement and \$10,857 in compensatory time. Many parents have advocates or legal counsel in mediation and fair hearings.

A review of data gathered by CDE in the Quality Review Process indicates that Oakland USD has received an average of 15 formal complaints per year in special education over the last four years:

School Year	Complaints
2003-04	15
2004-05	16
2005-06	12
2006-07	16

There were 116 allegations within the 59 cases filed during this time frame.

Allegations	Number of Cases
Allegations dropped	1
Under investigation	4
Case withdrawn	8
Compliant	30
Local resolution	7
Noncompliant	62 (27 allegations re: 34 CFR 300.350(2), Failure to implement IEP)
Not determined	2
Set aside	2

The staff from the CDE's Focused Monitoring and Technical Assistance (FMTA) unit has expressed concern regarding the district's lack of timely responses to corrective actions resulting from formal complaints. FCMAT reviewed the data from CDE and found that the district has not routinely responded to corrective actions within the established time lines. In addition, the PEC department appears to have a fragmented process for responding to corrective actions.

The responsibility for responding to corrective actions is spread among three coordinators. These staff report that they spend about 40-45% of their time responding, implementing corrective actions or addressing other disputes. They recognize that many times they significantly exceed the established time lines for a formal response. The CDE is deeply concerned that it does not receive consistent communication from the district with regard to the status of these corrective actions. At times, corrective actions are 200 to 365 days overdue, with no communication from the district.

Corrective Actions Response	Number of Corrective Actions
Closed before due date	6
60 days overdue	24
Significantly overdue (up to 364 days)	42
Closed over 365 days	8
Not closed	8
Total cases	88
Total cases overdue	82

The failure to appropriately respond to corrective actions may be because the PEC staff does not adequately understand the actions required, or because the CDE requires corrective actions that are not practical or feasible. While the team found examples of the latter, they did not seem to be the rule. Furthermore, the team cannot be certain that the corrective actions were clearly understood. The PEC staff did not seem to clearly understand their responsibility and the manner in which the evidence of correction was to be supplied. The importance of communication between the CDE and the district cannot be understated. The Executive Director was not fully aware of the issues in most instances.

Recommendations

The district should:

1. Request a meeting of the PEC Executive Director, the manager of the CDE Focused Monitoring Technical Assistance unit, and the State Director of Special Education/designee as soon as possible to develop an effective system of communication regarding the status of corrective actions for complaints.
2. Develop PEC department procedures to clearly define the reporting format for reporting the status of corrective actions to the CDE. Include a process to ensure that the CDE is immediately informed when the district anticipates a delay in responding to corrective actions.
3. Make effective use of its legal counsel, hire a paralegal, or develop an internship arrangement with a law school to manage all due process and formal complaint responses and help reduce the amount of time coordinators spend filing legal responses, resolving complaints and addressing due process issues.

Staffing Efficiency and Effectiveness

Oakland Unified School District's PEC (special education) unit has more than 1,000 employees providing services to children and youth in preschool to adult programs. This requires an effective and efficient organization of highly skilled staff that is constantly being trained in new educational methodologies. Over the last four years the district has emphasized intensive professional development and has brought staff members together to discuss current classroom practices and expand the curriculums.

The Executive Director is responsible for the day-to-day operation of the special education program as well as all SELPA responsibilities. As of December 2006, 4,895 students were receiving special education services, from infants to 22 years of age.

The district provides additional support in special education to make the programs more flexible and highly functional at all levels. PEC administrators are focusing on academic achievement for students with special needs while holding teachers accountable for making educational improvements. To reach these goals requires continual communication with staff, administrative support, and appropriate curriculums.

In May 2000, the district's Governing Board adopted a small autonomous schools policy with the intent to create smaller, more personalized and high-achieving public schools across the city. About 40 new Oakland schools have opened since 2000 to give families the option to choose from different programs in their own neighborhood. Unfortunately, the PEC department has not been included in many of the discussions and planning, which has created significant challenges in providing special education services at the new sites. The movement to smaller schools has necessitated significant staffing changes, which can result in a more expensive special education delivery system. The PEC department is mobilizing staff to provide services to eligible students.

The district charges an indirect cost to federal and state special education funds to provide Human Resources administrative support. However, the level of support was such that the PEC department felt compelled to create a position on its staff to provide HR functions.

The PEC Elementary Coordinator is responsible for at least 68 school sites, which is too many schools for one coordinator. There are only two program specialists at the secondary level. They spend much of their time tracking IEPs instead of providing direct services to teachers and classrooms. There are a significant number of overdue IEPs and compliance issues at the secondary level.

Some staff are confused as to when psychological services and assessments are required during the suspension/expulsion process. Staff members need additional clarification of the process for suspending and expelling disabled students and an understanding of the compliance issues. There is also some confusion as to when and why psychological

assessments need to be completed. As of June 2007, 20 triennial psychological evaluations had not been completed in a timely manner. A standard format for psychological reports could help reduce report writing time and provide consistency, and would lend itself to the creation of computerized report templates.

Student study teams at several school sites do not operate effectively, resulting in inappropriate referrals to special education. Student study teams can be very effective in reducing inappropriate referrals, thus decreasing the demands on staff time. Some districts, for example, Clovis Unified and Evergreen Elementary school districts, have effective student study team models.

The PEC in the last four years has developed numerous programs for children with autism and/or who fall within the autism spectrum disorders. These programs include preschool, elementary, and middle school age programs, with expansion now under way to include unique and special services for high school students. These programs are expensive to operate and require extensive staffing for students to benefit educationally from these services.

The district-adopted Special Education Procedures Manual states that special education teachers are to be evaluated by principals. Many of these evaluations are not completed.

The district provides significant opportunities for professional development for all special education staff. However, site administrators need additional professional development on special education laws and compliance.

The only revision needed to the Organizational Chart dated June 2007 is an update of staff names and any staff hired after July 1, 2007.

Recommendations

The district should:

1. Continue to provide a Human Resources position in the Special Education Department, with the added responsibility of organizing professional development.
2. Review the current and projected responsibilities of the PEC coordinators, particularly the Elementary Coordinator, under the small schools program. Consider staffing alternatives to ensure the provision of more direct support to classrooms.
3. Consider creating a paralegal position to deal with all compliance cases, mediations and due process activities, to work directly with the Executive Director, as discussed in the Legal Compliance section of this report.

4. Through the Executive Director, review current assignments of coordinators, particularly with regard to the small schools and charter schools. For the 2007-08 school year, identify the schools that continually have overdue IEPs and noncompliance issues and provide intensive coordinator support to those sites. Create a standard Status Report Form so that all coordinators and site administrators use the same format. Have each Principal complete this status report mid year regarding the status of compliance, IEP implementation, and overdue IEP reviews and triennial assessments. Submit the reports to the Executive Director for review with the State Administrator and Chief Academic Officer.
5. Review the processes for suspending and expelling students with disabilities. Train staff in these processes as needed.
6. Review the use of student study teams at each school site and make adjustments where necessary to increase the teams' effectiveness.
7. Ensure that the PEC Secondary Coordinator has sufficient time to work with site administrators on staff evaluations and monitoring IEP time lines and implementation.
8. Establish a temporary team at the secondary level consisting of a Program Specialist, Coordinator, Principal and at least two special education teachers to develop an action plan to bring overdue IEPs current. Make the plan a part of each participant's personnel evaluation and hold all special education staff accountable.
9. Prepare for the movement of the autism/Asperger's student population into the secondary schools. Providing for this population and ensuring that the schools are in compliance will require more time from the Coordinator and the program specialists to help the schools and staff to meet the unique needs of these students.
10. Require all site administrators evaluating special education staff to notify the Executive Director, area administrators, Chief Academic Officer, Chief of Staff and State Administrator that special education evaluations have been completed and the evaluations have been submitted to the appropriate department. Through the PEC department, develop a form for each school site indicating the teacher(s) to be evaluated and the evaluation due date.
11. Ensure that the PEC department continues to offer professional development opportunities to staff. Require site administrators to attend professional development workshops on special education laws and compliance at least annually.
12. Create a team, led by the Coordinator of Psychological Services, to develop a standard format for report writing for school psychologists.
13. Consider hiring an administrative secretary/clerical support for the Executive Director. Seek candidates who are highly qualified in technology and computer skills.

Student Transition Processes

The district has administrative procedures to ensure that all special education students transition from high school to the community upon graduation or program completion.

Before the 2005-06 school year, the district had six certificated transition teachers who worked with all disabled high school students. They attended the IEP meetings for these students to ensure that transition services were in place. These positions were funded by the general fund but were eliminated starting with the 2005-06 school year.

Classroom teachers are now responsible for implementing the administrative procedures for transitioning high school students. Training and support for implementing the procedures is provided at the monthly PEC staff meetings.

The team reviewed the Special Education Enrollment Data Report provided by the CDE showing the percentage of IEPs that lacked transition language for students ages 14-22:

2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
97.98%	96.60%	94.78%	.31%	0%	80.04%

During the time that teachers were assigned to assist IEP teams, few IEPs did not include transition planning. The percentage of IEPs lacking transition language sharply increased in 2006-07, the year following the district's decision to eliminate those positions.

FCMAT reviewed the proposed budget for WorkAbility I, which provides services and support for 826 eligible middle school and high school students. The services, student wages, training and support for students and teachers are provided directly out of the WorkAbility budget. It appears that the WorkAbility Coordinator will be able to support eligible students under the program but cannot provide the same level of service to the remaining high school students receiving special education services. The WorkAbility funding appears to be appropriately used for the services outlined in the grant application.

FCMAT reviewed the school-to-work community placement and the process for placing eligible students in the Transition Partnership Program. The district has a good participation rate and has successfully served 346 students in high school and through age 21.

Recommendations

The district should:

1. Ensure that every high school and middle school teacher is trained and aware of district expectations regarding the transition process for disabled students. Consider developing a system for tracking compliance in this area.
2. Evaluate the effectiveness of classroom teachers assuming the responsibility for all transition services.
3. Consider hiring transition teachers to support the high school transition programs.

Site Issues

The team reviewed previous FCMAT progress reviews of the district. Continual progress has been made and noted in those reports. The Executive Director and staff have been increasingly effective in improving the district's special education system.

Much of the progress has occurred despite generally insufficient collaboration from site administrators. At many schools the site administrators have been significantly absent in the efforts to make special education and the students with disabilities full members of the learning community. Many have not embraced special education staff and students or taken ownership of the programs. Unless this changes, it will seriously impede the district's mission to provide a world-class learning environment.

Overall, the current findings in the Special Education Self-Review Process indicate that the district continues to have significant compliance issues, particularly with time lines for IEP reviews and triennial evaluations.

A number of identified systemic issues relate to IEP development. The PEC department has made numerous attempts to train and support school site staff regarding compliance with state and federal laws. This requires a higher level of support from the district administrative level to meet the established standards. The district administration must hold site administrators to a high level of accountability regarding these compliance issues.

The district has launched a new effort called Expect Success: Making Education Work for Every Oakland Student. One of the components of this effort is defined as "Small networks of schools working together as Professional Learning Communities where teachers and principals can share knowledge and skills, and where network leaders and principals are held accountable for improving results."

All principals and network leaders must take responsibility for the special education programs on their sites. This includes student learning in all classrooms, providing the appropriate environments and curriculum, evaluation of teacher performance, and timely IEP reviews and/or triennial evaluations. These are all compliance issues.

For this to occur, there must be a collaborative effort from the district office, PEC department, and every school site to meet the expectations and goals described in Expect Success. All administrators, departments, leaders, teachers, paraprofessionals and support staff must take responsibility for every student's learning.

Site administrators do not consistently participate in IEP meetings. It is the intent of state and federal laws for IEP team members to be those who know the student and can make appropriate educational decisions to meet the student's needs. Conflict can arise with

parents when IEP teams are ineffective and when administrators are not aware of the student's special education needs or are ill-informed on decision-making policies.

Principals do not appear knowledgeable regarding the available resources for special needs students. The ability to commit resources primarily lies with the special education staff. Both special education staff and principals need to come to IEP meetings prepared to make decisions based on assessment information and student work. The principal needs to model effective leadership skills.

Principals are not consistently held accountable for IEP compliance. In 2004-05, the Executive Director sent a monthly report of overdue and noncompliant IEPs to principals, network officers, special education specialists assigned to the schools and individual school case managers. Principals apparently were informing their network officers that the overdue IEPs had been addressed when the paperwork had been initiated but follow-up by the appropriate personnel had not occurred.

It appears that special education staff often work in isolation from other site staff and are not involved in general education communication and collaboration. Site administrators need to make a conscious effort to ensure that all teachers are involved and included in all professional activities. Site administrators are responsible for evaluating special education teachers, and to do this they must spend time observing in the classrooms.

When school sites are not sensitive to students' and parents' needs, this may lead to parents filing complaints. For example, a student may be referred to a Student Study Team, and suggestions made to the general education teacher, but the student fails to make progress over the course of the year. From the parents' perspective, this student has lost an entire year of learning. If a referral is then made to special education, and the resource specialists, psychologists and other team members do not complete timely assessments, the parent may then file a complaint with the CDE. This complaint can cost the district several thousand dollars and many lost personnel hours.

The total cost of special education mediations and due process activities for the 2005-06 school year was \$353,036 for 19 cases. The district's schools operate under a results-based budgeting system, which more equitably distributes funds and gives the schools more decision-making authority. Currently, all mediation and due process activities are fully paid out of the special education budget. With the ongoing reductions in state and federal special education funding, consideration should be given as to whether or not the school site budget should help pay for such costs.

As of July 26, 2007, 260 IEPs from the high schools and young adult programs were not completed, were completed in an untimely manner, had not been submitted to the PEC department, or had not been entered into the CASEMIS system. The PEC administration has, over the last four years, attempted numerous reminder systems for submitting IEPs in

a timely manner, including paying staff a stipend for timely submissions. However, there appears to be little effort by district administrators to support these efforts by holding site administrators accountable for special education compliance.

Student IEPs guide the planning and projections for special education services. Overdue IEPs affect the provision of teachers, paraprofessionals, classrooms, types of curricular materials and equipment. Overdue IEP reviews and delays in submitting IEP information also create problems in providing transportation. These delays can negatively affect the allotment of available buses and drivers, as well as the routing.

Recommendations

The district should:

1. Hold site administrators accountable for the academic progress of the students receiving special education services on their site.
2. Ensure that site administrators participate in the IEP process including the IEP meetings, committing resources to IEP implementation, ensuring implementation, and monitoring monthly reports from the PEC department to ensure the timely completion of all IEP reviews and/or triennial assessments at their site.
3. Require all site administrators to report monthly to the Network Administrator regarding the status of completed, submitted, and out of compliance IEPs.
4. Require all site administrators to attend mandatory professional development on aspects of special education such as legal requirements, implementing and evaluating effective programs, and facilitated IEP training.
5. Include accountability for special education programs and services on the annual performance evaluation of all site administrators, including timely IEP meetings and submissions to the PEC department and the CASEMIS system. Require the site administrator to complete evaluations of all special education teachers and service providers, and to demonstrate familiarity with the programs and curriculums in use at their site.
6. Require all site administrators to be involved in special education mediation and due process activities, and actively participate in resolving complaints filed with the CDE.
7. Develop forms for documenting the attendance of IEP team members at meetings, the duties and responsibilities of team members resulting from the discussions, and future meeting dates and outcomes. Require copies of the IEP meeting forms to be sent to the Chief of Staff and the appropriate Network Administrator, who will report this information monthly to the State Administrator.

8. Develop a special education/regular education matrix to determine what portion of the attorney fees, parental reimbursements, outside assessment costs, compensatory time, etc. shall be borne by school site funds. Involve the Executive Director in developing the matrix, with input and review/approval from district administration.

Transportation

The district transports 1,041 special education students. The transportation section of the IEP form contains these options: “None,” “General Ed,” and “Special Education.” It has been the district’s basic practice for many years to transport all students for which specialized transportation is necessary, as determined by an IEP team. Transportation decisions appear to be based primarily on program placement rather than the student’s needs. Most special day class students’ IEPs provide for specialized transportation, but each student’s transportation needs should be carefully evaluated and discussed at the IEP meeting. The goal for all students is academic achievement, appropriate social skills and independence. Transportation for students in special day classes should not be automatic.

The district has a contract with Durham Transportation that comes up for renewal in 2008. A PEC department administrator works closely with Durham, and is responsible for ensuring that all students designated for transportation receive this service.

Durham has had a shortage of drivers, which has affected students’ timely arrival at school. The company has made extensive efforts to recruit and hire qualified bus drivers.

The transportation budget is \$7 million and there are 112 routes. The contract states that the bus company cannot transport students in buses that are five years or older and/or have logged more than 60,000 miles. If this language remains in the new contract, this would mean 47 new buses, or a \$2.3 million increase to the budget.

The district also contracts with a van service to transport two infants and their families to the infant program. During the 2006-07 school year three students were transported in taxicabs.

The district’s bell schedules are an ongoing cost issue. During the 2005-06 school year, bell schedules were adjusted at many district schools, saving the district \$1 million. In the 2006-07 school year, principals failed to provide the bell schedules to transportation, and bell schedule changes were not submitted in a timely manner. This resulted in an increase in transportation costs over 2005-06. Students leaving school at mid day, students with significant behavior problems and transporting students to medical therapy units also increases costs. Tilden School also has multiple bell schedules.

Parent reimbursement for special education transportation was \$108,000 for the 2006-07 school year. The number of parents being reimbursed has been significantly reduced since 1988. However, some parents do not want bus service. This cost will increase this school year, as the district will be paying the IRS rate of .485 cents per mile.

The current Memorandum of Understanding (MOU) between the Oakland Unified School District and Alameda-Contra Costa Transit District was written in April 1997 as a result

of AB 2972. A specific provision in AB 2972 states, “AB 2972 also provides that the home-to-school transportation allowance received by the Oakland Unified School District in the 1996-1997 fiscal year and each fiscal year thereafter shall be computed as if the home-to-school transportation aid received by the District in the 1995-1996 fiscal year was \$2,500,000.” The district has received \$2.5 million per year since 1997 to provide AC Transit services to students. Most of the funds are used for AC Transit tickets for general education students; however, approximately 500 nonsevere special education students also receive tickets. Most are secondary age students but 15 attend elementary schools.

The district and many regular and special education students have significantly benefited from this legislation and the cooperative arrangement with the AC Transit District.

Recommendations

The district should:

1. Review and set bell schedules for the 2007-2008 school year to reduce the cost of special education transportation.
2. Develop a process wherein parents who are reimbursed for specialized transportation participate in a conference prior to the IEP meeting to discuss all transportation needs and options. Involve the site administrator, Special Education Coordinator and Transportation Coordinator in the meeting. Present the recommendations from this conference at the IEP meeting.
3. Base transportation decisions on the student’s need rather than his/her specific program. Discuss transportation at the IEP meeting following the CDE’s Guidelines of Specialized Transportation. Share these guidelines with all site administrators and IEP participants.
4. Consider a collaborative effort with neighboring SELPAs in Alameda County in negotiating a transportation agreement, since many of them also contract with Durham. Discuss the following options: a) Would it be more cost effective if there were one contract with Durham? b) Would it be prudent for the districts to form a transportation JPA?
5. Contact other SELPAs in California that have JPA transportation arrangements, such as West Sonoma County.
6. Revisit the agreement with the Alameda-Contra Costa Transit District, as follows:
 - Revise and update the MOU/contract and seek special legislation to increase the funding.
 - Continue to include special education students in receipt of this service.
 - Review any transportation guidelines that focus on the distance from home to school as they relate to the small autonomous schools policy.

Special Education Budget

Part 30 of the Education Code provides state aid and IDEA provides federal local assistance for special education, but the full fiscal responsibility for supporting special education services rests with the district of residence. Federal and state funding is intended to lessen the financial burden to school districts for carrying out their responsibility.

Two other federal laws impose special education requirements on local school districts without providing any financial support. Section 504 of the Rehabilitation Act of 1973 places such requirements on any agency receiving federal funds. The Americans with Disabilities Act (ADA) requires public and private entities to make reasonable and necessary physical and service accommodations for those with disabilities.

The local support from districts' general funds is often referred to as an "encroachment" or "contribution from unrestricted funds." These terms are misnomers since the funding models of both the federal and state programs are intended to supplement the local support, not vice versa.

"We found in our field visits that in many LEAs there is conflict between general and special education concerning the responsibility for providing services for pupils with disabilities. Some LEA administrators believe that students with disabilities are the sole responsibility of the state and federal governments and resent using any local revenue limit funding for special needs pupils. This viewpoint ignores the fact that the state provides a revenue limit for every pupil and works counter to providing a seamless educational system for all pupils.

"A principle of our proposal is that federal, state, and local education agencies will continue to share responsibility for funding special education. State and federal funding is intended to support a portion of LEA costs for providing special education for children with identified needs. There will continue to be a local funding share in providing education to these children."

New Funding Model for Special Education: Final Report
Legislative Analyst's Office, Department of Education, Department of Finance

Code of Federal Regulations 34 § 300.202 Use of amounts.

(a) *General.* Amounts provided to the LEA under Part B of the Act—

- (1) Must be expended in accordance with the applicable provisions of this part;
- (2) Must be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with paragraph (b) of this section; and
- (3) Must be used to supplement State, local, and other Federal funds and not to supplant those funds.

Certainly, increasing costs of providing programs and services and growing numbers of students with disabilities, particularly severe disabilities such as autism, increase the demand on all resources. The pressure on local funds for support, however, comes primarily from legislative decisions that fail to maintain levels of federal assistance and state aid that are proportional to these increasing costs and population growth.

FCMAT's 2000 analysis of the district's budget reported that the local support for special education represented 29% of the total special education expenditures, and 43% of those expenditures were covered by transportation and various federal grants. Although the budget was not closed when the team visited Oakland, an analysis of the 2006-07 budget shows that the total expenditures increased by \$16.4 million since 2000 and the net expenditures, after adjusting for transportation and federal grants, increased by \$21.5 million. During the same period, however, the local support decreased by \$1.6 million. For 2006-07, the local support represented only 20.2% of the total expenditures and 24.4% of the adjusted expenditures. (See Appendix C for analysis.)

	1999-00 Special Ed Funding			2006-07 Special Ed Funding		
Total Expenditures	\$53,531,379	\$15,737,438 local support	29.40%	\$69,980,421	\$14,147,266 local support	20.22%
Tran/Fed Grants	\$ (16,963,021)			\$ (11,986,505)		
Net Expenditures	\$36,568,358	\$15,737,438	43.04%	\$57,993,916	\$14,147,266	24.39%

A more general review of the budget found that, while the format appears to follow the SACS system, several problems remain that were identified in the 2000 FCMAT study. Many of these problems seem to derive from an unclear understanding of how SACS attempts to codify special education activities, combined with a limited understanding of special education nomenclature and practices.

For example, the 2000 FCMAT study raised the issue of regionalized services and regional program specialist funds.

“The Oakland USD is a single-district SELPA, yet has not delineated differential duties or budgets for the SELPA administration and the district administration. The SELPA has specific duties to ensure all program services are meeting federal and state mandates. The district is required to operate services meeting the needs of the students served in the district.

“The development of two separate revenue and budget categories would assist the district in documenting the costs of the SELPA separate from the district administration and allow the assessment of program service efficiency. Costs allocated to the SELPA budget should include those for administrator, program specialists, management information systems, low-incidence and in-services. Costs allocated to the district's administration budget should include those for the

administrator, coordinators, and clerical support. The federal local entitlement revenue should be applied to the program service budget with classified staff to utilize the PERS reduction option.”

As of last year, the use of the SACS goal codes for these purposes (5050, Regionalized Services; 5060, Regionalized Program Specialists) became mandatory. In 2006-07, Oakland received an apportionment of \$606,762 for the provision of regionalized services and regionalized program specialist services. Budget analysis found that there were a few charges to SACS Goal 5060, but no charges to SACS Goal 5050. An extensive list of these services is identified in EC Section 56836.23.

The PEC Executive Director also serves as SELPA Director and is charged with implementing the local plan, ensuring that the SELPA is in compliance with federal and state laws, and oversees most, if not all of the services listed above. Clearly, part of that salary could be charged to SACS Goal Code 5050.

Similarly, a number of staff members have duties related to one or more services in this list. Since the district receives specific funding to provide those services, it should ensure that the funds are adequately shown in the budget as being used for those purposes. As indicated in EC Section 56836.25, use of the funds is restricted to the provision of those services.

The district needs to take care to use federal funds for classified positions first because doing so reduces its Public Employees Retirement System contribution. The fiscal benefit of funding classified staff with federal grant funds was pointed out in FCMAT’s 2000 report. If federal funds remain after the appropriate classified staff have been charged, then certificated staff may be charged to those funds. While the fiscal benefit stemming from the PERS Reduction exclusion is no longer as significant as it was in 2000, as long as there is a likelihood of any advantage, it would make fiscal sense to utilize that potential.

The district has implemented the SACS system, but implementers seem to lack a clear understanding with regard to its use in special education fiscal accounting. As stated in the 2000 report:

“Due to the complexities of special education funding, the program and fiscal departments should understand both program and fiscal issues.”

Fiscal staff may not fully understand the distinctions between “severely disabled” (SACS goal code 5750) and “non-severely disabled” (SACS goal code 5770). In reviewing the budget, it appears that, when in doubt, the district should use goal code 5770. Occupational therapists most commonly work with children with autism and physical impairments, and both categories are identified as “severely disabled.” However, occupational therapists appear to be charged to goal code 5770. The program and fiscal staff

should review the program definitions and SACS guidelines to develop a coding system that better reflects the population being served. This could best be accomplished by a position similar to that of Fiscal Analyst in the PEC department. Furthermore, the special education budgets should be jointly developed using the Fiscal Analyst as the liaison and the PEC Executive Director as a full participant in the process.

Both fiscal and program staff expressed great interest in using the budget to more effectively manage programs fiscally. While the SACS system is a major improvement in that direction, many entities have elected to refine it for more effective use. In fact, this was recommended in FCMAT's 2000 report. By employing subcodes with major goal and function codes, an administrator can better assess the cost effectiveness of specific programs and better monitor the appropriate use of funds.

In EC Section 56030.5, the term "severely disabled" is defined:

56030.5. "Severely disabled" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe mental retardation, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6 (commencing with Section 56800) of this part, as it read on January 1, 1980.

SACS includes all of these disabling conditions in one goal code, 5750. Several of these populations are worth monitoring separately. This could easily be accomplished by assigning a subgoal for a specific condition. For example, autism could be goal code 5752 and emotionally disturbed could be goal code 5756. For the state's purposes, they would all be designated goal code 5750. But for the district's and Executive Director's purposes, all costs associated with providing services to students with autism or emotional disturbances could be tracked and monitored separately.

Similarly, there is a subgroup of those with severe disabilities that are classified as low-incidence disabilities:

56026.5. "Low incidence disability" means a severe disabling condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For purposes of this definition, severe disabling conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof. For purposes of this definition, vision impairments do not include disabilities within the function of vision specified in Section 56338.

The district receives \$83,000 in special purpose funds to provide materials, supplies and equipment for students with low incidence disabilities. By earmarking the goal code range from 5760 to 5769 for use as subcodes for costs associated with providing programs and services to these populations, the funds can be monitored and the fiscal supervision of these programs can be made easier.

During FCMAT's fieldwork, fiscal staff was provided with a document distributed to the SELPA Directors association. With the increasing use of subcodes, the SELPA Directors saw an advantage in establishing uniform subgoal codes. This would allow the collection of statewide cost data for analysis. (See Appendix D.)

While "non-severely disabled" is not defined in the code, the term includes those students with specific learning disabilities, speech and language impairments, other health impairments, and traumatic brain injury. Goal code 5770 and/or appropriate subcodes from 5771 through 5799 should be used to track the costs for programs and services for this population.

It also would be useful to break out the costs associated with certified nonpublic nonsectarian schools and agencies (NPS/NPA). SACS uses function code 1180 for NPS/NPA fiscal reporting. The district has used its program codes to distinguish between students who receive these services and reside in a Licensed Children's Institution (LCI), and students receiving them that don't reside in such facilities. Similar coding usage could separate these costs as they apply to NPSs and NPAs.

SACS function code 1130 often presents problems for fiscal and program staff alike. This code refers specifically to aids and supports to facilitate beneficial access to **regular** classrooms for students with disabilities.

The issue of program codes as they are now used in the coding string raises another concern. There is a great deal of redundancy in the coding string when these codes are used in conjunction with goal and function codes that have the same meaning. The district might want to find another purpose for these locally assigned program codes that expands their utility, or cease using them.

Given greater clarity and a common understanding of the SACS codes and what they represent, the fiscal department can ensure a more efficient tool with which the Executive Director can monitor the budget and ensure that maintenance of local fiscal effort requirements are met, as recommended in FCMAT's 2000 report.

Recommendations

The district should:

1. Review its present Chart of Accounts and adapt it to ensure that the operating budget is a real working document for the Executive Director and facilitates her ability to fiscally supervise the special education programs.

Appendices

Appendix A – Financial Analyst Job Description

Appendix B - Information Systems Support Analyst Job Description

Appendix C – Special Education Funding Analysis

Appendix D – Goal, Function and Program Codes

Appendix E – Study Agreement

Position:	Financial Analyst	FLSA:	Exempt
Department/Site:	Finance	Salary Grade:	21
Reports to/Evaluated by:		Salary Schedule:	Classified Management

SUMMARY

Performs a variety of highly analytical duties of a financial, inferential statistical, or general business nature to support business and program decisions in a variety of departments. Prepares and maintains a variety of financial records, statements and reports. May participate in organization-wide projects such as annual budget development, capital expenditure proposals, etc.

DISTINGUISHING CAREER FEATURES

The Financial Analyst is generally regarded as a senior level Accountant, with orientation towards budget and financial planning, although may also encompass management studies and accounting operations. Positions in this classification apply professional level knowledge of generally accepted accounting principles, methods and practices; in-depth knowledge of revenue and expenditure budgets; in-depth knowledge of categorical and fee-based programs. Reporting to a senior manager, position exercises independent and highly technical thought and analysis to produce reports, recommendations, and statements. Problem challenges are highly technical in nature, human relations challenges involve the exchange of technical information, training of staff and regular interface with other departments and agencies. Work is performed in an office setting with little or no exposure to safety and other considerations. Advancement to this position generally requires completion of a bachelors degree and experience in either a budget, financial planning, or accounting environment. To qualify for this position incumbents must demonstrate the ability to prepare cost-benefit analyses, audit reports, special studies of internal operations, and multi-departmental budget analyses.

ESSENTIAL DUTIES AND RESPONSIBILITIES

- Maintains budgets, journals and ledgers of income, expenditures and encumbrances.
- Coordinates necessary recommendations for revisions as required for financially sound and consistent policies concerning budget accountability for funds operated by District or program.
- Trains staff associated with the budgets regarding program accountability.
- Prepares Federal, State and local revenue and expenditure budgets associated with categorical and fee-based programs.
- Conducts systematic and periodic reviews of various program and department budgets, preparing projections of variance to approved budgets.
- Conducts financial, statistical, and operational studies of a variety of school operations. Prepares findings, recommendations, and discussion for management review and action.
- Examines a wide variety of budgeting and accounting record procedures to insure systems internal controls to insure compliance with state/federal laws, Board Policies and Administrative Regulations.

- Participates in preparing the periodic budget update document as it relates to funds assigned.
- Manages budget preparation recommendations for auditing and internal control services.
- Evaluates budgets to ensure adequate funds exist prior to authorization.
- Forecasts accuracy and long-term projections of revenues and expenditures.
- Provides timely and accurate information relating to budget status.
- Performs other duties as required to accomplish the objectives of the position.

QUALIFICATIONS

Knowledge and Skills: Requires thorough knowledge of automated financial record keeping and methods and principles of budgeting, auditing and financial analysis. Requires considerable knowledge of applicable sections of State Education Code, Federal categorical program requirements and other applicable laws. Requires knowledge of District organization, operations, policies and objectives. Must have modern office skills, including use of standard office equipment.

Abilities: Requires the ability to independently perform the duties of the position. Must be able to read, understand and interpret laws. Must be able to gather, organize, project and analyze financial data. Must be able to forecast revenue and expenditures for projection purposes. Requires the ability to plan and prioritize work in order to meet schedules and timelines. Must be able to communicate technical and sometimes complex information to non-technical staff. Requires additional communication skills sufficient to train and instruct on technical accounting and budget information.

Education and Experience: Requires a bachelor's degree from an accredited college or university with major course work in budgeting/accounting or a related field. Requires a minimum of 2 years in financial accounting, budgeting and analysis.

Licenses and Certificates: May require a valid Driver's License.

Working Conditions: Work is performed indoors where minimal safety considerations exist.

INFORMATION SYSTEMS SUPPORT ANALYST

BASIC FUNCTION:

Under the direction of an assigned supervisor, develop, maintain and analyze computer systems to fulfill District needs; facilitate the computerized collection, management, manipulation and distribution of data used for analysis; train and provide technical support to District personnel in the operation of computer systems.

DISTINGUISHING CHARACTERISTICS:

The Information Systems Support Analyst classification specializes in one or more software applications and serves as District-wide coordinator for the assigned systems. The Senior Information Systems Support Analyst coordinates more difficult and comprehensive applications requiring a more substantial knowledge of District operations with greater training and system enhancement accountability.

REPRESENTATIVE DUTIES:

Develop, maintain and analyze computer systems to fulfill District needs; modify existing programs to improve reporting and record maintenance; implement changes and additions of policies and procedures related to assigned activities; assure system access for new users.

Facilitate the computerized collection, management, manipulation and distribution of data used for analysis; respond to document, report and data requests from District personnel and outside agencies, compiling information from various computer systems; assist with the development of information analysis procedures.

Train and provide technical support to District personnel in the operation of computer systems; assist District personnel with troubleshooting, hardware upgrades, purchasing software and database maintenance; prepare training and informational materials for District personnel as directed; coordinate flow of technical information between various District departments.

Input, process, maintain and evaluate a variety of data and information; audit information and prepare related reports as assigned.

Prepare and maintain a variety of records and reports related to computerized information for District personnel and outside agencies.

Operate a variety of office equipment including a telephone, computer, facsimile, copier, computer and assigned software; operate a vehicle to conduct work.

Communicate with students, District personnel and outside agencies to exchange information and resolve issues or concerns related to computer systems, data and technical issues.

Assist with developing and maintaining the Learning Support Services web page to support student learning.

Coordinate informational staff meetings as assigned; conduct in-service training sessions as directed; attend and participate in assigned meetings, training courses and conferences.

Perform related duties as assigned.

KNOWLEDGE AND ABILITIES:

KNOWLEDGE OF:

Data processing principles and practices.
Computer system management techniques.
Operation of a computer and assigned software.
Record-keeping techniques.
Modern office practices, procedures and equipment.
Oral and written communication skills.
Interpersonal skills using tact, patience and courtesy.
Principles of training and providing work direction.
Technical aspects of field of specialty.

ABILITY TO:

Develop, maintain, analyze and enhance computer systems.
Facilitate the computerized collection, management, manipulation and distribution of data used for analysis.
Train and provide technical support to District personnel in the operation of computer systems.
Learn district organization, operations, policies and objectives.
Learn District policies and procedures related to the collection and maintenance of data.
Operate a computer and assigned software.
Maintain records.
Type or input data at an acceptable rate of speed. *
Compile and verify data and prepare reports.
Communicate effectively both orally and in writing.
Establish and maintain cooperative and effective working relationships with others.
Maintain current knowledge of technological advances in the field.
Analyze situations accurately and adopt an effective course of action.

EDUCATION AND EXPERIENCE:

Any combination equivalent to: graduation from high school and three years of increasingly responsible experience providing technical support for computer systems.

LICENSES AND OTHER REQUIREMENTS:

Valid California driver's license.

SELF-CERTIFICATION OF TYPING/KEYBOARDING SKILLS:

* This classification requires that incumbents be skilled in typing/keyboarding at a minimum of 45 words per minute. A typing test will not be given. Applicants must certify in writing that they have such skills. Demonstrated proficiency will be expected during the probationary period for the class.

WORKING CONDITIONS:

ENVIRONMENT:

Office environment.

Constant interruptions.

Driving a vehicle to conduct work.

PHYSICAL DEMANDS:

Dexterity of hands and fingers to operate a computer keyboard.

Hearing and speaking to exchange information.

Seeing to view computer monitor and read a variety of materials.

Sitting for extended periods of time.

HAZARDS:

Extended viewing of computer monitor.

	1999-2000 SPECIAL ED LGFC			2006-2007 SPECIAL ED LGFC		
Total Exp	\$ 53,531,379	\$ 15,737,438	29.40%	\$ 69,980,421	\$ 14,147,266	20.22%
Tran/Fed Grants	\$ (16,963,021)			\$ (11,986,505)		
Net Exp	\$ 36,568,358	\$ 15,737,438	43.04%	\$ 57,993,916	\$ 14,147,266	24.39%

	REVENUE		EXPENDITURES	
Base (B-17)	\$ 19,094,387	\$ 238,600	Prior Yr Adjustment	
Supplement to Base (B-9)	\$ 383,158	\$ 10,090,115	Spec Ed Transp Apport	
COLA (C-6)	\$ 1,231,659	\$ 130,088	Trans Chrg to Sped	
Growth or Declining ADA Adjustment (D-9)	\$ (1,039,582)	\$ 258,920	PreSchool Grant (619)	
SDA (E-6)	\$ 628,199	\$ 461,123	PreSchool Grant (611)	
SubTotal (Sum of K-1 through K-5)	\$ 20,297,820	\$ 2,050	Fed Infant Disc Grant	
		\$ 18,881	Local Staff Develop	
Total PS/RS (F-11)	\$ 606,762	\$ 4,582	Preschool Staff Develop	
Low Incidence Materials and Equipment (G-3)	\$ 83,136	\$ 205,411	Early Intervention Grant	
Out of Home Care (H-1)	\$ 3,495,918	\$ 305,884	Project Workability I	
NPS ECP (I-3, Annual Only; else 0)	\$ -	\$ 270,851	Project Workability II	
Adjustment for NSS with Declining Enrollment (J-3)	\$ -			
Total AB 602Apportionment (Sum of K-6 through K-11)	\$ 24,483,636	\$ 11,986,505		
Federal IDEA, Part B, Local Assistance Grants	\$ 8,332,822	\$ 11,484	NCLB Title I Part A Interv	
Local Special Education Property Taxes [E.C. 2572]	\$ 1,392,725	\$ 104,502	NCLB Title II Teach Qual	
Mental Health Pre-referral	\$ 207,426	\$ 82,182	MediCal Billing	
CAHSEE/PriorityGrants	\$ 342,366	\$ 6,748	Braille and Large Print	
Inter-SELPA Tuition	\$ 272,210	\$ 8,332,822	Local Assistance	
SDC/NPS Revenue Limit Transfer	\$ 8,583,770	\$ 3,400,277	Gen Spec Ed	
Other State Rev	\$ 231,695	\$ 2,371,491	NPS LCI	
		\$ 6,654,672	NPS Non LCI	
		\$ 362,936	Extended Year	
		\$ 15,640,258	SDC Severe	
		\$ 9,077,588	SDC Non Severe	
		\$ 9,106,190	Res Spec Prog	
		\$ 2,269,162	DIS	
		\$ 173,137	DIS Ext Yr	
		\$ 76,001	SEMP Low Incidence	
		\$ 272,210	Inter-SELPA Trsf Prg	
		\$ 51,404	SEMP Mental Hlth	
		\$ 852	Gen Ed	
	\$ 43,846,650	\$ 69,980,421	\$ 26,133,771	
			\$ (11,986,505)	
			\$ 14,147,266	

SACS Basic Spec Ed Goal Codes

Non-specified	5001
Regionalized Services	5050
Reg Program Specialists	5060
Infant and Toddlers	5710
Preschool	5730
Severely Disabled	5750
Non-severely Disabled	5770

SACS Basic Spec Ed Function Codes

Special Day Class	1110
Resource Specialist Program	1120
Aids and Supports in Reg Ed	1130
Nonpublic Schools and Agencies	1160
Other Specialized Services	1190

Redundant Examples

<u>Goal</u>	<u>Function</u>	<u>Program</u>	<u>Type of Program</u>
5750	1110	5412	SDC Severe
5770	1110	5415	SDC Non-Severe
5770	1120	5500	Resource Specialist Program
5750	1180	5312	Nonpublic School
5770	1180	n/a	Nonpublic Agency (Contracted Speech Serv)
5730	1110	5100	Preschool SDC

OUSD SACS Program Codes

Special Education	5000
Reg Program Specialist	5060
Pre-K Special Ed	5100
K-12 Special Ed	5300
Special Ed Prior Yr	5301
Nonpublic Schools LCI	5311
Nonpublic Schools	5312
SDC Ext Yr	5405
SDC Severe	5412
SDC Non-Severe	5415
Resource Specialist Program	5500
Designate Instruction and Serv	5600
Design Instr and Serv Ext Yr	5601
CAHSEE Spec Ed	5602
Special Education	5650
Low Incidence	5653
Inter-SELPA Tuition	5654
Mental Health	5655
Adult Handicapped	5800

FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM
STUDY AGREEMENT
May 24, 2007

The FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM (FCMAT), hereinafter referred to as the Team, and the Oakland 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 Oakland 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.

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

The scope and objectives of this study are to:

1. Review the Business Office and Personnel (Human Resources Department) operations in relationship to how procedures and policies are implemented to maintain an effective and efficient special education department. Develop strategies for improving the relationship between the departments.
2. Review the special education delivery system in relationship to compliance with federal and state laws.

Review a sample of IEP's and triennial assessments in conformance with the existing Special Education Self Review (SESR) process.

Review how the district responds to complainants, due process, IEP disagreements (Conflict Resolution, Mediations, and Executive Conferences).

3. Review the effectiveness and efficiency of the special education department's staffing, including all positions. Make necessary recommendations to improve staffing ratios for efficiency and effectiveness. Make recommendations, if necessary, to organizational chart to improve efficiency and cost effectiveness.
4. Review the transition process for all special education students transitioning from High School programs to the community at the completion of graduation, or age 21. Review the work to school

(community) placement, and the process of determining such placements for eligible students up to age 21.

5. Review the status of SESR and determine the effectiveness and accountability of the process. Review the administrative process regarding IEP implementation and decision making. This will include a review of transportation to determine legal compliance and cost and program effectiveness.
6. Review the special education budget including state and federal grants and the cost of financial support to special education from the general fund.

B. Services and Products to be provided—to the Extent not Duplicated by FCMAT’s Annual Standards Review Process

- 1) Orientation Meeting - The Team will conduct an orientation session at the District to brief District management and supervisory personnel on the procedures of the Team and on the purpose and schedule of the study.
- 2) On-site Review - The Team will conduct an on-site review at the District office and at school sites if necessary.
- 3) Progress Reports - The Team will hold an exit meeting at the conclusion of the on-site review to inform the District of significant findings and recommendations to that point.
- 4) Exit Letter - 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.
- 5) Draft Reports - Sufficient copies of a preliminary draft report will be delivered to the District administration for review and comment.
- 6) Final Report - Sufficient copies of the final study report will be delivered to the District following completion of the review.

3. PROJECT PERSONNEL

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

- A. Dr. William Gillaspie, FCMAT Management Analyst
- B. Kay Atchison, Retired SELPA Director
- C. Sarge Kennedy, Retired Special Education Director/SELPA Director
- D. JoAnn Murphy, Executive Director of Special Education, Poway USD
- E. CDE Representative

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 exclusive, of CDE's Representative, while on site, conducting fieldwork at other locations, off site preparing and presenting reports, or participating in meetings.
- B. All out-of-pocket expenses, including travel, meals, lodging, etc. Based on the elements noted in section 2 A, the total cost of the study is estimated at \$20,000. 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
- 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 organizational charts
 - 4) Current and four (4) prior year's audit reports
 - 5) Any documents requested on a supplemental listing
- 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 District 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:

Orientation:	Estimated last week of June or in July
Staff Interviews:	To be determined
Exit Interviews:	To be determined
Preliminary Report Submitted	To be determined
Final Report Submitted	To be determined
Board Presentation	To be determined

7. CONTACT PERSON

Please print name of contact person: Dr. Phyllis B. Harris, Executive
Director of Programs for Exceptional Children

Telephone (510) 879-8223 FAX (510) 879-8529

Internet Address Phyllis.Harris@ousd.k12.ca.us

Kimberly Statham 6/5/07
 Kimberly Statham, State Administrator Date
 Oakland Unified School District

Barbara Dean May 25, 2007
 Barbara Dean, Deputy Administrative Officer Date
 Fiscal Crisis and Management Assistance Team

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.