

An Independent Evaluation of the Santa Monica-Malibu Unified School District Special Education Program Executive Summary

**Prepared by Lou Barber & Associates
March, 2008**

I. ISSUES AND CONCERNS

The purpose of this study is to conduct an independent evaluation of the special education program operated by the Santa Monica-Malibu Unified School District.

II. BACKGROUND

The Santa Monica-Malibu Unified School District provides special education services as a participant in a multi-district Special Education Local Plan Area, (SELPA). The District is joined by the Beverly Hills Unified School District and the Culver City Unified School District in forming the SELPA. The members of the SELPA assure access to special education programs and services for all individuals with exceptional needs residing in the area as required by California Education Code Section 56600. The Santa Monica-Malibu Unified School District as a participating district within the SELPA, is responsible for the provision of all special education programs and services as specified under the Individuals with Disability Education Act, (IDEA) and the California Master Plan for Special Education as found in Part 30 of the California Education Code.

III. STUDY DESIGN

The study was conducted during the months of December 2007 through March 2008. An initial interview was conducted with the Superintendent, Dianne Talarico to discuss the purpose of the study, to gain first hand knowledge of the issues, and to determine the amount of support the district personnel would provide.

It was determined that a series of interviews with parents, teaching staff, principals, ancillary and district office staff would be held. It was also determined that a process to provide immunity for parents with confidentiality agreements would be developed in order to gain direct information from the parents involved. The District's attorney developed a waiver process which was used to provide this immunity. Parents of children with disabilities were notified by mail of four parent input sessions to be held by the consultants. Approximately 100 parents participated in the four sessions. Individual interviews were conducted with approximately 20 parents on February 27 through February 29. Several parents also e-mailed and phoned the consultants to provide additional input. Input was also received from a member of the District Financial Oversight Committee and the Vice Chair of the District Financial Oversight Committee.

School visits were conducted initially at four sites within the District, including preschool, elementary, middle and secondary schools. The school sites were selected by the Special Education Coordinators for Elementary and Secondary Education. Additional

visits were made by the consultants without prior notification of the pending visits.

A series of three teacher panel interviews were conducted at the SMMCTA offices and at Malibu High School. Approximately 30 teachers from within the District participated on the panels which were conducted. Teachers were selected by SMMCTA to participate on the panels and were invited to attend a panel either in the morning or afternoon. In addition, meetings were held with speech and language specialists and psychologists to gather their perspective.

Interviews were conducted with a variety of central office staff, including: the Special Education Coordinators, the Special Education Director, the Chief Academic Officer, the Director Fiscal and Business Services, the Assistant Superintendent Business and Fiscal Services, the Assistant Superintendent for Personnel, the Director of the Personnel Commission and the Deputy Superintendent. Input was sought and received from the SELPA Director for the Tri-Cities SELPA. Comparative data was sought and received from the following school districts: Culver City Unified, Beverly Hills Unified, Centinela Valley Union High, El Segundo Unified, Lawndale Elementary, Palos Verdes Peninsula Unified, Wiseburn Elementary, and Las Virgenes Unified. In addition, interviews were held with members of the Governing Board.

An extensive review of the materials used by the District to report data on program, classroom loading, costs, and methods of handling information was made

IV. DISCUSSION

This section of the report is concerned with the seventeen major issues defined. The following sections are organized according to each of the issues, with conclusions and recommendations identified in each area.

1. Does the District provide a continuum of placement options for students identified as special education students with various disabilities?

Conclusions and Recommendations:

The Santa Monica – Malibu Unified School District provides a full continuum of placement options and a service delivery system for special education and is to be commended for the wide distribution of the special education programs and services in all schools. The District may want to explore initiating a preschool program in the Malibu area in the future. In addition, attention needs to be directed to ensure that curriculum content is robust and strong enough to support the success of students with disabilities, particularly in English Language Arts and Mathematics. The District has not fully engaged in implementing the Rtl to expand the continuum to ensure that data driven, research based interventions are provided prior to initiating a special education referral. A comprehensive plan should be developed that would move the District toward implementation of Rtl, including professional development, policy and procedure development, and a timeline for implementation.

2. Does the School District operate collaboratively within the Special Education Local Plan Area (SELPA) with regard to accessing all available resources and support for students with disabilities?

Conclusions and Recommendations:

The Tri-Cities SELPA does not currently demonstrate a strong unifying force in collaboration among the three districts that participate. Efforts at cooperation are primarily within the professional development area and the holding of some joint meetings. These efforts at cooperation are relatively insignificant with regard to the role of the SELPA as prescribed by the Education Code. Attendance at SELPA meetings is generally by one of the district office administrators, who serves primarily as a receiver of SELPA related information and then brings the information back to the District for dissemination. There was no evidence that meetings among the Superintendents and/or the Chief Business Officials were held and included participation from the District. There is no evidence that the SELPA with the member districts has attempted to establish uniform procedures and/or practices for provision of services to students including those requiring non-public school placements or non-public agency services. As noted earlier, there is little sharing of services among districts within the SELPA. It is recommended that the District engage in discussions with the other two districts in the SELPA to determine if all districts might be better served by the SELPA establishing a stronger collaborative role.

3. Are students with disabilities provided access to the same books and materials and curriculum as general education students?

Conclusions and Recommendations:

School based personnel should continue to provide students in special day classes and resource programs textbooks and instructional materials used at the site in keeping with appropriate grade levels. Additional attention may be directed toward ensuring that all students, including those being served through home and hospital also have available appropriate textbook and instructional materials as appropriate.

4. Determine if School District funds are appropriately utilized, with regard to programming, staffing, professional development, and non-public agencies/non-public schools (NPA/NPS) expenditures.

Conclusions and Recommendations:

The District would appear to be receiving their fair share of the SELPA dollars for special education. Income in the area of special education for the District has risen in accordance with state funding. Expenditures have grown significantly in recent years. The increases are primarily related to increases in certificated and classified staffing with approximately 20 positions being added in 2005-06 and approximately 26 positions being added in 2006-07. At the same time, special education pupil count figures have decreased by 107 students in 2005-06 and 128 identified students in 2006-07. Declines were particularly noted in the specific learning disabled and speech and language categories. Increased numbers were noted particularly in autism which can account for

some of the increased costs being realized.

Non-public school costs and non-public school ADA have decreased in this same time period. The District has seen a decline by over 20% of their NPS ADA and costs from 2004-05 to the 2005-06 fiscal year. This decline continued into the 2006-07 fiscal year with the District's reported NPS ADA going down by over 12% and costs being reduced by over 7%. However, budgeted costs in 2007-08 were projected to increase, while the NPS ADA continued to decline. The District may want to review the NPS cost information for the current year to determine if there may be savings in this area. The reduction of NPS ADA and the costs may also help explain some of the increases in staffing reflected earlier. However, the amount of the increases in staff that were added in 2005-06 and 2006-07 would still appear to be higher than would be anticipated given the reduction in pupil count figures. Settlement costs have also increased following the 2004-05 fiscal year with amounts that would appear to correspond with the decreased costs being reflected in NPS.

NPA costs have fluctuated a great deal over the seven year history presented. The District has budgeted over \$475,000 for the current year, which is close to the highest years of 2001-02 (\$497,777) and 2004-05 (\$479,031). Again the budget may be presenting a conservative approach, with prior year actual costs being reflected almost \$100,000 less.

General fund contributions for special education are evident in almost all school districts throughout California. However, the amounts being reflected for the Santa Monica – Malibu Unified School District are higher than might be expected. Interviews with special education administration and business office administration indicated that there is not ongoing communication between the two divisions which would be helpful in ensuring proactive planning and analysis of the impacts of programmatic decisions. The Business Office has new administration. However, it was evident in the discussion that was held with the Assistant Superintendent that she is knowledgeable and has a strong understanding of special education. It is recommended that regular meetings be held with the special education administration and the business office administration to forge a stronger relationship and establish communication which would assist both in providing greater leadership in the area of special education fiscal oversight.

5. Has the District established and implemented appropriate cost containment procedures with regard to special education programs?

Conclusions and Recommendations:

A review of the cost containment and expenditure control procedures for the District indicate that the District is currently operating programs with low ratios in comparison to statewide figures. In addition, the staffing for special education administrators, psychologists, and speech and language specialists is much higher than might be expected given the population of the District. A review of staffing should be completed in all areas noted to determine if reductions and/or merging of programs is possible to

reduce general fund contribution to special education. It is not unusual to have RSP staff serving more than one site when school sizes are small. It is also an option to have staff serve as a RSP/SDC when program sizes are such to allow for a blended program. The District Financial Oversight Committee noted that the District had indicated that they were preparing a cost containment plan. Each of the staffing areas noted in the above discussion should be reviewed for inclusion within the cost containment plan with specific goals and timelines established for each area. In addition, the District should continue to ensure that IEP Teams have an understanding of the conditions under which related services are to be provided.

Interdistrict attendance agreements should be reviewed to determine if the transfer for the student will result in additional costs for the District beyond that which is provided by state aid. Interdistrict attendance forms should include a specific reference to E.C. 48204 (b) (3) which details the provisions under which a transfer can be denied. In addition, the protocol for processing such transfer requests should be reviewed to ensure adherence to this issue. This recommendation is specifically set forth for prospective transfers and is not suggested for denying existing transfers that have previously been approved. The District is to be commended for beginning to collect the information which allows for a review of the number of students with disabilities that are being served that come from outside the District boundaries.

The budget development process for the District should also incorporate a process whereby all existing resources are re-examined to determine student populations and staffing levels, rather than beginning the process at the current levels. Mid-year budget meetings should also be considered with business and special education leadership reviewing income and expenditure assumptions, against actual revenue and expenditures to date. This review process would appear to be particularly helpful in determining whether the non-public school projections are accurate or whether adjustments could be made.

6. Are contracted services with outside providers cost effective and /or should the District consider alternative delivery models?

Conclusions and Recommendations:

The minimal numbers of students being served in other district and county office programs does not indicate that the District should change these contracts. However, the contracting out for supplementary services, such as speech and language and occupational therapy should be reviewed in detail to consider how these services can be provided directly by existing staff. The District may need to consider reassigning staff in order to ensure coverage for all needs, as well as pursuing additional training for some staff to build the internal capacity in these areas. Commendations are offered to the District for their efforts in building capacity through the Behavior Intervention Services and pursuing similar efforts with Assistive Technology. The District may also want to consider how information is presented regarding their services in order to assure parents that quality services are being provided to meet their children's needs.

7. Has the District maximized revenues from Federal, State and other sources?

Conclusions and Recommendations:

The District has appeared to receive their fair share of special education funds within the SELPA. Maximization efforts are extremely limited under AB 602 provisions and so no recommendations are necessary in this area. However, the District should review practices to ensure that full special education ADA is being captured and that the District has pursued Medi-Cal LEA billing and MAA billing opportunities as allowed.

8. Are District programs appropriate with regard to the Individuals with Disabilities Education Act (IDEA), the Least Restrictive Environment ((LRE), curriculum and instruction?

Conclusions and Recommendations:

Education in the Santa Monica - Malibu Unified School District is often times paradoxical. The academic, extra-curricular and social environment is exceptional for students without disabilities. No parent could ask for more. The community as a whole is supportive of education and expects and receives excellence from their school district. The recent passage of a parcel tax with over 70% support, bears witness to this. Yet parents of children with disabilities report a very different set of conditions. Parents of students with disabilities report stories of mistreatment and verbal abuse. Several parents reported that a special education coordinator was hostile toward them. Teachers reported that they had observed a special education coordinator verbally abusing a site administrator for actions that had taken. Interviews with some individual teachers provided input that they had directly observed situations where they also believed that parents were being treated in a combative manner and cited examples of instances that were described as hostile.

Success for all students depends on a site based attitude that all students are embraced by the staff for who they are and for their unique qualities. This embracing of all students can only occur when a site staff owns all their students and only when the staff is reinforced for caring about all students. If the attitude of site staffs could be the same for students with special needs as it is for general education students, meaningful mainstreaming and a supportive environment for all students could be achieved.

The Santa Monica - Malibu Unified School District clearly has a challenge to ensure that the infrastructure of the District is inclusionary for all areas of education, and that all children's needs are addressed within the internal structure in the District. Special education needs to be perceived and treated as an integral part of general education , including that for all decisions made, special education needs to be considered.

Currently special education is still considered a separate entity, without recognition in many quadrants of the District. Administratively special education is managed from the district office. Site level administrators do not own responsibility for special education students and for their educational program. Parents reported that frequently special education aides are treated as outsiders and that their activities are not seen as the

responsibility of site level administration.

In order to adhere to public policy and the provisions required under the least restrictive environment principles, the attitudes of site administrators and general education teaching staff must be addressed. Training needs to be provided and District and special education procedures need to be developed in order to move forward on these agendas.

District personnel are commended for operating special education programs on all school sites and not having separate sites for special education. In addition the District is commended for prioritizing services for students in the RSP setting. The NPS placements appear to be reasonable, and the District should continue to review NPS placements.

9. Are District programs adequately staffed with administrators, certificated and classified personnel?

Conclusions and Recommendations:

The first issue the District must take into consideration is how to retain qualified staff. The existence of a less than warm working environment needs to be addressed. Responsibility for the development of a board policy regarding an unsupportive work environment needs to be developed with direction to the Superintendent that these policies are to be implemented. Civility and the use of respectful language is the right of every citizen of this nation. Hostility and abuse has to be addressed by the Board and the Superintendent in order to provide an acceptable work environment and thereby provide a system that will maintain a professional staff.

There is a major concern that the District needs to revise its recruiting efforts in relation to the hiring of special education staff. This concern applies to both classified and certificated staff. Merit system procedures should be examined to determine where practices can be changed to expedite the system and to ensure that qualified candidates are included within the pools. It may be important for the Superintendent to meet with members of the Personnel Commission to convey the sense of urgency that is needed in the hiring process for classified staff. Teachers should be involved in the interview team process for the creation of such lists. The District may also want to review what other districts and county offices with merit systems have done to be able to expedite their processes. In addition, the District may need to reevaluate the cost savings realized from creating some three hour positions, with the ability of the District to fill classroom assistant positions with qualified staff.

As noted previously in this report, the District should first examine the staffing ratios for each of their special education programs, including administrators, psychologists, speech and language specialists, as well as the resource specialist and special day class programs. Pre-school should also be reviewed within this staffing review. After a determination is made with respect to pupil teacher ratios to be maintained, and a determination of where additional staff is in fact needed, the District should undertake a

review of incentives that could be expanded that would further attract qualified staff in the area of special education.

10. Are staff provided with relevant research based professional development on an ongoing basis?

Conclusions and Recommendations:

The District should conduct a thorough needs-assessment, covering all areas of the District, to determine what staff needs with respect to training and inservice. The staff development needs assessment should include both special and general education staff and parents. In addition, the needs assessment should query staff on areas of internal expertise that the District can utilize in building their own capacity in providing staff development. In accordance, with Education Code provisions the staff development plan should be developed by teachers and other staff, as well as with parent participation.

The staff development plan for the District needs to provide inservice for special education, general education and administrative personnel. Training for classroom assistants should also be addressed. In addition, training areas prioritized should include a coaching, mentoring, or follow through component to ensure support for implementation of the material. The District should be commended for the increased emphasis that they have placed on inservice offerings, and particularly utilization of training opportunities offered outside of the District. However, if the District intends to utilize a training of trainers model, greater attention should be directed to ensure that information is shared among staff following the training on a consistent basis. In addition, the District should be commended for their implementation of training for Behavior Intervention Assistants on a regular basis and for their efforts to build internal capacity with respect to Assistive Technology.

Content areas that specifically should be reviewed for inclusion in a Professional Development plan would include Rtl training and alternative dispute resolution training. Both areas are critical to changing the culture within the District and to begin a process of collaboration and an inclusionary environment to address concerns within the District.

11. Are School District special education written policies consistent with Federal and State laws and regulations?

Conclusions and Recommendations:

Evidence was provided that indicated that the District has well developed written policies that are consistent with federal and state laws and regulations. Policies are evident within the Local Plan and for the District as posted on their website. The District is to be commended for providing access to their policies through their website and for providing tools for enabling an easy and user friendly method for searching for specific information relative to the policies. However, further communication needs to be provided to District staff to ensure that they are aware of the existence of the policies and how to access them. In addition, the District needs to maintain a copy of the Local

Plan and ensure that the policies contained within the document are synthesized and communicated with staff.

The District reports that they are currently updating the Procedural Manual. However, interviews with staff and observations at school sites indicated that the current Procedural Manual has not been distributed at school sites and is not being used throughout the District.

The SEDAC is commended for putting a Parent Handbook document together and it should be distributed in accordance with provisions set forth in the document.

Information reviewed from the historical coordinated compliance review, the more recent Self-Study, as well as the number of due process hearings and complaints filed, provides evidence that the District needs to correct specific policies noted, but more importantly needs to ensure that those policies are distributed throughout the District and that training is provided on consistent implementation of the policies.

12. Are School District written policies shared in an efficient and comprehensive manner with site administrators and special education teachers?

Conclusions and Recommendations:

The District should be commended for the availability of their policies on the website and for the tools that allow for them to be utilized. However, additional information needs to be provided to staff regarding this resource and training provided to ensure appropriate implementation of the policies.

13. Are special education written policies implemented consistently throughout the school district?

Conclusions and Recommendations:

As noted previously, the District in almost all areas has up to date comprehensive policies that if implemented would assist in ensuring compliance with state and federal laws and regulations. The policies and procedures needs to be disseminated throughout the District and training provided at all levels to ensure consistent implementation.

14. Are settlement agreements produced and implemented within the guidelines of the law?

Conclusions and Recommendations:

The use of settlement agreements as a means to resolve conflicts between parents and the District is a legal procedure. However, the number of the settlement agreements is of great concern and appears to have become a common practice for the District, rather than only being used on rare occasions. The District must limit their use of settlement agreements by empowering school sites to resolve issues. In the limited cases when settlement agreements are absolutely necessary, the information from the settlement

agreements should be communicated in an appropriate manner to school staff responsible for providing the educational services to the student. This should be done most appropriately through inclusion or addition to the IEP.

15. Is the current practice of settlement agreements in the school district similar or different from other school districts within the region?

Conclusions and Recommendations:

The SMMUSD utilizes settlement agreements to a much greater extent than other districts in the area. This has become an established practice that is initiated almost immediately upon a disagreement at the IEP Team level. The District must significantly decrease the usage of settlement agreements. This can be accomplished continuing to build program capacity to address the needs of students and by empowering school site staff to resolve issues during the IEP meeting as opposed to referring conflicts almost immediately to the District Administrators. In addition, the District should incorporate any services identified in the settlement agreements into the student's IEP.

16. Is the use of confidentiality clauses in settlement agreements legal and considered a common practice?

Conclusions and Recommendations:

Attorneys and data from other school districts in the area substantiate that the use of confidentiality clauses in settlement agreements are legal and considered a common practice. A review of the specific confidentiality clause utilized by the District indicates that the SMMUSD confidentiality clause is not as "harsh" as other districts in that it does not include wording about the settlement agreement being null and void. Other confidentiality clauses reviewed had such language. However, it is strongly recommended that the District establish a means by which information pertinent to a student's services be incorporated from a settlement agreement into the student's IEP either their adding the document or including information related to the programs and/or services into the IEP document. It is also recommended that the Board of Education and the Superintendent provide clear direction that the use of settlement agreements are to be used only on rare occasions. The District needs to undertake immediate training on alternative dispute resolution, particularly for special education administration and then for site level administration.

17. With regard to settlement agreements, are there "industry standards" best practices that would benefit the School District?

Conclusions and Recommendations:

As noted previously, the District's use of settlement agreements, including confidentiality clauses is not a question from a legal perspective. The concern arises as to the culture that has developed in creating a sense of secret deals and unequal treatment of students and families. The District needs to create a culture of much more transparency and openness in dealing with all stakeholders.

The other concern has been a centralization of the authority to resolve any issues, rather than empowering school sites to take responsibility for all students and to develop creative and innovative resolutions to issues that arise. The use of settlement agreements needs to diminish sharply, and site level staff need to be given the opportunity to resolve the majority of the issues that arise. Training in alternative dispute resolution needs to be a part of this solution.

V. COMMENDATIONS

This section contains the commendations set forth throughout the document:

1. The District is commended for undertaking this study and seeking to ensure that the special education program is compliant and quality driven.
2. The Santa Monica-Malibu Unified School District is commended for operating a full continuum of placement options for students with disabilities.
3. The District is commended for the wide distribution of programs and services in schools across the District.
4. The District is commended for their recent efforts to share professional development activities among the districts participating in the SELPA.
5. The District is commended for providing students with disabilities access to the same books and materials and curriculum as general education students.
6. The SELPA is commended for the fair distribution of special education funds to the participating LEAs.
7. The Assistant Superintendent of Business Services is commended for her understanding and knowledge regarding special education funding.
8. The District is commended for beginning to collect information on the number of students with disabilities that are being served in the District that come from outside the District's boundaries.
9. The District is commended for minimizing the contracting out with other public and non-public entities, particularly their efforts to build internal capacity through behavior intervention services and assistive technology.
10. The District is to be commended for their high performing schools as demonstrated on the API scores, including the performance of students with disabilities.
11. The community and the City of Santa Monica are to be commended for their support of public education by providing additional resources, and as evidenced by the passage of prior parcel tax initiatives.

12. The priority that the District has placed on providing resource specialist services to students, rather than more restrictive settings is to be commended.
13. The District is commended for undertaking a compensation comparability study in the area of classified staffing.
14. The District is commended for the expansion of staff development activities that have been provided during the current school year and for conducting a needs assessment among special education staff, psychologists, preschool staff, speech and language specialists, elementary and secondary staff members.
15. The District is commended for their implementation of training for Behavior Intervention Assistants on a regular basis and for their efforts to build internal capacity with respect to assistive technology.
16. The written policies developed within the District appear comprehensive and up to date. The District is to be commended for their efforts in this area and particularly for the accessibility demonstrated by posting their policies on their website with user friendly tools which allow for a search of content areas.
17. The District is commended for their efforts that are currently underway in updating the Procedural Manual for Special Education.
18. The SEDAC is commended for publishing a Parent Handbook for Special Education.

VI. RECOMMENDATIONS

This chapter is concerned with recommendations resulting from the study. The following recommendations are offered for the District's consideration:

1. District personnel may explore the option of initiating a preschool program in the Malibu area.
2. The District should pursue the development and implementation of curriculum content that is robust and strong enough to support the success of students with disabilities, especially for students in English Language Arts and Mathematics.
3. The District needs to expand the use of Response to Interventions (Rtl) for students showing signs of academic failure at all schools within the District. In addition the District needs to develop a comprehensive plan that will move the District toward implementation of Rtl, including professional development, policy and procedure development, with a timeline for implementation.
4. The District should ensure that there are regular meetings held with the Superintendents' Committee and the Chief Business Officials among the three

districts participating in the Tri-Cities SELPA, for the purposes of maximizing the effectiveness of the SELPA.

5. District personnel should also engage in discussions with staff from the other two districts to move the three districts to a stronger collaborative role. In addition, it would be important that regular updates and review of the allocation plan take place including the provision of written documentation which details the specific distribution of funds.
6. School based personnel should continue to provide students in special day classes and resource programs with appropriate grade level text books and instructional materials, including students being served through home and hospital services.
7. Non-public school costs should be reviewed for the 2007-08 fiscal year to determine if the trend of decreasing costs is continuing for the current year consistent with the prior two years.
8. Regular meetings need to be scheduled between the business and the special education department top administrators to review income and expenditure budgets, including monitoring actual costs on an ongoing basis. Mid-year budget meetings should be held with review of income and expenditure assumptions, against actual revenue and expenditures to date.
9. Staffing levels appear higher than statewide averages in a number of staffing areas, including psychologists, special education administrators, elementary SDC teachers, elementary RSP, and speech and language specialists. These areas should be reviewed in detail to determine if reductions and/or merging of programs is possible to reduce the general fund contribution to special education. Secondary RSP services should also be reviewed, although the staffing level is much closer to what one might expect. Specifically the District should also review all contracting out for speech and language services to determine what steps can be taken to build internal capacity for existing staff to deliver the services required.
10. The preschool program staffing levels should be examined with a consideration to offering a split shift to accommodate more students, as additional children are identified in need to services, rather than only considering adding staff.
11. The cost containment plan being developed should specifically review the information presented on staffing levels to determine if specific goals and a timeline can be developed to address each area.
12. District special education administrative staff should ensure that written material is prepared and disseminated to IEP Teams to ensure that the protocol regarding the provision of related services includes information that details related services

are only provided to students when it is necessary for the student to benefit from their primary educational program and it is not feasible for the primary provider to deliver the service. Particular areas of focus in this area should be the provision of occupational therapy and adapted physical education.

13. Prospective interdistrict attendance agreements should be reviewed to determine if the transfer will result in additional costs for the District beyond that which is provided by state aid. In addition, interdistrict attendance forms should be reviewed to determine that they include specific references to E.C. Section 48204(b)(3) regarding the provisions that a transfer can be denied.
14. The budget development process for the District needs to incorporate a process whereby all existing resources are re-examined, including current student populations and staffing levels, rather than beginning the process at current levels.
15. The District may want to consider how they can present information to parents to showcase existing services and the quality of services being provided by existing staff in meeting the needs of all students.
16. The District should review their practices to ensure that full special education ADA is being captured and that the District has pursued Medi-Cal LEA billing and MAA billing opportunities as allowed by state and federal regulations.
17. The District must directly address the issue of creating a supportive environment for students with disabilities throughout the District. The attitudes of some site administrators and some general education teaching staff must be addressed, where they are not currently contributing to a welcoming and positive environment for students with disabilities. Training needs to be provided with respect to this area and special education, as well as district wide policies and procedures need to be developed in order to move forward on this agenda.
18. Special education administrators need to be trained to ensure that all staff and parents are treated with civility and respect. Special education administrators need to be held accountable for the manner in which they address other staff. Board policy needs to be reviewed in this area, and the Superintendent needs to ensure that policy provisions are fully implemented to ensure that a positive and professional working environment is established.
19. The District needs to ensure that special education is seen as an integral part of the total educational system and not as a separate entity, that has been marginalized. The infrastructure of the District needs to be inclusionary for all areas of education. One example of this concept is for site administrators to take responsibility for all students on their campuses, including students with disabilities and their educational program.

20. Merit system procedures should be examined to determine where practices can be changed to expedite the system and to ensure that qualified candidates are included within the hiring pools. The Superintendent may want to meet with members of the Personnel Commission to convey the sense of urgency in this area. In addition, the Director of the Personnel Commission should review practices from other districts and/or county offices with merit systems to determine best practices. Teachers should be involved in the interview team process in the creation of lists for the classroom assistants.
21. After a review of where additional staff is in fact needed based on the data presented within the report, and if the District continues to experience difficulty in recruiting qualified staff in some areas of special education, a review of incentives should be undertaken to determine what measures could be implemented in order to attract and retain qualified special education staff.
22. The District should conduct a thorough needs assessment covering all areas of the District to determine what staff needs are with respect to professional development. The needs assessment should also seek to identify internal expertise that staff has in particular content areas. Training for parents and classroom assistants should also be included within this process.
23. Staff development within the District should specifically address the content areas of Response to Interventions (RtI) and alternative dispute resolution (ADR).
24. Information regarding the Local Plan, policies and the Procedural Manual need to be specifically distributed to all staff, including how to access these documents, and requirements for compliance with the policies and procedures set forth within each of these areas. Training should be provided to administrators and certificated staff that have any responsibility for case management to ensure the consistent implementation of policies and procedures.
25. The use of settlement agreements with confidentiality clauses needs to be reduced dramatically. In the rare instances where a settlement agreement is utilized, there needs to be an appropriate manner established for the communication to school staff of the education services that are to be provided to the student. Information needs to be included which is pertinent to a student's services. This information should be incorporated into the student's IEP either by adding the settlement agreement as an appendix to the IEP or including the information related to the programs and/or services into the IEP document.
26. The authority to address special education issues needs to be decentralized and site level staff need to be empowered to resolve issues that arise during the course of IEP meetings. As noted previously, training on alternative dispute resolution, as well as building program capacity, would both assist in meeting this objective.

27. The District needs to create a culture of transparency and openness in dealing with all stakeholders.

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