



SMMUSD Financial Oversight Committee Minutes

Date: Tuesday, March 12, 2019

Time: 7:00 pm to 9:00 pm

Location: Zuma Room, Malibu City Hall

23825 Stuart Ranch Rd, Malibu, CA 90265

I. Call to Order

7:04 pm

Committee Members: Alex Farivar

Joan Krenik

Gordon Lee

Payal Manar arrived @ 7:30 p.m.

Seth Jacobson

Tom Larmore

Marc Levis-Fitzgerald

Shelly Slaugh Nahass

Staff:

Gerardo Cruz

Carey Upton

Kim Nguyen

Board Liaison:

Craig Foster arrived @ 8:46 p.m.

Laurie Lieberman

Absent:

Michael Kremer

Debbie Mulvaney

Shawn Landres

Jon Kean

Public:

Gary Bradbury, ASCIP left @ 7:28 p.m.

II. Approval of FOC Meeting Minutes

7:09 pm

A motion was made by Mr. Levis-Fitzgerald and seconded by Mr. Farivar to approve the February 13, 2019 meeting minutes as amended:

Under Item IV. A. "... *City of Santa Monica's projection...is at an ~~accelerated~~ accelerating loss.*"

Under Item VI. B. "*No report.*"

AYES: Six (6) (Mr. Farivar, Ms. Krenik, Mr. Jacobson, Mr. Lee, Mr. Levis-Fitzgerald, Ms. Slaugh Nahass)

STUDENT ADVISORY VOTE: None (0)

NOES: None (0)

ABSENT: Four (4) (Mr. Kremer, Mr. Landres, Ms. Maniar, Ms. Mulvaney,)

ABSTAIN: One (1) (Mr. Larmore)

III. Staff Report: Assistant Superintendent, Business and Fiscal Services Melody Canady

7:27 pm A. Impact of Malibu fires on property tax revenue and basic aid status of the District

Mr. Bradbury provided the committee with a copy of the memorandum he addressed to the Board of Education dated March 7, 2019 regarding recovery of costs related to the Malibu Fire. Mr. Upton informed the committee that at this point, the governor's declaration was only for fire during a limited timeframe so the District may not capture much FEMA funds for the expenditures. Mr. Upton informed the committee that the District is looking into increasing its developer fees and answered questions from the committee regarding air quality monitoring in Malibu and its cost. Mr. Jacobson asked what insurance costs that the district was expecting to receive from the pending claim.

A copy of Mr. Bradbury's memorandum is attached to the end of these minutes.

7:30 pm B. Update on Educational Revenue Augmentation Fund (ERAF) status and negotiations with LACOE and/or the Auditor/Controller

Mr. Cruz informed the committee that SMMUSD have not received an official response letter. There was a conference call held on March 8, 2019. Representing the District was Melody Canady, Gerardo Cruz, Shin Green of Eastshore Consulting, Stephen R. Onstot of Law Firm of Aleshire & Wynder (District's legal counsel), and Superintendent, Ben Drati. On LACOE's side was LACOE Superintendent Debra Duardo, legal counsel, and LACOE's interim CBO. During the meeting, SMMUSD expressed frustration with LACOE's lack of response to questions and lack of oversight. Dr. Duardo agreed that they missed in their oversight responsibilities and for the lack of response. She apologized several times; however, she said they were unable to do anything, as they no longer have the money. She agreed to the need of education around Basic Aid for all parties' involved and better communication from LACOE to school districts. She said she understands that the auditor controller is preparing a response to SMMUSD's letter, but has not sent it, as legal is reviewing it. She agreed to push them to expedite the letter. She committed to inquiring on whether the District can re-apply for Head Start grant funds.

The LACOE Superintendent commented that she had seen a draft from the Auditor/Controller Office and was certain that it was forthcoming; although, it has not arrived at the time of the meeting. The County Superintendent was apologetic but there was nothing they could do financially to create a soft landing or provide payment plan. The rationale given to the district during the call was that the County did not have the resources. The district will need to request TRANS for 2019-20 due to cash flow issues anticipated beginning October 2019 and into November 2019. Multi-year projections are based on total tax receipts. The FOC inquired of the District escalating the grievance with going to County

of Board of Supervisors or LACOE Board. The committee asked if and when the bond rating agencies would be informed of budget situation.

7:41 pm C. 2018-19 2nd interim budget report

Mr. Cruz provided the committee with an overview of the 2nd interim report as presented to the Board of Education at the March 7, 2019 Board meeting. The committee wanted to confirm whether ERAF monies were included as redevelopment monies.

Information on the 2nd interim budget may be found at:

Report: <http://www.smmusd.org/fiscal/BudgetDocs/2ndInterimReport1819.pdf>

Presentation: <http://www.smmusd.org/fiscal/BudgetDocs/2ndInterimPresentation1819.pdf>

IV. Discussion/Action Items

8:34pm A. 2017-18 Measure R Audit Report

The 2017-18 Measure R Audit Report may be found at:

<http://www.smmusd.org/fiscal/BudgetDocs/MeasureRAuditReport1718.pdf>

A motion was made by Mr. Larmore and seconded by Ms. Slaugh Nahass to recommend that the Board of Education accepts the Measure R audit report.

AYES: Eight (8) (Mr. Farivar, Ms. Krenik, Mr. Jacobson, Mr. Larmore, Mr. Lee, Mr. Levis-Fitzgerald, Ms. Maniar, Ms. Slaugh Nahass)

STUDENT ADVISORY VOTE: None (0)

NOES: None (0)

ABSENT: Three (3) (Mr. Kremer, Mr. Landres, Ms. Mulvaney)

ABSTAIN: None (0)

B. Proposed 2019-20 Measure R Annual Plan

8:36 pm The committee was provided with a proposed 2019-20 Measure R annual plan as the CPI-U for February 2019 was not yet published at the time of the meeting. Staff will update the numbers as soon as that is available.

The Measure R plan as posted may be found at:

<http://www.smmusd.org/fiscal/pdf/FNS-MeasureRAnnualPlan1920.pdf>

8:39 pm C. 2018-19 Joint meeting date with the Board of Education

The committee determined to keep the joint meeting date of July 18, 2019.

7:59 pm

D. 2019-20 FOC Meeting Dates

The committee meeting dates are as follows:

- Thursday, September 12, 2019
- Thursday, October 10, 2019 – Malibu City Hall, Multipurpose Room
- Thursday, November 14, 2019
- Thursday, December 5, 2019
- Thursday, January 23, 2020
- Thursday, February 13, 2020
- Tuesday, March 10, 2020– Malibu City Hall, Multipurpose Room
- Tuesday, May 12, 2020
- Thursday, June 11, 2020
- TBD (July 2020) * Please note: This is a Joint Meeting / Study Session with the Board of Education - SMMUSD District Office Board Room, 1651 16th Street.

V. Ad Hoc Subcommittee Update

8:41 pm

A. Financial Benefits of Sustainability: *S. Jacobson*

Mr. Jacobson reported that there was a robust discussion of the green fund. The action is to come back to the Board with fully realized sustainability efforts. Mr. Upton will put information in the Board of Education Friday memo of the steps towards and benefits of sustainability, outline the longer term commitment and the shifting of savings to expenditures.

The District-Wide Plan for Sustainability may be found at <http://fip.smmusd.org/sustainability.html>

8:42 pm

B. District Budget: *J. Krenik, A. Farivar, S. Jacobson, M. Levis-Fitzgerald, S. Slaugh-Nahass*

The Board Liaisons reviewed the boards concerns about the recent issues around ERAF and outlined new mandates with the tasks to understand what it means to be a basic aid district and how RDA and ERAF funding works. It was discussed that the request to form a subcommittee could be brought to the board at the joint meeting in July. It was reported that Mr. Landres expressed interest in chairing the subcommittee. The Basic Aid 101 presentation at the March 7th Board of Education meeting may be viewed at the following link: <https://www.youtube.com/watch?v=2Ix2l8zH3wM&feature=youtu.be&t=8952>.

The Basic Aid 101 PowerPoint presentation may be found at the end of these minutes.

C. Special Ed. Local Plan Area (SELPA): *P. Maniar, M. Kremer, S. Landres, D. Mulvaney*

8:53 pm

Ms. Maniar reported that the Board of Education discussed the FCMAT report at the March 7, 2019 Board meeting. The subcommittee will reconvene to discuss the learnings from the report. Director of Special Education, Pam Kazee will retire at the end of the school year.

The Fiscal Crisis Management Assistance Team (FCMAT) Report may be found at the end of these minutes.

8:55 pm

D. Bond Oversight: *G. Lee, T. Larmore, M. Kremer*

There was no report. Mr. Lee indicated that the subcommittee will keep up with the TRANS process.

VI. Receive and File (Limited Discussion) None

VII. Public / Committee Comments

8:57 pm

Ms. Slaugh-Nahass informed the committee that there will be two (2) vacancies as Mr. Larmore and Ms. Krenik will not return at the end of their term. The positions will be noticed and interviews in April.

VIII. Next Meeting: Tuesday, May 7, 2019

IX. Adjournment: The meeting adjourned at 8:58 p.m.

Memorandum

To: Board of Education

From: Gary Bradbury, Risk Management

CC: Dr. Ben Drati, Melody Canady, Carey Upton

Date: March 7, 2019

Re: Recovery of Costs Related to the Malibu Fire

The major fire event that occurred last November resulted in both direct damages from fire, smoke inundation, and power loss as well as consequential damages from flood, mudflow, air quality concerns, and the extended closure of the Malibu campuses. The purpose of this memo is to outline the current known costs related to this event and the expected recovery of these costs by insurance and FEMA assistance. The general damage categories are as follows:

- Facilities contaminated by smoke and soot
- Property damaged or destroyed by the fire
- Damage and delays to the construction project at Malibu High School
- Air quality concerns related to surrounding debris and debris clean up
- Mud flow onto MHS from rain and the loss of vegetation to restrain soil erosion
- Flooding of Building D at MHS due to rain and fire related issues
- Expenses and loss of permit revenue related to the extended school closures

The current estimated total cost for damages related to this event is **\$5,778,030**. This includes \$297,252 for District staff time for work hours redirected to fire related assignments. This total also includes the cost of staff time for teachers and support staff who were unable to report to work because of the evacuations and/ or school closures. The total cost for this time is \$693,388. The total does not include *projected costs* for continued air monitoring and for the cost of future abatement work to prevent incidents of mud flow.

Recovery of Costs by Insurance

The District is self-insured for property coverage by way of membership in a Joint Powers Authority constituted as the Alliance of Schools for Cooperative Insurance Programs (ASCIP). The Memorandum of Coverage (MOC) does not include loss from flood or earth movement such as mud flow and landslide. The fire is considered a single loss with one \$25,000 deductible applied. While most of the losses directly associated with the fire are covered, some exclusions and limitations apply. The replacement of aquariums damaged by the loss of power is covered, but the replacement cost of the aquatic life that was lost is not. Staff time spent on fire response activities is covered, but only for classified staff and only for the cost of their overtime. ASCIP is still considering the payment of certain extraordinary expenses such as the testing for Polycyclic Aromatic Hydrocarbons (PAHs) and for consultant fees related to the fire response.

The construction project at MHS is covered by a separate Builder's Risk insurance policy. The damage caused to the building, contractor's equipment/property on site, and delays directly



SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

caused by the fire are covered with a \$25,000 deductible applied. Currently, two rain related flooding events subsequent to the fire, and exacerbated by the fire, are being claimed. Each of these events carry with it a \$50,000 deductible. The total estimated cost of damage from fire and flood events is \$839,014.

Costs Covered by Insurance

Remediation	Cost
Clean up of campuses including testing for particulates, lead and Asbestos	2,946,771
Replacement/repair of property damaged/destroyed	52,337
Loss of permit revenue	15,000
Staff Time (Classified OT)	11,668
Equipment purchased for the Alternative Learning Center	804
Total	3,026,580

FEMA Assistance

The District submitted to FEMA a timely Request for Public Assistance (RPA) and subsequently an inventory of damages. District staff have been meeting regularly with a representative from FEMA and the California Emergency Management Administration (CalEMA) to determine what damages are eligible for reimbursement. Unfortunately, the disaster was only declared for the emergency fire response aspect and not for consequential damages such as flood and mud flow. It is hoped that FEMA will extend funding for these damages. However, the current outlook is that the District will recover the cost of the \$25,000 ASCIP coverage deductible and a small percentage of that for the cost of Disaster Management. District staff will continue the request process in hopes of expanding this recovery.

Retained Costs

Remediation Expenditure	Cost
Fire Health/Safety Concerns: Testing for PAHs, ongoing air quality monitoring, and for consultant/legal fees	201,056
Restoration of MHS Building D from flood damage including testing and abatement of PCBs	197,502
Clean up and Abatement of Mud Flow onto MHS	534,906
Fire and flood damage to the MHS Construction Project – <u>Deductibles</u>	125,000
Staff Time – Non overtime assignment to fire response activities including work in the EOC	285,584
Staff Time – Unable to report to work	693,388
Total	2,037,436

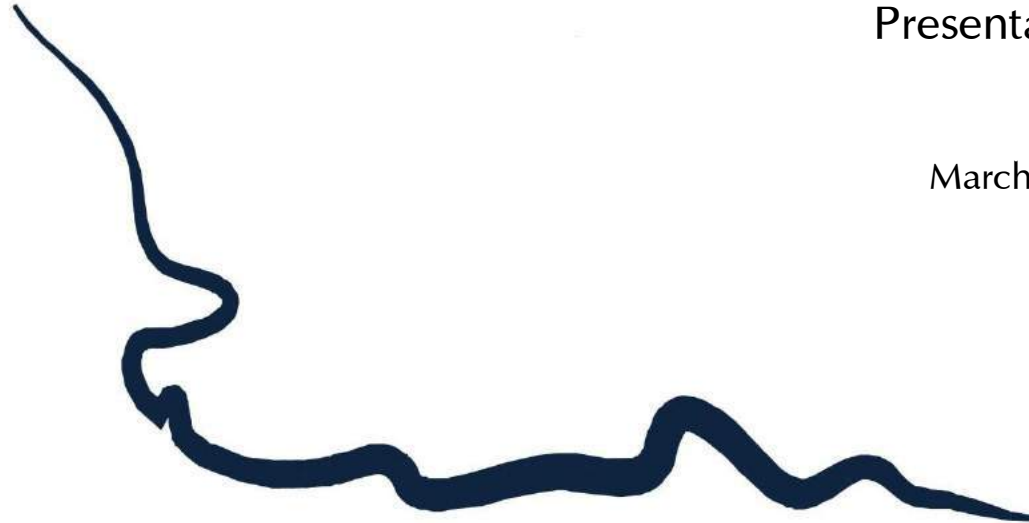
Other Sources of Recovery

In addition to insurance and FEMA, District staff and the District's legal counsel are exploring the recovery of its fire related costs from the State of California emergency management funds and from Southern California Edison since evidence suggests that the utility's negligent actions were the cause of the fire.

Santa Monica-Malibu Unified School District

'Basic Aid 101'
Presentation

March 2019



EASTSHORE CONSULTING

FINANCIAL ADVISORY & FACILITIES PLANNING · FISCAL CONSULTING · ELECTION STRATEGIES & PUBLIC RELATIONS

Background

- Santa Monica Malibu Unified School District entered “Basic Aid” status during the 2017-18 fiscal year
- Basic Aid is also referred to as Community Funded or Excess Tax
- Occurs when property tax revenues exceed minimum State Aid funding under the LCFF calculations
- Examines only the LCFF component of school funding
- 141 such districts exist statewide
- 104 of those districts are less than 2,500 ADA
- SMMUSD is the eight largest such district in the State and only the second such District in LA County
- With Basic Aid designation a variety of real and perceived factors can be in play which may require a different approach to fiscal and operational policies and procedures
- The perception:
 - Often considered “wealthy” but in reality many are not
 - Combination of low enrollment and high property value (along with Prop 13 allocations) impact likelihood of reaching Basic Aid status

Fiscal Concerns Specific to Basic Aid

- Above average property taxes result in loss of certain funding sources
- Declining enrollment issues become mitigated
- Funding growth becomes less predictable – funding declines are more probable
- Timing of funding is less consistent

2018-19 First Interim
General Fund
Summary - Unrestricted/Restricted
Revenues, Expenditures, and Changes in Fund Balance

Description	Resource Codes	Object Codes	Original Budget (A)	Board Approved Operating Budget (B)	Actuals To Date (C)	Projected Year Totals (D)	Difference (Col B & D) (E)	% Diff (E/B) (F)
LCFF SOURCES								
Principal Apportionment								
State Aid - Current Year		8011	8,585,843.00	8,585,843.00	3,387,714.00	8,585,843.00	0.00	0.0%
Education Protection Account State Aid - Current Year		8012	2,000,000.00	2,000,000.00	524,054.00	2,000,000.00	0.00	0.0%
State Aid - Prior Years		8019	0.00	0.00	0.00	0.00	0.00	0.0%
Tax Relief Subventions								
Homeowners' Exemptions		8021	379,923.00	379,923.00	0.00	379,923.00	0.00	0.0%
Timber Yield Tax		8022	0.00	0.00	0.00	0.00	0.00	0.0%
Other Subventions/In-Lieu Taxes		8029	393,354.00	393,354.00	265,641.61	393,354.00	0.00	0.0%
County & District Taxes								
Secured Roll Taxes		8041	67,309,727.00	67,309,727.00	0.00	67,309,727.00	0.00	0.0%
Unsecured Roll Taxes		8042	2,324,448.00	2,324,448.00	1,965,435.08	2,324,448.00	0.00	0.0%
Prior Years' Taxes		8043	4,771,307.00	4,771,307.00	2,069,170.76	4,771,307.00	0.00	0.0%
Supplemental Taxes		8044	0.00	0.00	(43,675.50)	0.00	0.00	0.0%
Education Revenue Augmentation Fund (ERAF)		8045	849,245.00	849,245.00	(279.55)	849,245.00	0.00	0.0%
Community Redevelopment Funds (SB 617/699/1992)		8047	15,000,000.00	15,000,000.00	0.00	15,000,000.00	0.00	0.0%
Penalties and Interest from Delinquent Taxes		8048	0.00	0.00	(6,838.54)	0.00	0.00	0.0%
Miscellaneous Funds (EC 41604)								
Royalties and Bonuses		8081	0.00	0.00	0.00	0.00	0.00	0.0%
Other In-Lieu Taxes		8082	0.00	0.00	0.00	0.00	0.00	0.0%
Less: Non-LCFF (50%) Adjustment		8089	0.00	0.00	0.00	0.00	0.00	0.0%
Subtotal, LCFF Sources			101,613,847.00	101,613,847.00	8,161,221.86	101,613,847.00	0.00	0.0%
LCFF Transfers								
Unrestricted LCFF								
Transfers - Current Year	0000	8091	0.00	0.00	0.00	0.00	0.00	0.0%
All Other LCFF								
Transfers - Current Year	All Other	8091	0.00	0.00	0.00	0.00	0.00	0.0%
Transfers to Charter Schools in Lieu of Property Taxes		8096	0.00	0.00	0.00	(38,000.00)	(38,000.00)	New
Property Taxes Transfers		8097	0.00	0.00	0.00	0.00	0.00	0.0%
LCFF/Revenue Limit Transfers - Prior Years		8099	0.00	0.00	0.00	0.00	0.00	0.0%
TOTAL, LCFF SOURCES			101,613,847.00	101,613,847.00	8,161,221.86	101,575,847.00	(38,000.00)	0.0%

Mitigation of Fiscal Concerns

- Maintaining larger reserves levels
 - Property Tax Appeals now matter
 - Cash Flow management becomes a higher priority
- Projecting conservatively in case of declines
 - SMMUSD number of sizable office and commercial buildings - None make up a large percentage, but as a sector should be understood
 - Added areas to monitor:
 - LCFF COLA Projections matter less
 - Understanding new development and redevelopment is important – The City is a friend and resource (they issue the building permits and taxable value changes lag by 6 months)
- Understanding the depth of basic aid is important
 - Districts can go in and out of Basic Aid status
 - Each time certain revenues may turn on or off
 - If “shallow” status may change mid-year
- Volatility can be real but should be limited
- May require running dual budget scenarios to understand the funding floor
- Robust reserve policy may make sense
 - Basic Aid Reserve

Operational Concerns

- Most concerns stem from budgetary uncertainty
- Inter-district transfers-in can become less attractive
- Programs to mitigate impact of transfers in are less robust than in past
- Perception of high revenue levels is not reality
 - Being one dollar over the threshold DOES NOT EQUAL significant funding above LCFF levels – might even be slightly less
- Recessions happen (AV declines), population shifts occur (Enrollment growth)

Best Practices

- No a one size fits all solutions – each tax base and community is different
- Understanding the factors that drive property tax revenues is important
 - RDA funding levels (part of LCFF computation) will vary over time
 - Tracking Building Permit activity can provide insights – Cities usually provide regular reporting
- Increase reserve levels
- Property Tax Appeals can look back several years - Make your voice hear IF large appeals are in play
- Monitor State activity, especially when Prop 98 funding levels are in question
- Consider prior year funding levels more than current year projections
 - Use abnormal growth blips for one time expenditures until certain growth is permanent
- Set a nominal tax base growth assumption below historical trends for MYPs
- Consider running longer projections and varied scenarios to identify trends and avoid structural imbalances

Remember in some respects your revenues are now your own issue to deal with and the State does not provide a significant amount of additional funding for Basic Aid districts, indeed there are cases of being statutorily excluded and a history of attempts to redistribute “excess property taxes” over the years.

MEETING FORMAT "A"

March 07, 2019 5:30 PM

District Administrative Offices: 1651 16th Street, Santa Monica, CA

The Board of Education will call the meeting to order at 4:30 p.m. in the Board Conference Room at the District Offices, at which time the Board of Education will move to Closed Session regarding the items listed under Closed Session. The public meeting will reconvene at 5:30 p.m. in the Board Room.

Agenda Item: **.V.A. Fiscal Crisis and Management Assistance Team (FCMAT) Report (80 min)**

Rationale: The Fiscal Crisis Management Assistance Team's (FCMAT) primary mission is to assist California's local K-14 educational agencies to identify, prevent, and resolve financial, human resources and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related school business and data services. FCMAT's data management services are used to help local educational agencies (LEAs) meet state reporting responsibilities, improve data quality, and inform instructional program decisions.

The Santa Monica-Malibu Unified School District sought the services of FCMAT and requested an on-site review of our Special Education Department. FCMAT visited the district on October 22-25, 2018, to conduct interviews, collect data, and begin reviewing documents. Following fieldwork, FCMAT continued to review and analyze documents. This analysis resulted in a written report that will be reviewed at tonight's meeting. Please note that FCMAT reports generally do not comment on systems and processes that are functioning well; rather, the report will focus on systems and processes that have areas for improvement.

Comments: Staff anticipates that this item will require a total of 80 minutes, with 35 minutes for the report and 45 minutes for board member questions/comments.

The attached report was updated on 3/6/19.

Attachments:

FCMAT Report

FCMAT Report presentation



CSIS California School Information Services

Santa Monica-Malibu Unified School District

Special Education Review

February 20, 2019

Michael H. Fine
Chief Executive Officer





February 20, 2019

Ben Drati, Ed.D., Superintendent
Santa Monica-Malibu Unified School District
1651 16th St.
Santa Monica, CA 90404

Dear Superintendent Drati:

In May 2018, the Santa Monica-Malibu Unified School District and the Fiscal Crisis and Management Assistance Team (FCMAT) entered into an agreement for management assistance. Specifically, the agreement states that FCMAT will perform the following:

1. Analyze special education teacher staffing ratios, class and caseload size using statutory requirements for mandated services and statewide guidelines, and make recommendations for improvement, if any.
2. Review the efficiency of staffing allocations of special education paraeducators, per Education Code requirements and/or industry standards, and make recommendations for improvement, if any. Review the procedures for identifying the need for paraeducators, including least restrictive environment, and the processes for monitoring the assignment of paraeducators and determining the ongoing need for continued support from year to year. (Include classroom and 1:1 paraeducators.)
3. Analyze staffing and caseloads for related service providers, including but not limited to: speech pathologists, psychologists, occupational/physical therapists, behavior specialists, adaptive physical education and other staff who may be related service providers, and make recommendations for improvement, if any.
4. Analyze whether the district provides a continuum of special education and related services from preschool through age 22, including placements in the least restrictive environments, and make recommendations for improvement, if any.
5. Review COE, NPS and NPA costs and placements, and make recommendations for improving the process for placement and cost efficiencies, if any.
6. Review the organizational structure and staffing of the special education department in the district's central office to determine whether administration, clerical and administrative support, program specialists, teachers on special assignments and overall functionality are aligned with those of districts of comparable size and structure, and make recommendations for greater efficiencies, if needed.

FCMAT

Michael H. Fine, Chief Executive Officer

1300 17th Street - CITY CENTRE, Bakersfield, CA 93301-4533 • Telephone 661-636-4611 • Fax 661-636-4647
755 Baywood Drive, 2nd Floor, Petaluma, CA 94954 • Telephone: 707-775-2850 • Fax: 661-636-4647 • www.fcmat.org
Administrative Agent: Mary C. Barlow - Office of Kern County Superintendent of Schools

7. Review the special education transportation delivery system for efficiency and effectiveness, and provide recommendations for potential cost savings measures, if any. The review will include but not be limited to the role of the IEP, routing, scheduling, operations and staffing.
8. Review the costs of due process, mediations, and settlements for the past three years, and make recommendations for improvements, if any.
9. Review the district's unrestricted general fund contribution to special education, and make recommendations for greater efficiency, if any.

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

We appreciate the opportunity to serve you and we extend thanks to all the staff of the Santa Monica-Malibu Unified School District for their cooperation and assistance during fieldwork.

Sincerely,

A handwritten signature in black ink, reading "Michael H. Fine". The signature is written in a cursive, flowing style.

Michael H. Fine
Chief Executive Officer

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About FCMAT

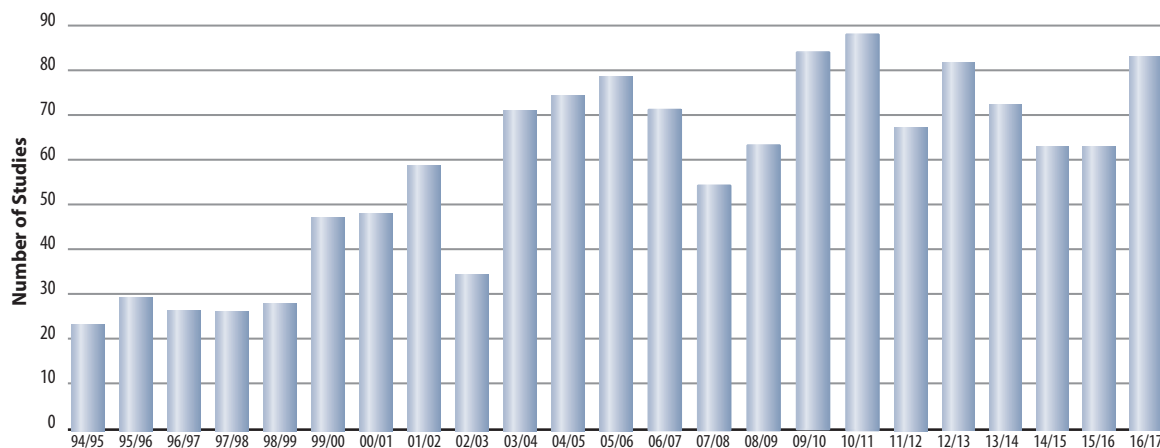
FCMAT's primary mission is to assist California's local K-14 educational agencies to identify, prevent, and resolve financial, human resources and data management challenges. FCMAT provides fiscal and data management assistance, professional development training, product development and other related school business and data services. FCMAT's fiscal and management assistance services are used not just to help avert fiscal crisis, but to promote sound financial practices, support the training and development of chief business officials and help to create efficient organizational operations. FCMAT's data management services are used to help local educational agencies (LEAs) meet state reporting responsibilities, improve data quality, and inform instructional program decisions.

FCMAT may be requested to provide fiscal crisis or management assistance by a school district, charter school, community college, county office of education, the state Superintendent of Public Instruction, or the Legislature.

When a request or assignment is received, FCMAT assembles a study team that works closely with the LEA to define the scope of work, conduct on-site fieldwork and provide a written report with findings and recommendations to help resolve issues, overcome challenges and plan for the future.

FCMAT has continued to make adjustments in the types of support provided based on the changing dynamics of K-14 LEAs and the implementation of major educational reforms.

Studies by Fiscal Year



FCMAT also develops and provides numerous publications, software tools, workshops and professional development opportunities to help LEAs operate more effectively and fulfill their fiscal oversight and data management responsibilities. The California School Information Services (CSIS) division of FCMAT assists the California Department of Education with the implementation of the California Longitudinal Pupil Achievement Data System (CALPADS). CSIS also hosts and maintains the Ed-Data website (www.ed-data.org) and provides technical expertise to the Ed-Data partnership: the California Department of Education, EdSource and FCMAT.

FCMAT was created by Assembly Bill (AB) 1200 in 1992 to assist LEAs to meet and sustain their financial obligations. AB 107 in 1997 charged FCMAT with responsibility for CSIS and its statewide data management work. AB 1115 in 1999 codified CSIS' mission.

AB 1200 is also a statewide plan for county offices of education and school districts to work together locally to improve fiscal procedures and accountability standards. AB 2756 (2004) provides specific responsibilities to FCMAT with regard to districts that have received emergency state loans.

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

Since 1992, FCMAT has been engaged to perform more than 1,000 reviews for LEAs, including school districts, county offices of education, charter schools and community colleges. The Kern County Superintendent of Schools is the administrative agent for FCMAT. The team is led by Michael H. Fine, Chief Executive Officer, with funding derived through appropriations in the state budget and a modest fee schedule for charges to requesting agencies.

Introduction

Background

The Santa Monica-Malibu Unified School District is located in Los Angeles County and, according to the district, has an approximate enrollment of 10,962 students in the 2018-19 school year. The district is composed of 10 elementary, two middle, one alternative K-8, one continuation high school, one comprehensive high school in Santa Monica and one middle/high school located in Malibu. These two cities do not share a contiguous border and are physically separated. In the 2017-18 fiscal year, approximately 11.7% of the district's K-12 enrollment was identified as requiring special education.

In May 2018, the district and FCMAT entered into an agreement to review its special education programs and services as well as the special education transportation program.

Study and Report Guidelines

FCMAT visited the district on October 22-25, 2018 to conduct interviews, collect data and begin reviewing documents. Following fieldwork, FCMAT continued to review and analyze documents. This report is the result of those activities and is divided into the following sections:

- Executive Summary
- Fiscal Considerations
- Special Education Staffing and Caseloads
- Paraeducator Staffing
- Related Service Provider Staffing and Caseloads
- Continuum of Services
- Nonpublic Schools, Agencies and Alternative Placements
- Due Process, Mediations and Settlements
- Organizational Structure
- Special Education Transportation
- Appendices

FCMAT's reports focus on systems and processes that may need improvement. Those that may be functioning well are generally not commented on in FCMAT's reports. In writing its reports, FCMAT uses the Associated Press Stylebook, a comprehensive guide to usage and accepted style that emphasizes conciseness and clarity. In addition, this guide emphasizes plain language, discourages the use of jargon and capitalizes relatively few terms.

Study Team

The study team was composed of the following members:

Shayleen Harte
FCMAT Deputy Executive Officer
Bakersfield, CA

JoAnn Murphy
FCMAT Consultant
Santee, CA

Leonel Martínez
FCMAT Technical Writer
Bakersfield, CA

Jackie Kirk-Martinez
FCMAT Consultant
Pismo Beach, CA

Keith Butler*
Associate Superintendent
Palos Verdes Peninsula Unified School District
Palos Verdes, CA

Tim Purvis*
Director of Transportation
Poway Unified School District
San Diego, CA

Don Dennison
FCMAT Consultant
Arroyo Grande, CA

Marsa Miller
FCMAT Consultant
Tehachapi, CA

*As members of this study team, these consultants were not representing their respective employers but were working solely as independent contractors for FCMAT.

Each team member reviewed the draft report to confirm accuracy and achieve consensus on the final recommendations.

Executive Summary

School districts throughout the state face an ongoing challenge in funding the costs to serve special education students. They have experienced continuing increases in the difference between the federal and state government funding received and the mandated costs for these vital student services. District documents provided to FCMAT indicate the district's unrestricted general fund contribution (including special education transportation) was \$20,264,742 or 64.8% of total special education expenditures in 2015-16, \$22,988,000 or 66.7% in 2016-17 and \$25,701,128 or 69.5% in 2017-18. According to the report titled "Coalition for Adequate Funding for Special Education; 2016-17 Maintenance of Effort Reports by Special Education Local Plan Area," the statewide average unrestricted general fund contribution to special education was 64.5% for the 2016-17 fiscal year, the latest data available. The district should continue to monitor its unrestricted general fund contribution to special education.

An important element of fiscal control and reconciliation for school districts involves position control. Position control is essential for budgeting because typically 85% to 90% of a school district's costs are for personnel. A strong position control system allows control and management of the budget, reduces the risk of improper reconciliation of authorized positions, allows more accurate reporting, and provides improved information about a district's positions and vacancies. Staff reported that position control data are not reconciled between the Business Services, Human Resources, Special Education and Payroll departments. This violates one of the essential components of position control because positions can exist and be filled even though they are not authorized by the board or properly budgeted for. The district should implement a strong position control system.

The district maintains its own special education instructional caseload guidelines established in conjunction with the certificated collective bargaining agreement (CBA). Those guidelines are either in line with or lower than the special education industry standards. FCMAT encountered significant difficulty in establishing accurate caseload numbers for district special education teachers; therefore, the caseload numbers utilized in this report must be considered estimates. The district should establish consistency and accuracy in monitoring special education caseloads. The district does not effectively utilize the Special Education Information System (SEIS), which is dependent on accurate and timely data input. Utilizing SEIS to its full capacity is essential to maintaining effective data on caseloads and other important special education information needed for management decisions. The full implementation and effective utilization of SEIS should be an immediate district priority. At the time of FCMAT's visit, and based on data estimates provided, the district was not understaffed in any single area of special education classroom instruction.

The data related to tracking paraeducator (para) assignments are inconsistent and inaccurate. Various departments in the district maintain lists of para assignments that do not align. An interdepartmental group of lead staff should meet regularly to review and reconcile discrepancies related to special education para assignments. Determining the level of staffing for classroom paras is difficult because of the inaccurate tracking; however, it is apparent that the district utilizes a high number of 1-to-1 paras. The district has a process for assessing and making determinations on the need for individual student support; however, it often does not include related goals for independence in its annual individualized education program (IEP) process for students who receive individualized support as a related service.

The district provides many related services according to the student needs outlined in each IEP. According to industry standards and the Education Code, the district is overstaffed in some related services such as psychologists, speech and language pathologists (SLPs) and occupational therapists (OTs). The district also employs 2.0 FTE speech and language assistants and 1.0 FTE certified occupational therapy assistant. The district should evaluate all related services staffing to determine if any reductions are warranted.

The district offers a variety of program options and services to students with disabilities. Three special education preschool programs are collaborative; however, the majority of preschool students with disabilities have limited mainstreaming opportunities and are frequently segregated from nondisabled peers. Staff reported the district special education preschool classes become full because limited general education preschool offerings are available for students with IEPs who could benefit from a general education program. The district also has limited inclusion opportunities for students with IEPs who may be served in a special day class (SDC) setting.

The district Business Services Department has established protocols for nonpublic school (NPS)/nonpublic agency (NPA) contracts, but the Special Education Department lacks systematic protocols for managing the individual service agreements (ISAs) and invoices. As a result, invoices are not managed in a timely manner, which can cause payment delays to vendors and schools.

For budget and financial reporting purposes, the Business Services Department separates NPS and NPA expenses. Separating these costs helps special education staff monitor and track expenditures; however, many charges assigned to the NPA budget do not align with the definition of NPA, including charges such as settlement agreements, vendors for professional development and the district's attorney fees. The Special Education Department should accurately code these expenditures so that the costs related to special education can be correctly identified and used in management decisions.

The district had a high number of due process disputes filed by parents over the provision of a free appropriate public education (FAPE) at the time of FCMAT's visit. Recently, the district has prevailed in three due process cases before the Office of Administrative Hearings, which verifies that the district can provide appropriate services. The district does not have a resolution model, and further progress can be made by initiating a model that includes a facilitated IEP process to reach early resolution.

FCMAT reviewed the organizational structure of the Special Education Department and found that it is overstaffed in administrative management and clerical support compared to three districts of similar size. The department lacks procedural direction and protocols to provide consistent adherence to policies and procedures, which has produced a lack of confidence both within the office and with school sites. There are numerous issues related to the department functionality with the inconsistencies of workflow and disorganization. There are additional concerns with inefficiencies in the management of student information in the SEIS and the management of student records.

In 2017-18, the district received \$394,322 from the state for special education pupil transportation while the unaudited actuals report identifies a district expenditure of \$1,379,384. The district's annual cost per pupil for special education transportation is \$11,124 (not including 13 students who are transported by contracted services). The district runs 12 dedicated special education bus routes, and the average cost per route is \$114,949, which is higher than FCMAT typically observes statewide.

School bus drivers are contractually guaranteed seven hours of pay per day and receive full health and welfare benefits. This is extremely expensive, considering that most special education bus routes average less than four hours per day.

The district contracts privately for transportation support of 13 students. Most of these students are provided with taxi cab service. The district's professional services transportation contracts with private providers is not specific to industry best practices and should be evaluated. The district should review its internal bus routing parameters to determine if it can absorb all or most of the students transported by external private contracting for possible cost savings. The district may benefit from special education cost savings by implementing a greater multitiered master bell schedule.

Findings and Recommendations

Fiscal Considerations

The state's special education funding structure was established by Assembly Bill (AB) 602, which was introduced and signed into law in 1997 and became effective with the 1998-99 fiscal year.

Under AB 602, special education funding is based on the average daily attendance (ADA) of all district students, regardless of the number of those served in special education programs or the cost to serve them. California distributes special education funds to special education local plan areas (SELPA's).

In addition to AB 602 state funding, districts receive a small amount of federal funds. These funding sources are designed to supplement the general education program, not support a stand-alone program. Therefore, the combined state and federal financial resources are insufficient to cover even the most efficient special education programs. Districts make contributions from local resources generated by all students, including those in special education. This contribution is the amount of funding that a district must transfer from its unrestricted general fund to pay for the portion of special education costs that exceeds program revenues.

Federal statute requires districts to spend at least the same amount of state and local funds on special education services in each succeeding year. This requirement is commonly referred to as the maintenance of effort (MOE). There are limited exceptions, and if a district is considering reductions to its total general fund contribution to special education, it is required to follow the MOE requirements (20 U.S.C.1413 (a)(2)(B)). The California Department of Education (CDE) lists the following as exceptions that allow the district to reduce the amount of state and local funds spent on special education:

1. Voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.
2. A decrease in the enrollment of children with disabilities.
3. The termination of the obligation of the agency to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the state educational agency, because the child:
 - a. Has left the jurisdiction of the agency;
 - b. Has reached the age at which the obligation of the agency to provide free and appropriate public education (FAPE) to the child has terminated; or
 - c. No longer needs the program of special education.
4. The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

Source: California Department of Education, Exempt Reductions to Maintenance of Effort, www.cde.ca.gov/sp/selas/documents/leamoeexempwrksht.xls

The Local Control Funding Formula (LCFF) was enacted with the passage of the 2013-14 State Budget Act and replaced the previous K-12 finance system. The formula for school districts and charter schools is composed of uniform base grants by grade spans (K-3, 4-6, 7-8, and 9-12) and includes additional funding for certain student demographic groups.

Under the previous K-12 finance system, general education ADA funding generated by special day class (SDC) attendance was transferred from the unrestricted general fund to the special education program. This ADA is no longer reported separately, and the CDE determined the transfer should no longer occur under the LCFF. Because of this, general fund contributions to special education can be higher under the LCFF, but do not necessarily indicate increased adverse impacts on the district's resources.

Special education financial reporting methods used by districts, SELPAs, and county offices can vary. For example, some districts include special education transportation costs, while others do not. It is not always possible to accurately compare a district's unrestricted general fund contribution to that of other districts; however, a district should address a contribution that is excessive or increasing. District documents provided to FCMAT indicate the district's unrestricted general fund contribution includes costs listed in the SACS (Standardized Account Code Structure) accounting software report SEMA plus additional costs for special education psychologists and special education transportation that are not coded with a special education SACS goal. The district's unrestricted contributions that take into account all costs mentioned above were \$20,264,742 or 64.8% of total special education expenditures in 2015-16, \$22,988,000 or 66.7% in 2016-17 and \$25,701,128 or 69.5% in 2017-18. This information is summarized in the table below.

Unrestricted General Fund Contribution

	2015-16	2016-17	2017-18
Total special education costs*	\$31,270,105	\$34,473,808	\$36,990,100
General Fund Contribution to Special Education federal and state resources	\$20,264,742	\$22,988,000	\$25,701,128
Contribution percentage	64.8%	66.7%	69.5%

Source: District data

*Including SPED psychologist costs and SPED transportation costs not included in report SEMA

According to the report titled "Coalition for Adequate Funding for Special Education; 2016-17 Maintenance of Effort Reports by Special Education Local Plan Area," the statewide average unrestricted general fund contribution to special education was 64.5% for the 2016-17 fiscal year, the latest data available. Using the district's 66.7% for the same fiscal year, and converting the difference in the percentage to dollars, this would equate to the district contributing \$758,423 above the statewide average in 2016-17.

An important element of fiscal control and reconciliation for school districts involves position control. Position control is essential for budgeting because typically 85% to 90% of a school district's costs are for personnel. A strong position control system allows control and management of the budget, reduces the risk of improper reconciliation of authorized positions, allows more accurate reporting, and provides improved information about a district's positions and vacancies.

For proper position control, continual collaboration and data verification is needed between the Business Services, Human Resources, Special Education and Payroll departments. Several staff mentioned that the budget data coming from Special Education appears to be accurate; however, the district lacks a regular process to identify and reconcile potential discrepancies between separate databases from Business Services, Human Resources and Special Education. Without proper and timely data reconciliation, unauthorized and unbudgeted hiring can occur.

There is a lack of systems for fiscal monitoring and reconciliation between departments. Each department stated its data is accurate; however, some staff reported they are uncertain about the data they receive from other departments. The Special Education, Human Resources and Business Services departments should have reliable data, including the number of students served, services needed and provided, and the related budget. This would start with a systemized process in the Special Education Department to include SEIS-recorded services by IEP into the totals needed by type of service, by site, and districtwide.

The district special education budget has been developed using a rollover process with some modifications based on known changes for the upcoming year. While students entering the system will introduce expenditures into the 2018-19 budget, an annual process to closely monitor changes in services is needed to identify budget categories that can be modified. The special education budget for 2019-20 and beyond should be built from the “ground-up” each year using the actual services needed by students to build staffing benchmarks, and comparing those benchmarks to the staffing situation at each site.

Recommendations

The district should:

1. Fully review the special education budget to ensure all relevant revenues and expenditures are properly coded to the appropriate SACS resources and goals.
2. Continue to monitor its unrestricted general fund contribution to special education.
3. Implement a strong position control system, including the following:
 - a. Ensure that the Special Education Department performs a systematic review of data produced by SEIS to determine services needed, then group those services by type of service, site, and districtwide.
 - b. Ensure the Human Resources Department verifies approved and open positions to the data contained in the financial system.
 - c. Schedule and hold monthly meetings of the Special Education, Human Resources and Business Services departments to reconcile position control information.
4. Ensure that the Special Education Department performs regular reviews of special education personnel and services at each site. Reconcile this information with the SEIS reports of personnel and services required by IEPs.

5. Develop a “ground-up” special education budget beginning with the 2019-20 school year and beyond.
6. Implement a working group to resolve data inconsistencies between the Special Education, Human Resources and Business Services departments.

Special Education Staffing and Caseloads

The district provides comprehensive special education services from preschool through grade 12. The district's special education classrooms and instructional services are identified by title in variations of specialized academic instruction (SAI). Interviews with staff indicate some services, as reflected in the following titles, have been reorganized for the last five to six years. Interviews with staff and review of district-provided records reflect the title "SAI" does not always describe the service delivery model commonly referred to as specialized academic instruction. Students with IEPs and mild/moderate services for less than 50% of the school day receive typical SAI services that are referred to in the district simply as SAI. Interviews with staff indicate that when the district made the move to a blended mild/moderate program that realigned under SAI, little or no professional development was provided for either the special education teachers who were directly affected or the general education teachers. Interviews with staff suggest that the absence of initial training and preparation for the SAI delivery model continues to hinder services for special education students, especially in the elementary setting. Other district special education services titled SAI do not function as traditional SAI services. These services are titled SAI intensive, SAI social skills, SAI PBS (Positive Behavior Support), SAI STEP (Structured Therapeutic Education Program), and SAI life skills. SAI intensive is comparable to a mild/moderate special day class (SDC). SAI social skills is comparable to an SDC for students with autism spectrum disorder. SAI PBS and SAI STEP are both comparable to an SDC for special education students eligible under emotional disturbance. In this structure, the SAI STEP service is provided to students who demonstrate internalizing behaviors related to emotional disturbance and the SAI PBS services are provided to students who demonstrate externalizing behaviors related to emotional disturbance. SAI life skills is comparable to a moderate/severe SDC for students completing high school on a nondiploma track. The SAI life skills program serves students who experience a moderate/severe cognitive disability and/or students with a moderate/severe medical disorder, (commonly referred to as services for the medically fragile). For the purposes of this study, establishing a correlation between district titles for these services and common industry titles is important to present comparisons of the district services with special education industry standards for staffing.

In addition to analyzing special education instructional teaching caseloads from the standpoint of industry standards, the district has developed its own internal caseload guidelines in conjunction with the certificated CBA. The CBA dated July 1, 2015-June 30, 2018 between the district and the Santa Monica-Malibu Classroom Teachers Association, establishes SAI caseload guidelines at 22, SDC elementary at 13, SDC secondary at 16, SDC PBS at 10 and SDC IS (assumed by management staff to be life skills) at 10. For the purpose of this study, these district guidelines are applied in conjunction with industry standards to establish caseload comparisons.

Based on district-provided documents and interviews with staff, the tracking of teacher caseloads is inconsistent. Teacher caseloads are officially reviewed annually during the once-a-year budget preparation process. At that time, administrators in Special Education, Human Resources and the Business Services departments review staffing and caseloads to determine the staffing needs for the coming school year. Aside from that annual budget planning process, the departments have no other established meeting schedule between them to update staffing and caseloads. If specific staffing needs emerge during the school year, they are addressed at that time. Any formal staffing changes (certificated or classified) during the school year are accomplished through the Personnel Change form (PC form). The form procedure includes an administrative signature from each department involved. Typical workflow for adding special education staff has the process initi-

ated by the special education director, then the PC form is routed to human resources, then to accounting and then back to human resources for posting. If it involves a classified posting, the final disposition goes to the classified personnel portion of HR. Interviews with staff indicate that this process has periodic gaps and omissions. Accurate information on special education teacher caseloads was not available within the Special Education Department. During FCMAT's visit, the special education staff worked to gather caseload information directly from individual teachers, but FCMAT is unsure of its accuracy and this information must be considered estimates. The district uses the SEIS for tracking its special education student data and other critical functions. If maintained and operated effectively, the SEIS system is fully capable of providing this caseload information any time. FCMAT's efforts to gather caseload information through the SEIS system were not successful because of the system's inaccuracy and lack of reliability.

At the time of FCMAT's visit, based on the caseload estimates provided by the district, no K-12 special education class was understaffed either in comparison to industry standards or the district's caseload guidelines. Within industry standards, some caseloads for SDCs are reported in a range, as evidenced in the tables below. Some district class averages operated within the ranges at the time of FCMAT's visit, but with any district caseload, those may grow over the year and reach or exceed internal district or industry standard maximums. This reinforces the importance of maintaining consistent and accurate data related to caseloads throughout the school year to make informed management decisions regarding staffing.

Elementary SAI

Teacher FTE	Total Caseload	District Caseload Average	Staffing Needed if Caseload Average based on SAI Industry Standard Maximum (24)	Staffing Needed if Caseload Average based on District SAI CBA Maximum (22)	Staffing FTE Above SAI Industry Standard	Staffing FTE Above SAI District Average
16.0	278	17.38	11.58	12.64	+4.42	+3.36

Source: District data and industry standard

Secondary SAI

Teacher FTE	Total Caseload	District Caseload Average	Staffing Needed if Caseload Average based on SAI Industry Standard Maximum (24)	Staffing Needed if Caseload Average based on District SAI CBA Maximum (22)	Staffing FTE Above SAI Industry Standard	Staffing FTE Above SAI District Average
36.0	517	14.36	21.54	23.50	+14.46	+12.50

Source: District data and industry standard

Elementary SAI Intensive (M/M SDC)

Teacher FTE	Total Caseload	District Caseload Average	Staffing Needed if Caseload Average based on M/M SDC Industry Standard Maximum (12-15)	Staffing Needed if Caseload Average based on District Elementary SDC CBA Average (13)	Staffing FTE Above M/M SDC Industry Standard	Staffing FTE Above Elementary SDC District Average
2.0	16	8.0	1.07	1.23	+0.93	+0.77

Source: District data and industry standard

Secondary SAI Intensive (M/M SDC)

Teacher FTE	Total Caseload	District Caseload Average	Staffing Needed if Caseload Average based on M/M SDC Industry Standard Maximum (12-15)	Staffing Needed if Caseload Average based on District Secondary SDC CBA Average (16)	Staffing FTE Above M/M SDC Industry Standard	Staffing FTE Above Secondary SDC District Average
4.0	47	11.75	3.13	2.94	+0.87	+1.06

Source: District data and industry standard

Elementary Life Skills (M/S SDC)

Teacher FTE	Total Caseload	District Caseload Average	Staffing Needed if Caseload Average based on M/S SDC Industry Standard Maximum (10-12)	Staffing Needed if Caseload Average based on District LS SDC CBA Average (10)	Staffing FTE Above M/S SDC Industry Standard	Staffing FTE Above LS SDC District Average
3.0	20	6.67	1.67	2.0	+ 1.33	+1.0

Source: District data and industry standard

Secondary Life Skills (M/S SDC)

Teacher FTE	Total Caseload	District Caseload Average	Staffing Needed if Caseload Average based on M/S SDC Industry Standard Maximum (10-12)	Staffing Needed if Caseload Average based on District LS SDC CBA Average (10)	Staffing FTE Above M/S SDC Industry Standard	Staffing FTE Above LS SDC District Average
3.0	24	8.00	2.00	2.40	+1.00	+0.60

Source: District data and industry standard

Elementary SAI Social Skills (Autism Spectrum Disorder - ASD SDC)

Teacher FTE	Total Caseload	District Caseload Average	Staffing Needed if Caseload Average based on ASD SDC Industry Standard Maximum (8-10)	Staffing Needed if Caseload Average based on District Elementary SAI CBA Average (13)	Staffing FTE Above ASD SDC Industry Standard	Staffing FTE Above Elementary SAI District Average
5.0	44	8.80	4.40	3.38	+0.60	+1.62

Source: District data and industry standard

Secondary SAI Social Skills (Autism Spectrum Disorder SDC)

Teacher FTE	Total Caseload	District Caseload Average	Staffing Needed if Caseload Average based on ASD SDC Industry Standard Maximum (8-10)	Staffing Needed if Caseload Average based on District Secondary SAI CBA Average (16)	Staffing FTE Above ASD SDC Industry Standard	Staffing FTE Above Secondary SAI District Average
2.0	20	10.00	2.00	1.25	+0.00	+0.75

Source: District data and industry standard

Elementary PBS and STEP SDC (ED SDC)

Teacher FTE	Total Caseload	District Caseload Average	Staffing Needed if Caseload Average based on ED SDC Industry Standard Maximum (8-10)	Staffing Needed if Caseload Average based on District PBS SDC CBA Average (10)	Staffing FTE Above ED SDC Industry Standard	Staffing FTE Above PBS SDC District Average
2.0	14.0	7.0	1.40	1.40	+0.60	+0.60

Source: District data and industry standard

Secondary PBS and STEP SDC (ED SDC)

Teacher FTE	Total Caseload	District Caseload Average	Staffing Needed if Caseload Average based on ED SDC Industry Standard Maximum (8-10)	Staffing Needed if Caseload Average based on District PBS SDC CBA Average (10)	Staffing FTE Above ED SDC Industry Standard	Staffing FTE Above PBS SDC District Average
5.0	45	9.00	4.50	4.50	+0.50	+0.50

Source: District data and industry standard

The district operates preschool special day classes for students aged 3-4 at several school sites. Interviews with multiple staff members presented conflicting information on preschool services. Based on the district-provided documents, there are three types of preschool SDCs. There are three collaborative SDCs, three mild/moderate SDCs and two social skills SDCs for students with autism spectrum disorders. A moderate/severe SDC, considered a life skills class, was discontinued in the last year. For the 2018-19 year, new students with moderate/severe needs are placed in the mild/moderate SDCs (as appropriate) with accommodations. Preschool mainstreaming opportunities with nondisabled peers are either accomplished through shared activities, if general education preschool classes are accessible, or by bringing nondisabled peers into the special education preschool program. Staff interviews indicated that preschool mainstreaming opportunities are not consistent or effective across the district and that it would be helpful to provide more opportunity for both special education and general education staff to meet together for planning and the development of preschool mainstreaming options. The special education preschool classes operate in the morning except for one extended day program that is regarded as a facilitated play program. Staff interviews also indicated that transition from preschool to kindergarten for special education services are often confusing to both parents and staff because of lack of understanding of the continuum of special education services. Staff reported that an alternative kindergarten program, with limited availability, operates in the district and is an effective transition for special education preschool students. Staff also indicated a desire for the possible expansion of the alternative kindergarten program to help facilitate students transitioning from preschool to kindergarten. The special education preschool caseload table below indicates a high staffing ratio, but it is important to remember that preschool special education classes start lower in the beginning of the school year and typically grow significantly over the course of the year.

Preschool Special Day Classes

Program	Teacher FTE	Total Caseload	Paras by 3- hour equivalents	District Adult to Student Ratio	Industry Standard Adult to Student Ratio	Adult Staffing Above(+) Industry Standard	District CBA Adult to Student Ratio	Adult Staffing Above(+) District CBA Ratio
SDC M/M Collaborative	3.0	19	3.8	1:2.8	1:7	+4.1	1:2.8	+0.0
SDC M/M	3.0	17	9.0	1:1.4	1:7	+9.6	1:1.4	+0.0
SDC Social Skills (ASD)	2.0	15	6.0	1:1.9	1:3	+2.0	1:1.9	+0.0

Source: District data and industry standard

Recommendations

The district should:

1. Prioritize the effective implementation of the SEIS to assist in the tracking of instruction-related data such as teacher caseloads.
2. Consistently use the entire PC form process to review, approve and accurately track all special education staffing changes.
3. Schedule regular meetings with designated lead staff in the Special Education, Human Resources and Business Services departments to review staffing and caseload data and reconcile discrepancies, if any.
4. Provide professional development, as needed, for both special education and general education teachers in the implementation of SAI.
5. Assign lead staff from both special education and educational services to meet and plan increased opportunities for mainstreaming special education preschool students with nondisabled peers.
6. Consider if there would be an operational advantage to changing the titles of some special education services to better align with common industry titles.
7. Conduct a longitudinal study on special education teacher caseloads to determine if current staffing levels are used at maximum effectiveness and whether staffing can be reduced.
8. Review the continuum of service in preschool to kindergarten transition to determine if students are served effectively in the existing model.

Paraeducator Staffing

The district employs three different job descriptions for special education paraprofessionals (paras). The position of paraprofessional 1 (para 1) is the category most heavily staffed. Paras 1 make up approximately 54% of the special education classroom assistants from preschool to grade 12 and work with many individual special education students in a 1-to-1 support capacity. The special education paraeducator 2 (para 2) position represents the smallest number of paras staffing at 7%. They provide specialized medical related support to special education students primarily in a 1-to-1 capacity. The special education paraeducator 3 (para 3) position personnel are trained to support students who require behavior support in an SDC setting or in a 1-to-1 capacity. They comprise approximately 39% of the district's special education para staffing. Paras 2, are the highest paid of the three categories followed by paras 3 and then paras 1. The standard para assignment is a six-hour position; however, many para positions in the district are longer than six-hour assignments. District-provided documents show that approximately 42 para employees, or 10%, have assignments that are greater than six hours. Interviews with staff indicated many of those with increased hours are related to getting students to and from transportation safely and/or providing support to students during transportation. In rare cases, the district also employs paras from nonpublic agencies to support individual students, which will be further discussed in the Nonpublic Schools, Agencies and Alternative Placements section of this report. Paras 1 receive little orientation or training at the point of hire, and paras 2 and 3 are provided individualized training unique to their assignments as needed. Based on district-provided documentation, the district has approximately 435 total special education para positions. Staff report there is a high rate of para turn over. The classified personnel portion of the Human Resources Department is constantly hiring paras and trying to recruit substitutes for absent employees. Staff report that the need to fill para substitute vacancies has become so significant that substitute teachers are used to replace absent paras, and existing paras at a school site may be reassigned any day to replace an absent para in a more critical assignment.

It was difficult for FCMAT to obtain accurate para data because the data collection process for tracking paras and their assignments is significantly disorganized. As indicated in the previous section of this report, a once-a-year attempt is made to identify all of the para assignments and the need for the upcoming year in the annual budget planning process. District-provided data and staff interviews indicated the movement of paras through hiring for both new and existing vacancies, as well as changes of existing assignments, creates a work setting so fluid that district procedures cannot accurately reflect the change and movement of paras. FCMAT made many attempts to analyze the para staffing data by comparing district-provided documents. Despite these efforts, most documents contained incomplete or inaccurate data and therefore typical data comparisons cannot be provided in this report. Instances where sufficient information is not available are clearly noted in the tables below.

As previously discussed, any changes in special education para assignments or new position requests are accomplished through the completion of the PC form. Interviews indicated that when a new mid-year special education para position is required, the PC form is initiated in the Special Education Department, then sent to the Educational Services Department, then to the Human Resources Department, then to accounting in the Business Services Department and finally back to the classified personnel portion of Human Resources for posting and hiring. Despite the procedures implemented, interviews indicated that steps in the process are sometimes skipped, and the process itself is cumbersome. Staff interviews also indicated that staff would like to have a more frequent check-in process so that appropriate staff members from Special Education, Human Resources, and Business Services can meet regularly to compare and reconcile staffing data for paras. This process

should be established. This inter-departmental group should have consistent participants who meet monthly until the process is established and effective and could then consider meeting every six to eight weeks. To make this process effective, the Special Education Department should have one person at mid-level management, with clerical back up who receives all data on para staffing and serves on the inter-departmental team. This process should reinforce consistent use of the PC form in order to have accurate and reliable data related to para staffing.

For purposes of this study, the comparison of district para staffing levels with industry standards (by similar classes) reflects that the district usually has para support at a lower level than industry standards; however, it is apparent that the district utilizes a high number of 1-to-1 paras. Before making any decisions related to para staffing, the district should first take steps to establish accurate and reliable data related to paras and then examine the level of para staffing from the perspective of efficiency, appropriate service to students and special projects.

Elementary SAI

Teacher FTE	Total Para Hours	Para FTE at 6-hour Equivalent	Industry Standard Per Teacher FTE/ Class Type	Para 6-hour Equivalent Over (+) Under (-) Industry Standard
16.0	114.5	19.08	1:6 hrs	+3.08

Source: District data and industry standard

Middle School SAI

Teacher FTE	Total Para Hours	Para FTE at 6-hour Equivalent	Industry Standard Per Teacher FTE/ Class Type	Para 6-hour Equivalent Over (+) Under (-) Industry Standard
13.0	58.0	9.67	1:6 hrs	- 3.33

Source: District data and industry standard

High School SAI

Teacher FTE	Total Para Hours	Para FTE at 6-hour Equivalent	Industry Standard Per Teacher FTE/ Class Type	Para 6-hour Equivalent Over (+) Under (-) Industry Standard
23.0	88.93	14.82	1:6 hrs	- 8.18

Source: District data and industry standard

*Elementary SAI Intensive (M/M SDC)**

Teacher FTE	Total Para Hours	Para FTE at 6-hour Equivalent	Industry Standard Per Teacher FTE/ Class Type	Para 6-hour Equivalent Over (+) Under (-) Industry Standard
2.0			1:6 hrs	

Source: District data and industry standard

*Unreportable due to incomplete data

Secondary SAI Intensive (M/M SDC) *

Teacher FTE	Total Para Hours	Para FTE at 6-hour Equivalent	Industry Standard Per Teacher FTE/ Class Type	Para 6-hour Equivalent Over (+) Under (-) Industry Standard
4.0			1:12 hrs	

Source: District data and industry standard

*Unreportable due to incomplete data

Elementary Moderate/Severe SDC (Life Skills)

Teacher FTE	Total Para Hours	Para FTE at 6-hour Equivalent	Industry Standard Per Teacher FTE/ Class Type	Para 6-hour Equivalent Over (+) Under (-) Industry Standard
3.0	18.0	3.00	1:12 hrs	- 3.00

Source: District data and industry standard

Secondary Moderate/Severe SDC (Life Skills)*

Teacher FTE	Total Para Hours	Para FTE at 6-hour Equivalent	Industry Standard Per Teacher FTE/ Class Type	Para 6-hour Equivalent Over (+) Under (-) Industry Standard
3.0			1:12 hrs	

Source: District data and industry standard

*Unreportable due to incomplete data

Elementary SAI Social Skills SDC (Autism Spectrum Disorder SDC)

Teacher FTE	Total Para Hours	Para FTE at 6-hour Equivalent	Industry Standard Per Teacher FTE/ Class Type	Para 6-hour Equivalent Over (+) Under (-) Industry Standard
5.0	42.0	7.00	1:12 hrs	-3.00

Source: District data and industry standard

Secondary SAI Social Skills SDC (Autism Spectrum Disorder SDC)*

Teacher FTE	Total Para Hours	Para FTE at 6-hour Equivalent	Industry Standard Per Teacher FTE/ Class Type	Para 6-hour Equivalent Over (+) Under (-) Industry Standard
2.0			1:12 hrs	

Source: District data and industry standard

*Unreportable due to incomplete data

Elementary PBS and STEP SDC (ED SDC)

Teacher FTE	Total Para Hours	Para FTE at 6-hour Equivalent	Industry Standard Per Teacher FTE/ Class Type	Para 6-hour Equivalent Over (+) Under (-) Industry Standard
2.0	18.0	3.00	1:12 hrs	-1.00

Source: District data and industry standard

Secondary PBS and STEP SDC (ED SDC)

Teacher FTE	Total Para Hours	Para FTE at 6-hour Equivalent	Industry Standard Per Teacher FTE/ Class Type	Para 6-hour Equivalent Over (+) Under (-) Industry Standard
5.0	54.0	9.00	1:12 hrs	-1.00

Source: District data and industry standard

Many staff members expressed concern that the district uses a high number of 1-to-1 paras, and the process used to determine individual support for a student is inconsistent. Unlike special education classroom paras, no industry standard is established for 1-to-1 paras. Many districts throughout the state have taken steps to remove the designation of 1-to-1 para support because it unintentionally reinforces the concept of one adult assigned to one student. Industry practice commonly refers to both the assessment process and the para descriptive title as special circumstance instructional assistant (SCIA). Similar to the classroom para data accuracy previously discussed, the district data reported for 1-to-1 para staffing must be similarly regarded as estimates only. The table below for 1-to-1 paras breaks the data into three categories as Paras 1, 2, and 3. The total estimated cost of 1-to-1 paras is approximately \$5,388,915. Critical to effective decision-making on the necessity of 1-to-1 para assignments, especially in relation to behavior, is the consistent use of high-quality assessment data. Interviews indicated the district has had a 1-to-1 assessment process for multiple years. The procedures for 1-to-1 assessment were changed for this year, with a new assessment instrument as the primary tool. Staff reported the assessment process for 1-to-1 support is frequently circumvented. Staff also indicated that once assigned, the same 1-to-1 para will sometimes assist a student from elementary school through high school. In a related issue, staff indicate that if a change or reduction in 1-to-1 assistance is made during the annual IEP, a parent may disagree and request “stay put,” which the district interprets as a requirement to allow the individual support to remain in place from year to year. The appropriateness of this practice should be reviewed with district legal counsel. Another critical aspect of effective utilization of SCIA para support is the development of annual goals for independence. When individual SCIA support is added to a student’s IEP, the district does not provide any related goal(s) as it would for any other identified area of deficit. Considering the assignment of a 1-to-1 para is a highly restrictive support, this goal development is a critical step because it focuses IEP service on the deficit area to strengthen skills and monitor annual progress that will help the IEP team determine if adjustments can and should be made in the level of service. This process also helps the IEP team move away from the concept of one adult being assigned to one student by leaving the methodology of goal implementation up to the district. This approach to implementing related goals and monitoring student support allows the district to consider the multiple advantages of having one para supporting several students when appropriate. The monitoring and reporting on student progress, as with any goal, provides a rational basis for the IEP team to alter a service.

1-to-1 Para Costs by Category

Type	Para 6-Hour Equivalents	Total Cost
Para 1	77.53	\$2,761,386.00
Para 2	12.38	\$533,207.00
Para 3	55.30	\$2,094,322.00
Total Cost All Categories		\$5,388,915.00

Source: District data

Recommendations

The district should:

1. Establish thorough and accurate data related to all special education paras including both classroom and 1-to-1 assignments.
2. Consider changing how 1-to-1 paras best support students in the least restrictive environment.
3. Designate lead staff in the Special Education, Human Resources and Business Services departments to meet regularly to review and reconcile discrepancies, if any, on special education para assignments.
4. Consistently use the entire PC form process to review, approve and accurately track every request related to para assignments.
5. Form a short-term inter-departmental group to develop strategies to attract and retain para job applicants and substitutes to address frequent vacancies and staff absences.
6. Conduct a longitudinal study on special education para staffing to determine if services are used at maximum effectiveness.
7. Consistently use a reliable assessment process to present the IEP team with the data needed to make determinations on individual, or grouped, para support for students.
8. Require consistency in developing, monitoring, and revising IEP goals for independence for each student who receives individual support as a related service.
9. Hold accountable any staff member who attempts to circumvent established procedures to appropriately assess the need for individualized para support for students.
10. Consult with legal counsel regarding the district's current implementation of a parent's "stay put" request.

Related Service Provider Staffing and Caseloads

The district provides many related services according to the student needs outlined in each IEP. It employs related service providers such as school psychologists, speech and language pathologists, adapted physical education teachers, behaviorists, occupational therapists, physical therapists, vision and orientation and mobility teachers and nurses. The district contracts with nonpublic agencies for short-term absences for these positions.

In this section, FCMAT uses the respected independent source CalEdFacts to represent the statewide average caseload as industry standard where noted. The CalEdFacts analysis is based on service to the K-12 total population and does not break out specialized assignments from within the K-12 population. For that purpose, any specialized district assignments that are not included in the staffing and caseload average will be specified.

School Psychologists

Position control documents indicate that the district employs 15.8 full-time equivalent (FTE) school psychologists, 9.0 FTE paid interns and 2.0 FTE field interns. The 9.0 FTE paid interns receive \$400 per month. Staff interviews and documents reviewed indicate standard roles and responsibilities for school psychologists generally comply with state and professional standards. The psychologists provide assessments, attend needed student study team (SST) meetings, IEP meetings and are administrative designees as requested. Several school psychologists maintain assignments that are unique and/or do not apply to the K-12 student population, and are not included in the district average. This includes 1.2 FTE psychologists who provide services to the preschool population, as well as any interns.

The district's average caseload for psychologists is 751 students per 1.0 FTE psychologist. If staffed per industry standard at 1,010 students per 1.0 FTE psychologist, the district would require 10.9 FTE psychologists.

The district expressed concern that school psychologists experience high turnover. Interviews indicate this is partially because of the lack of processes and procedures to assist all special education staff, as well as the psychologists. Many staff members are frustrated with the lack of communication from the Special Education Department. Staff also indicated that when a request for assessment is made, the school team does not hold an SST meeting to discuss the area of need or document any strategies or interventions used with the student.

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard	Staffing (+) Above (-) Below Industry Standard
Psychologist	14.6	10,962	1:751	1:1,010	+ 3.7

Source: District data and CalEdFacts

Staff indicated that when the school IEP team recommends the eligibility of other health impaired or emotionally disturbed, and the parents do not desire eligibility under that disability category, the district negotiates a different eligibility. However, a comparison of county and state identification rates to those of the district for these two disability categories clearly shows that the district has nearly double the percentage of students identified as other health impaired and emotionally disturbed.

Identification Rates for Dec. 1, 2017

Disability	District	County	State
Emotional Disturbance	6	2.7	3.2
Other Health Impairment	24.2	12.3	12.6

Source: Data Quest and CASEMIS 12-1-17 (Includes infants and preschool)

Nurses

The district provides a variety of health-care services to general and special education students including state mandated vision and hearing testing and health updates for students with IEPs for initial and triennial meetings.

The district employs 9.0 FTE school nurses. One FTE nurse serves 0.5 FTE as the nurse coordinator, handling duties such as hearing and vision testing, parent concerns, problem solving, ordering, organizing meetings, developing policies and procedures, providing professional development, as well as managing and supporting the Medi-Cal LEA billing districtwide. She also serves 0.5 FTE dedicated to special education preschool. One FTE nurse is utilized and paid for by Head Start. This specialized position, as well as the 0.5 FTE dedicated to preschool, is not included in the staffing comparison below.

According to CalEdFacts, the statewide average caseload for a school nurse is 2,371 students for grades K-12. The district's nurses have an average caseload of 1,462. According to industry standards, the district is overstaffed by 2.9 FTE nurses. Interviews indicated that the district employs additional school nurses, in lieu of contracting for specialized health care for medically fragile students.

In addition to school nurses, the district also provides health office specialists for 3.5 hours per day per school site. If a school site chooses to increase that support, it pays for that increase through the site budget.

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard	Staffing (+) Above (-) Below Industry Standard
Nurse	7.5	10,962	1:1,462	1:2,371	+ 2.9

Source: District data and CalEdFacts

Occupational Therapists (OTs)

When FCMAT requested caseload numbers for the OTs, the district found it difficult to provide this information. The SEIS reports were not consistent with the numbers provided by the OTs. The district-provided spreadsheet from the Special Education Department was used to calculate caseloads below and should be considered estimates. The district employs 10.0 FTE OTs and 1.0 FTE certified occupational therapy assistant (COTA). COTAs cannot be case managers or attend IEPs as the service provider; however, they can assist the OTs with providing direct service to students under the supervision of the OT. COTAs are typically used when a district has a difficult time hiring OTs and caseloads are high. District OTs serve a total of 331 students. The industry standard is 45-55 students per FTE. Using the industry standard, the district would require only 6.02 FTE for occupational therapy grades pre-K-12, and is overstaffed by 3.98 FTE.

If the district maintained 7.0 FTE OTs for any anticipated growth throughout the school year, it could reduce by 3.0 FTEs and would not need a COTA to support OT services.

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard	(+) Above (-) Below Industry Standard
Occupational Therapists	10	331	1:33	1:45-55	+ 3.98

Source: District data and industry standards

Physical Therapists (PTs)

The district employs 2.0 FTE physical therapists (PTs) for grades pre-K-12. The PTs travel through the district serving 53 students. The industry standard is 1-to-45-55 students each. Because of the wide range of ages and the distance traveled to various school sites, the staffing appears to be appropriate. The district could consider partnering with a neighboring district to reduce costs if appropriate.

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard
Physical Therapy	2.0	53	1:26.5	1:45-55

Source: District data and industry standard

Vision and Orientation & Mobility Teachers

The district employs 1.0 FTE vision teacher and 1.0 FTE orientation and mobility (O and M) teacher. These teachers work together to provide services for 24 students who are visually impaired and legally blind. The district is a regional provider and of the 24 students served, six are from outside of the district; it provides their services and receives revenue for the students.

Because these services are very specific and usually require 1-to-1 direct instruction, the caseloads are typically lower than other related service providers. The industry standards for vision and O and M range from 1-to-10-30 depending on whether the support is a related itinerant service or a classroom setting for visually impaired. This district serves students as a related service; therefore, its caseloads appear within industry standards.

Provider	No. of FTE	Total Caseload	Vision/O&M Caseload Average	Industry Standard
Vision and O&M Teacher	2.0	24	1:12	1:10-30

Source: District data and industry standard

Adapted PE Teachers (APEs)

The district employs 3.0 FTE APEs, who serve 119 students throughout the district, and the industry standard is 1:45-55 students. If staffed according to industry standards, the district would need 2.2 FTE teachers; however, because it is a challenge to recruit and retain APE teachers, the district may consider maintaining current staffing levels to allow for any increased services.

Provider	No. of FTE	Total Caseload	Caseload Average	Industry Standard
Adapted PE Teacher	3.0	119	1:40	1:45-55

Source: District data and industry standard

Behavior Specialists

The district employs 2.0 FTE behavior specialists, certificated positions, to both serve students and consult with staff who manage students with challenging behaviors. The behavior specialists can perform functional behavioral analyses, develop behavior plans and ensure that staff are trained to implement these plans. Many district staff members perceive that if a behavior specialist is assigned to support the teacher and student, this position primarily acts as the case manager and is responsible for implementing goals. The district should develop and disseminate an informational brochure to assist teachers in their understanding of what behavior specialists do in assisting students, their teachers and instructional assistants who work with those students.

The district recently entered into a contract with an NPA, Autism Partnership, which visits targeted classrooms, providing services such as student specific support, classroom program development and districtwide training. The behavior specialists have been required to complete the follow-up activities with the classroom teachers when the NPA is not on site. Although there is no industry standard for behavior specialists since they are utilized differently within school districts across the state, 2.0 FTE appears to be insufficient given the new responsibilities in collaboration with the NPA. The district should consider increasing the number of behavior specialists by 2.0 FTE until all staff are trained to implement the approach presented by the NPA.

Speech and Language Pathologists (SLPs)

The district employs 17.0 FTE SLPs, and Education Code (EC) 56363.3 establishes the maximum caseload for SLPs serving students ages five to 22 at 55 students, while EC 56441.7(a) establishes a preschool maximum caseload of 40 students. The district does not have SLPs dedicated only to preschool, so FCMAT extracted the preschool students from the total caseload and divided by the preschool maximum caseload of 40 to determine that 2.25 FTEs are needed to serve the preschool population. This resulted in 14.75 FTEs serving a total of 567 students ages five to 22, with an average caseload of 38.4 students each. The table below illustrates the district SLP staffing using that methodology.

Speech and Language Pathologist Caseloads

Provider	No. of FTE	Total Caseload	Caseload Average	Education Code Maximum	District Staffing Above (+) / Below (-) Ed Code
Speech and Language Pathologist (ages 5-22)	14.75	567	1:38	1:55	+ 4.45
Speech and Language Pathologist (Preschool)	2.25	90	40	1:40	0

Source: District data, EC 56441.7(a) and EC 56363.3

The district also employs 2.0 FTE speech and language pathologist aides (SLPAs). SLPAs are not case managers; therefore, this position is not included in the caseload average in the previous table. The SLPA can provide services under the direction of the SLP. The district has no procedure to determine the SLPA supports needed by SLPs. Staff expressed frustration regarding SLPA assignments and the decision not to provide additional support for some SLPs. Because the district is overstaffed with SLPs, it has no need for SLPAs as service providers.

Recommendations

The district should:

1. Review school psychologist staffing levels and determine if a reduction in psychologist staffing and paid interns is warranted.
2. Develop district procedures for assessment and eligibility for services under the various disability categories and train district staff in their use.
3. Develop a clear communication plan and procedures between the Special Education Department and all special education staff to increase effective communication.
4. Review occupational therapy staffing levels and determine if a reduction in OT staff and the COTA is warranted.
5. Review speech and language staffing levels and determine if a reduction in SLPs and SLPAs is warranted.
6. Develop and implement a process to determine the need for SLPAs and clearly communicate the process to SLPs.
7. Consider increasing the behavior specialist positions.
8. Reconcile SEIS with accurate caseload assignments.
9. Conduct an SST meeting, when a request for assessment is made, to discuss the area of need and document any strategies or interventions used with the student.

10. Consider partnering with a neighboring district to reduce costs for physical therapy, if appropriate.
11. Develop and disseminate an informational brochure to help teachers understand what behavior specialists do to assist students and what they do to assist teachers and instructional assistants who work with those students.

Continuum of Services

FCMAT analyzed whether the district provides a continuum of services, including whether it serves students in the least restrictive environment (LRE). The Individuals with Disabilities Education Act (IDEA) establishes nationwide minimum standards for services to disabled children, and related services to all eligible infants, toddlers (preschoolers), children, and youth with disabilities up to age 22. Further, each state must ensure that a free appropriate public education (FAPE) is available to any disabled child who needs special education and related services, regardless of whether he or she has not failed or been retained in a course or grade and is advancing from grade level to grade level (34 CFR 300.101 (c)). The district provides a variety of service delivery options. The following is a brief description of district service options.

Preschool

The district preschool programs serve students with disabilities ages three to five and provide services for students requiring only speech and language services. Students requiring only speech and language support are provided the services at their neighborhood school by the speech and language pathologist who also serves all other speech and language students at the site.

The special education preschool programs are provided in both the Santa Monica and Malibu areas. Staff reported that general education preschool programs who want to collaborate and integrate with special education preschool programs may do so; however, some general education preschool classes do not collaborate or allow special education preschool integration. There are no inclusive practices for preschool students with special needs. The options are SDC, SDC with little integration at recess, and speech and language services at the student's neighborhood school. The district should consider increasing the number of mainstreaming opportunities by purchasing preschool spots in the general education preschool programs. This will allow students who can participate in the general education program to be included in the least restrictive environment. Until then, the district could consider including nondisabled peers in the special education preschool.

The special education administration developed a new session through utilizing one of the special education teachers to provide an after school extended day preschool for special education preschoolers. It is not based on IEP needs, and the service is not included on the students' IEPs. Special education teachers should provide services only to students requiring a special education service unless it is done in cooperation with a general education inclusive program or interventions. The extended day program does not follow any of those criteria. This teacher cannot complete other duties similar to the other special education preschool teachers. If the students do not require these services as outlined per an IEP, they could be invited to attend the general education preschool in the afternoons as well as any other special education preschool students.

Kindergarten through Secondary

Staff reported that kindergarten teachers start referring students for special education assessment by October of each year. If the district was implementing Response to Intervention and Instruction (RtI²), it could offer a tiered system of interventions, progress monitoring and documentation in general education before a referral for assessment is considered.

Interviews indicated that staff encourage parents to request assessment for their child to circumvent the formal process of holding an SST meeting and developing strategies for support. The district should consider providing the general education staff with professional development on interventions in the general education classroom, eligibility requirements for special education assessment, and eligibility for services. When the school site receives a request for testing initiated by a parent, it should immediately schedule an SST to document any prior strategies implemented to support the student. This SST would also generate options for additional supports that can be provided before the outcome of the special education assessment.

Interviews indicated that IEP meetings for students in grades K-12 include a general education teacher; however, that is not always true for preschool IEPs, and no general education teachers attend IEPs for the 18- to 22-year-old students. The district should ensure all IEP meetings include a general education teacher.

Many staff interviewed are interested in attending professional development to support all students. The district should develop a needs survey to distribute to staff districtwide about possible professional development topics.

The district provides services for students with special needs, yet not all student needs are met in the least restrictive environment. The district uses the term “collaboration classes” when general education teachers are “pushing-in” specialized academic instruction (SAI). This is not collaborative teaching and planning. The teachers are simply supporting the student in the general education classroom instead of pulling the student from class. Collaborative teaching is when the general education teacher and the special education teacher build the lessons and curriculum design together. The students then may receive the instruction by the special education teacher with accommodations and modification.

The district also does not offer the co-teaching model, where general education and special education teachers develop the lessons together and participate equally in classroom instruction and small group instruction.

The last service delivery option not included in the district is an inclusive service. Students can be served appropriately in the general education classroom with SAI and supports when there is a systematic approach with professional development, a shared philosophy and program delivery process developed. The district does not provide a continuum of services.

The service delivery options taken from the district document titled “K-12 Special Education Program Offerings” are as follows:

General Education with Specialized Academic Instruction (SAI) and/or RSP - Students may receive SAI with a special education teacher as many minutes as appropriate per individual IEP. The rest of the time students may receive RSP services or be in the general education classroom, with or without support as appropriate. Some students may participate in collaborative classrooms co-taught by general and special education teachers.

Alternative Kindergarten (AK) - Students assigned to general ed K classroom and special education classroom. SAI is provided by a special educator. Students spend as much of their day as possible in a general education K classroom with supports defined by student IEPs.

SAI Intensive (SAI-I) - Students assigned primarily to special education classroom and may spend as much time as appropriate in general education settings, with supports as defined by student's IEP.

SAI Social Skills (SAI-SS) - Students receive SAI with a special education teacher as many minutes as appropriate per individual IEP. The rest of the time students may be receiving RSP services or in the general education classroom. General education classroom supports are defined by the student's IEP.

Structured Therapeutic Education Program (STEP) - Students assigned primarily to the STEP team. Flexibility of service provision in general education and special education setting based on students immediate social emotional needs. General education supports are also defined by the student's IEP. Mental health counselors provide on-going support via individual, group, crisis, and/or responsive services, and therapeutic environment.

Positive Behavior Support (PBS) - Students assigned primarily to special education classroom and may spend as much time as appropriate in general education settings with supports as defined by the student's IEP. District staff provides daily emotional support and crisis response. Collaboration with mental health providers as needed.

Life Skills (LS) - Services are provided in the special education setting and/or community. Access to general education classes and the supports provided, which may include curricular modifications, are defined by the student's IEP.

Although the document describes the program offerings in the district, many special education staff are unclear how to offer an appropriate program for students. Many staff reported a lack of communication about availability of space in a desired program so that they can effectively communicate to parents whether a service offered is available at the student's neighborhood school or whether the student will have to attend at another district school. This is not helpful to staff who understand the abilities of the students and their needs. The district should communicate the continuum of offerings available at each school site, the curriculum design for each and the types of students who would benefit from each placement and service. The regular communication should ensure this is updated regarding the number of students in the classroom, the average student enrollment in each program and be distributed to all special education staff monthly.

According to the district's procedure manual, dated 2014, the district provides the following related services:

Designated Instructional Services (DIS)/Related Services—These services are provided by a specialist who provides specific services not usually implemented by general education or special education teachers. These services include, but are not limited to the following:

- Adaptive Physical Education
- Audiological Services
- Counseling Services
- Deaf/Hard of Hearing Supports
- Health and Nursing

- Home/Hospital Instruction
- Occupational Therapy
- Orientation and Mobility
- Physical Therapy
- Psychological Services
- Recreational Services
- Speech and Language
- Transportation
- Vision Services

Finally, the district has reported there are many 1-to-1 instructional paraprofessionals in the classrooms. Many staff expressed concern that this service is highly restrictive and is developing dependency in students. Staff interviewed indicated they have not been provided professional development on strategies to develop independence with a student while a paraprofessional is providing 1-to-1 support.

Recommendations

The district should:

1. Meet with general education and special education preschool administration to develop a collaborative guideline between special education and general education preschool staff allowing for more integration.
2. Consider purchasing preschool spots in the general education preschool programs to increase mainstreaming opportunities for special education preschool students.
3. Consider whether the preschool extended day class is needed as additional special education services, as required through IEPs, or if the program can be eliminated.
4. Ensure the required members of the IEP team attend all IEP meetings.
5. Consider including nondisabled peers in the special education preschool for reverse mainstreaming until inclusive practices are developed.
6. Develop a formalized plan for integration opportunities with nondisabled peers beginning in preschool.
7. Consider providing special education services in the general education preschool programs.
8. Provide RtI² for struggling students throughout all grade levels, including preschool.

9. Provide general education staff with professional development on interventions in the general education classroom, eligibility requirement for assessment, and eligibility for services.

10. Require school sites to immediately schedule an SST meeting any time a request for testing is initiated by a parent.
11. Develop a needs assessment survey for professional development topics.
12. Develop collaborative, co-teaching and inclusive practices to ensure all student needs are met in the least restrictive environment.
13. Communicate the continuum of offerings available at each school site, the curriculum design for each and the types of students who would benefit from each placement and service. Send monthly communication to all special education staff updating the student enrollment in each program.
14. Design and provide professional development for instructional assistants to assist students with individualized support to develop independence.

Nonpublic Schools, Agencies and Alternative Placements

The district has a limited variety of placement options/services to meet the needs of students with disabilities whose needs exceed the current traditional program options. When the unique needs outlined in the IEP require specialized programs that are unavailable in the district, the district relies heavily on nonpublic schools for alternative placement. As a member of the Tri-City SELPA, the district also accesses specialized low-incidence regional programs such as the visual impairment program, deaf and hard of hearing program and educationally related intensive counseling services (ERICS).

The district contracts directly with state-certified nonpublic, nonsectarian schools and agencies for NPS placements.

Nonpublic Schools (NPSs)

Education Code Section 56034 contains the qualification standards required for an NPS to provide services to students with disabilities. It defines an NPS as follows:

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

NPS is an option in the continuum of service for disabled students who need a specialized educational program that is unavailable in the district. SELPA members negotiate NPS contract rates, and each district develops individual service agreements (ISAs) for the students served. Each nonpublic school has a daily rate and the ISA outlines the services and any additional costs per student. These costs will vary based on the services designated in the IEP.

The district lacks a clear designation of responsibility for case management for students in nonpublic schools. Most coordinators are considered case managers. The broad scope of their duties at district school sites limits their ability to manage student programs in nonpublic schools. Many districts assign a psychologist and/or a teacher on special assignment rather than an administrator.

ISAs provide concise documentation of services to be provided to students as outlined in the IEP. The current protocol in the Special Education Department assigns the ISA development to a clerical support staff member. This practice assumes that the support staff has a clear understanding of all elements of the IEP process and the provision of programs and services to ensure that FAPE is provided. The document is forwarded to the director of special education for signature, with no procedure to check for alignment with the IEP. The coordinator who attended and participated in the development of the IEP should create the ISA and forward it to the director.

The Special Education Department follows established protocols for NPS/NPA contracts but lacks systematic protocols for managing ISAs and invoices. Invoices sent to the Business Services Department are not timely, which can cause delays in payments to vendors and schools.

For budget and financial reporting purposes, the district's Business Services Department separates the NPS and NPA expenses. Separating these costs helps special education staff and

administrators monitor and track expenditures, particularly those related to NPA contracts. The Special Education Department internal document does not separate NPS and NPA costs. Greater efficiency can be attained by following the system used by the Business Services Department.

Nonpublic School Enrollment and Costs 2016-2018

School Year	Number of NPS Students	Annual Costs of NPS
2016-17	29	\$1,029,990
2017-18	25	\$925,726
2018-19	16	\$685,000 (as of 9/24/18)

Source: *Special Education Tracking 2015-18; Expenditure Reports 2015-18*

Sixteen contracts for nonpublic schools are listed on the special education tracking document for 2018-19; however, this number may be inaccurate. In the process of reviewing the special education tracking document, FCMAT found discrepancies that included additional entries stating “NPS contracts already assigned – no contracts in place.” The entries listed represent an additional 12 students at Vista School, three students at Alpine Academy and 30 students at Beach Cities Learning Center. If these entries represent students that have IEPs stating the need for a nonpublic school placement, there are concerns regarding both legal compliance (CFR 300.323(c)(2)) and fiscal implications for the district.

Regional Programs

The SELPA provides written procedures for access to regional programs located in member districts throughout the SELPA (Beverly Hills, Culver City and Santa Monica-Malibu unified school districts). Program costs are determined through the SELPA governance committee, and the SELPA is the provider of these services. Costs are derived per ADA, and total costs are taken “off the top” of the SELPA allocation each year. For example, the total SELPA cost for regionalized services (2017-18) was \$370,000. The district’s allocation based on 17.7 ADA was \$183,028. The district has students who access specialized services in each of the following districts:

- Beverly Hills Unified School District is the provider for deaf and hard of hearing and audiology; and,
- Santa Monica–Malibu Unified School District is the provider for the visual impairment program.

Mental Health Services

On June 30, 2011, Assembly Bill 114, Statutes of 2011 was signed into law. Under AB 114, several sections of Chapter 26.5 of the California Government Code were amended or rendered inoperative, ending the state mandate on county mental health agencies to provide mental health services to disabled students (<https://www.cde.ca.gov/sp/sela/lab114twg.asp>). The law shifted the mandate to local education agencies (LEAs) as solely responsible for ensuring disabled students receive mental health and related services referred to as educationally related mental health services (ERMHS). This includes but is not limited to psychological, counseling and social work services and parent training.

Tri-City SELPA uses the term education related intensive counseling service (ERICS) to define the related services for students who require intensive short- and long-term counseling to access their education as noted in 34 CFR 300.34(a). The state and federal mental health funds received by the SELPA on behalf of its member districts are used to provide these services.

Culver City Unified is the ERICS provider, which includes the mental health case managers for residential treatment and counseling services, mental health assessor, clinical counselors, school social worker and clinical counselor intern.

The school district has the primary responsibility for providing residential treatment when students are unable to access their education after intensive interventions have been attempted, documented and exhausted. The SELPA guidelines advise districts that residential treatment is the most restrictive option on the continuum of service and is an education service, not a medical intervention. Residential treatment includes education costs, clinical counseling and room and board.

Special education tracking documents showed conflicting information; one indicating that 10 students required residential treatment in 2017-18 while the other showed 12. Expenditures related to residential treatment on the financial activity report noted a cost of \$1,008,131 for students in 2018-19. Special education tracking documents indicate that seven students are in residential treatment for 2018-19.

Nonpublic Agencies (NPAs)

Education Code Section 56035 defines a nonpublic agency as follows:

Nonpublic, nonsectarian agency” means a private, nonsectarian establishment or individual that provides related services necessary for an individual with exceptional needs to benefit educationally from the pupils’ educational program pursuant to an individualized education program and that is certified by the department. It does not include an organization or agency that operates as a public agency or offers public service, including, but not limited to, a state or local agency, an affiliate of a state or local agency, including a private, nonprofit corporation established or operated by a state or local agency, a public university or college, or a public hospital. The nonpublic, nonsectarian agency shall also meet standards as prescribed by the superintendent and board.

NPA costs include the following:

- The cost to hire certificated replacements to staff open unfilled positions in speech, occupational and physical therapy, nursing, and psychologists.
- The cost of related or compensatory services.
- The cost for individual education evaluations (IEE), which are permitted under IDEA.

The Special Education Department maintains all NPA/NPS data on Excel spreadsheets. The total costs for nonpublic agency services are listed in the table below. Student services is a broad category that includes individual services for students such as counseling, IEEs and compensatory funds provided to parents as part of a settlement. NPA services for the deaf and hard of hearing are specialized services, such as captioning services, that are required by the IEP but not provided through the SELPA regional programs. NPA autism services are primarily for 1-to-1 behavioral aides with supervision consultant services.

Some items, such as compensation to parents as part of a settlement, and consultants providing professional development to staff, should be tracked in a different document. The only items that should be tracked under nonpublic agencies are those that meet the criteria defined in EC 56035.

Transportation is not included in the NPA costs chart because that is addressed in the Special Education Transportation section of the report. In addition, the chart does not include nonpublic agencies that provide staffing for open, unfilled positions in the district such as psychologists, speech pathologists and occupational therapists, which is addressed in the Organizational Structure section of the report.

Nonpublic Agency Costs 2017-19

School Year	NPA Student Services	NPA Autism Services	NPA Deaf/ Hard of Hearing	NPA Totals
2017-18	\$284,967	\$539,851	\$45,280	\$870,098
2018-19*	\$206,025	\$543,500	\$107,000	\$856,525

Source: Special Education Excel Documents; * These documents represent costs submitted as of October 2018

Both the NPS/NPA expenses are difficult to predict from year to year because they are based on the specific needs of students with disabilities as outlined on their IEP. Staff reported that the special education budget rolls over each year. Because the number of students who require intensive programs/services, such as autism, is increasing, it may be cost effective to consider creating a program option within the district or region that meets their needs.

The line item of the 2018-19 budget, titled Sub-agreements for Nonpublic Agencies, has a budget of \$400,000. Based on previous expenditures and those projected for the year, an adjustment will be needed just to cover the items discussed above. The special education administration is responsible for informing the Business Services Department of the projected needs for each school year. Business services and special education administrators should meet at least quarterly to discuss changing student needs that affect the nonpublic agency budget.

Recommendations

The district should:

1. Review the duties for case management for district students placed in nonpublic schools and determine the appropriate staff to provide case-management services.
2. Ensure that NPS case managers are individuals who can complete triennial evaluations and other assessments as needed.
3. Ensure the Business Services Department has an accurate count of students placed in residential treatment as reflected through master contracts and individual service agreements that have been board-approved.
4. Reassign the development of the ISA to the coordinator assigned to the IEP determining the need for nonpublic school or agency services.

5. Review current department protocols for preparation of the ISA that ensure alignment of the IEP and ISA.
6. Require special education administration to meet with business services staff to develop appropriate strategies to ensure that invoices are provided in a timely manner so that vendors are paid timely.
7. Train the Special Education Department to correctly code expenditures so that the costs related to special education, for such items as NPA costs, can be correctly identified and used in management decisions.
8. Research the accuracy of the Special Education Department's 2018-19 contract log to ensure that all students enrolled in Vista, Beach Cities Learning Center and Alpine Academy have board-approved nonpublic school contracts and that students receive the services outlined in their IEPs.
9. Ensure administrators from the Special Education and Business Services departments meet at least quarterly to ensure that the budget cost estimates reflect the appropriate number of students in nonpublic schools and nonpublic agencies for 2018-19.
10. Consider creating a district program, or collaborate on a regional program offering, to better meet the needs of students requiring more intensive programs/services who receive services through an NPS or NPA.

Due Process, Mediations and Settlements

The IDEA requires school districts to implement all procedural safeguards for children with exceptional needs. When disputes arise over the eligibility, assessment, educational placement or the provision of a FAPE, steps are outlined in the procedural safeguards regarding efforts to resolve disagreements at the lowest level (EC 56500.3). Special education is a highly litigated area of federal law, with the primary basis of litigation being disputes over the provision of FAPE.

The district has a high number of disputes filed by parents over FAPE. In 2018, the district initiated three cases against parents over the district's offer of FAPE. All three cases involved unilateral decisions to place students in private school with a parent request for reimbursement. The district prevailed in all three cases (Office of Administrative Hearings Case Numbers: 2017110028; 2017080121; 2018020479). These decisions have important implications for the district because it verifies that its offer of FAPE was appropriate. These written decisions are a public record and provide excellent opportunities for training coordinators, psychologists and principals in the definition of FAPE.

Legal Settlements 2015-2018

School Year	Number of Cases	Settlement	District Attorney Fees
2015-16	21	\$807,903.73	\$257,200
2016-17	14	\$714,212.18	\$212,392
2017-18	22	\$1,045,954.81	\$411,886*

Source: Office of Administrative Hearings 2015-18; District fiscal records 2015-18

*The increase in attorney fees in 2017-18 is attributed to the additional costs for representation in all three due process cases from March-July 2018.

The IDEA requires a district to convene a resolution meeting with the parent and relevant members of the IEP team within 15 days of receiving notice of the parent's due process complaint and prior to the initiation of a hearing under 20 U.S.C. 1415(f)(1)(B). A review of the special education tracking document found no evidence that the district uses this process. The tracking document suggests that the district immediately moves to formal mediations, as a standard practice, involving attorneys on both sides, and attorney fees for the parent are included in the settlement agreement. The district also accrues fees for participation in the mediation process.

Many districts use a facilitated IEP process, which is beneficial to early resolution. No attorneys are involved in the resolution meeting, which results in a significant savings, follows federal law and leads to early resolution. The district would have to invest in specialized training and create facilitated IEP team leaders.

FCMAT did not find any evidence that the district includes principals in resolution meetings or mediations. When a mediated agreement is reached with a parent and the district, the principal of the school should have knowledge of all elements of a mediated agreement that will be implemented on his or her school site.

Some at both the teacher and administrative level perceive that most of the district's due process requests come from the Malibu portion of the district; however, FCMAT reviewed the cases filed in 2017-18 and 2018-19 and found that the due process cases are evenly split between the Santa Monica and Malibu areas.

Due Process Requests by Malibu and Santa Monica

School Year	Malibu	Santa Monica
2017-18	7	8
2018-19	6	5

Source: District filings with Office of Administrative Hearings 2017-18

The prevailing programmatic concern was autism programming in both areas of the district. The high dependence on independent contractors discussed in the Nonpublic Agency section of this report verifies the need to develop staffing and programs for students with autism.

School districts must request a due process hearing when a parent of a special education student who previously consented to special education services does not consent to a component of the IEP that the district believes is necessary for a FAPE (EC 56346(f)). Neither IDEA nor the California Education Code provide a timeline for when a school district must initiate a due process hearing for this purpose. The district has 29 unsigned IEPs in 2017 and 64 in 2018.

Despite the lack of guidance on how long the district can wait to obtain a parent signature before it is required to file for due process, a California district court has found that failing to file after a protracted period is a serious procedural violation of state law (*Porter v. Manhattan Beach Unified School District* (C.D.Cal., Dec. 21 2004 (Case No. CV 00-8402 GAF)) 105 LRP 40577).

In addition to the legal issues related to unsigned IEPs, this issue affects the ability to affirm data in SEIS. The accuracy of this data, related to each IEP, is critical for required reporting periods to the CDE.

The district should track and follow up on unsigned IEPs with two to three written notifications to the parent and/or continue to attempt to obtain final signatures in a formal meeting. If previous attempts fail, the district should seek legal advice on the next steps to comply with the elements of the law.

Recommendations

The district should:

1. Consider developing a more formalized process that aligns with the requirements of IDEA for resolving parent disputes.
2. Use the recent written decisions in which the district prevailed on the issue of FAPE, to develop trainings for coordinators, psychologists and principals.
3. Include principals in the resolution and mediation process when agreements will be implemented at their school site.
4. Explore options to enhance program supports within the district for students with autism.

5. Develop a district procedure to guide IEP teams in obtaining parent signatures on the IEP.
6. Provide training and support to school principals, coordinators, and staff to effectively manage unsigned IEPs.

Organizational Structure

FCMAT reviewed the Special Education Department's organizational structure and clerical support staffing to determine whether clerical and administrative support, programs and overall functionality are aligned with those of comparable-size districts.

The Carlsbad, Las Virgenes and Palos Verdes Peninsula unified school districts were used for comparison. These are similar K-12 unified districts based on enrollment size, identified students with disabilities, free and reduced-price meals and English learner populations.

Although comparative information is useful, it should not be considered the only measure of appropriate staffing levels. School districts are complex and vary widely in demographics and resources. Careful evaluation is necessary because generalizations can be misleading if unique circumstances are not considered.

Comparison District Information

	Total Enrollment	English Learners	Free/Reduced Meals	Students with Disabilities
Santa Monica-Malibu	10,806	8.7%	24.4%	1,271
Carlsbad	11,326	6.9%	23.7%	1,457
Las Virgenes	11,323	6.1%	12.7%	1,175
Palos Verdes	11,346	7.8%	7.2%	1,000

Source: DataQuest December 1, 2017 District of Residence; Ed-Data 2017-18

FCMAT contacted each of the districts to confirm special education administrative and clerical positions. The results are reported in the table below.

Administrative Management

	Santa Monica-Malibu	Carlsbad	Las Virgenes	Palos Verdes
Director of Pupil Personnel Services (including Special Ed.)		1	1	1
Director of Special Ed. (only)	1			
Coordinator/Program Coordinator/Associate Principal Special Ed	4	1	3	2
Program Specialist		3	4	3
Total	5	5	8	6

Average: 6.3 FTE*

Source: District report

*Average does not include Santa Monica-Malibu in the calculation

The findings indicated that directors in comparable-size districts in this sample, except Santa Monica-Malibu, have responsibility for both pupil personnel services and special education. The staffing in this list reflects the resources dedicated to special education only, with the exception of the pupil personnel services portion of the comparable administrator's time, which FCMAT was unable to quantify. The comparison does not reflect the learning center specialist in Santa Monica-Malibu or the teacher on special assignment in another because they are not administrative positions. The district staffing in the coordinator/program manager area is 2.0 FTE above the average coordinator position and 3.3 FTE lower than the average program specialist position in comparable districts.

Clerical Support Positions

	Santa Monica-Malibu	Carlsbad	Las Virgenes	Palos Verdes
Administrative Secretary/Assistant	1	1	1	1
Sr. Office Specialist	1			
Secretary to Coordinators/Program Specialists		1	1	
Special Education Specialist	1			
Data Technician	1	1	1	1
Total	4	3	3	2
Average 2.7 FTE*				

Source: District report 2018

*Average does not include Santa Monica-Malibu in the calculation

The average number of clerical support FTE in comparable size districts is 2.7 FTE. The district exceeds that average by 1.3 FTE positions; and the Special Education Department recently requested a temporary office specialist for additional support.

Functionality

Staff at all levels reported that the department lacks procedural direction and protocols for consistent adherence to policies and procedures. This has produced a lack of confidence in department leadership both within the department and with school sites. Coordinators are perceived as managers of special education, and principals expressed appreciation for their support and acknowledged the difficulties within the department.

The special education office is perceived as chaotic. Job responsibilities are not defined, and workflow is inconsistent and disorganized. Office morale is poor, leading to staff turnover. Coordinators were directed to assume some clerical duties because of the dysfunction in the office, including generating PC forms for new hires, affirming IEPs in SEIS, implementing mediated agreements, assisting with the management of student records and helping staff assign substitute special education paras. These duties divert coordinators from their direct support to school sites and should be reassigned within the special education office.

The senior office specialist works daily, approximately from 7 a.m. to 9 a.m., securing substitute special education paras across the district and frequently needs support and direction from coordinators on the needs of students in specific programs. This is not a typical assignment within the

Special Education Department in other districts FCMAT has reviewed. Securing substitutes is normally a function of the Human Resources Department.

Interviews indicated that Special Education Department communication is inconsistent and confusing, both within the district office and to the school sites. Staff have expressed concerns about the accuracy of information from the department as well. The transfer of critical information from the district to the SELPA is not always accurate. Timelines for California Special Education Management Information System (CASEMIS) and Desired Results Developmental Profile (DRDP) have been missed, and guidelines and feedback from the SELPA are sometimes misunderstood.

SEIS is a critical element in coordinating special education student information through the SELPAs and reporting to the state. It contains all the student information and the IEP for each student. Once the IEP is completed in most districts, it is affirmed by the teacher, which is the last step in finalizing the IEP for SEIS. In Santa Monica-Malibu the data technician is the only individual who has the authority to affirm an IEP. This has caused a significant delay in accurate student information being shown in the SEIS database transmitted to the CDE for the December 1 count. To catch up with the delay, coordinators were assigned to affirm the IEPs at the schools they support. The function of affirming an IEP should be completed by the teacher or specialist who is certified to develop and implement IEPs for students with disabilities.

Managing confidential records for students with disabilities is assigned to the special education office; however, the cumulative records for students are assigned to the school site the students attend. All records, regardless of where they are housed, are required to follow the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232; 34 C.F.R. Section 99). Most districts assign management of special education records to the school site that the students attend. Maintaining them at the district level can prove inefficient and problematic to manage. Interviews indicated that the department is overwhelmed by managing records. The director is pursuing a pilot project to scan documents and create files in a more accessible and manageable format. This could prove more efficient. Given the current challenges in the special education office, this should be a summer project instead of trying to start something new during the school year.

Recommendations

The district should:

1. Consider aligning the coordinator and program specialist support levels with that of comparable size districts.
2. Assign teachers or specialists the responsibility of affirming IEPs in SEIS.
3. Develop a work group of special education stakeholders to gather information and define the protocols that are missing in the Special Education Department.
4. Develop a plan to create and distribute protocols. Include formal training for staff and administrators.
5. Restructure and define the clerical duties of the special education office.

6. Meet with the Human Resources Department to discuss options to reassign the clerk duties for staffing special education substitute instructional paras to the Human Resources Department.
7. Remove tasks from the coordinators' assignments such as creating PC forms, affirming IEPs, assigning substitute instructional paras and implementing settlement agreements.
8. Consider implementing the pilot for records management in summer 2019 instead of during the school year.
9. Assign the data technician to work with the SELPA to correct any errors in reporting to CDE.
10. Hold special education administration responsible for timely reporting related to CASEMIS and DRDP requirements.
11. Consider moving management of special education records to the school site of attendance for students.
12. Create options to discuss with principals their concerns with the Special Education Department.

Special Education Transportation

Transportation Funding and Finance

School transportation in California has been inadequately funded for many years. Up to 1977, school districts and county offices of education reported their operational costs to the CDE, and the state reimbursed those costs in the subsequent year. Capital costs were never reimbursed. After the passage of Proposition 13 in 1978, the state gradually reduced the percentage of reimbursement. In the 1982-83 school year the state capped the apportionment to each district and county office at 80% of reported costs. Any cost-of-living adjustments (COLAs) to transportation were granted only occasionally through subsequent years; however, as costs increased, revenue remained rather static. As a result, the state's share of the funding covered only approximately 45% of reported costs in the 2008-09 school year. That was the highest recent year of funding, and it was identified as each participating county office's or school district's "approved apportionment." During the Great Recession, the state reduced categorical program funding, including transportation, by approximately 20%. This reduction effectively means that the state now covers less than approximately 35% of the statewide cost of pupil transportation, with individual districts and county offices of education varying widely in funding percentage.

With the implementation of the LCFF in the 2013-14 fiscal year, school districts and county offices continued to receive the amount certified in April 2013. Under LCFF, transportation revenue has never received a COLA, is restricted to transportation use and is subject to a maintenance of effort requirement that mandates districts spend at least as much as they receive. The district receives \$820,273 in pupil transportation funding, with \$394,322 designated for special education. The 2017-18 special education transportation expenditures were \$1,379,384. This means that state funding only covered approximately 28.6% of the special education transportation expenditures, with the district's unrestricted general fund contributing the remaining \$985,062, or 71.4%. Because the state suspended school transportation data reporting at the outset of LCFF, there is no way to compare the district's transportation costs with neighboring or comparative school districts. Based on data prior to LCFF, the percentage is below the average state funding of approximately 35% of the overall expenditures for pupil transportation. Again, that funding was based on costs in the 1982-83 fiscal year, when transportation needs were most likely less than they are now, particularly in special education. As a budget comparison, the actual special education transportation expenditures for the three prior years were as follows:

- 2017-18: \$1,379,384
- 2016-17: \$1,367,025
- 2015-16: \$1,262,209

The progression of costs, particularly in the two most recent fiscal years, demonstrates great fiscal restraint, considering the typical cost increases for a district transportation department, including salary, health and welfare benefits, and cost of parts, tires and fuel.

Based on the 2017-18 unaudited actuals budget data, the district's cost for bus transportation is \$11,124 per special education pupil (this cost does not include the additional contract expenses for 13 students since it is not included in the transportation amount listed above). As mentioned before, the CDE ceased collecting statewide school transportation data at the outset of the implementation of the LCFF. The last statewide average annual cost per special education pupil prior to the state eliminating TRAN reporting (2011-12 fiscal year) was approximately \$6,500. The district approximates some of the costs assigned to each part of the transportation budget, general

education and special education transportation, so the separation and assignment of costs is likely not perfect; however, the cost per pupil for special education transportation is relatively reasonable as observed by FCMAT around the state. The average cost per special education route, calculated by dividing the 2017-18 expenditures by the 12 special education routes, is approximately \$114,949, which is higher than what FCMAT typically observes statewide. Approximately 108 of the district's approximate 124 students receiving transportation as a related service through their IEP are served on the 12 special education routes, achieving an average ridership ratio of nine students per route.

The district generally has a single-tier bell schedule, which reduces bus route efficiency. Each route is composed of one or two runs, with each run picking up students in the morning and returning in the afternoon combined with some mid-morning and mid-day transportation for district programs between sites.

The largest impact of driver costs is a contractual guarantee for all school bus drivers to be compensated for seven hours. Each seven-hour driver also receives full health and welfare benefits.

Few of the district's special education bus routes exceed four hours daily, leaving approximately three hours for other transportation related assignments. Drivers are expected to wash their bus at least once per week and fuel their bus when necessary. However, it was difficult to determine what other duties drivers regularly perform and how supervision ensures they complete the seven guaranteed hours with these other tasks. This contractual obligation would likely be difficult to remove from the collective bargaining agreement through negotiation. The seven-hour guarantee provides a significant benefit since the district has little difficulty recruiting and retaining drivers even though this is a considerable problem statewide, and even more so in the Los Angeles area. Managed appropriately, the district's seven-hour driver guarantee is considered a worthwhile benefit in promoting continuity of staff, stability of bus routes and a dedicated workforce; however, it should implement a supervisorial model for assigning nondriving assignments and accountability for their completion.

As noted above, state funding has been relatively static for the past 35 years. As costs have increased, funding has remained at approximately the 1982-83 levels. Demographic changes as well as the increase in the need for special education transportation has influenced the cost increases that have occurred at the district over the intervening years.

Thirteen special education students ride to and/or from a district school site or NPS or receive mid-morning/mid-afternoon transportation between district campuses through use of external private contract transportation; most appear to use private taxis. One student receives in-lieu transportation, where a parent is compensated to transport his or her own child as part of their NPS contract for service.

Recommendations

The district should:

1. Consider implementing a supervisorial model for assigning nondriving assignments and ensuring their completion.
2. Include expenses for external contract providers in the special education transportation expenses to be able to determine the total cost of transportation as a related service.

Special Education Identification for Transportation

The district could not provide documentation identifying students with IEPs that require transportation support as a necessary related service to their disability or program location. However, an analysis of bus master route schedules, route cover sheets, and identification of students contracted for pupil transportation through external contract providers found that approximately 137 students receive transportation support as a related service. The analysis also found that 10.8% of special education students are identified as eligible and receive transportation as a related service, which is average to what FCMAT has observed statewide.

No evidence was provided to FCMAT indicating that the district has a protocol for IEP teams to identify pupil transportation as a necessary related service. Additionally, there is no district protocol to ensure transportation is applied in the least restrictive manner once students have been identified to receive this support. The district should develop and implement the use of a decision tree to help the IEP team identify transportation as a necessary related service and to ensure consistency in offering the service in the LRE (More information is available in the document attached as Appendix A to this report.). A decision tree provides detailed direction and assists in determining the need for transportation and other options that can be explored.

Recommendations

The district should:

1. Assess its IEP team identification process for evaluating pupils' needs for transportation support as it relates to their disability or program location.
2. Develop a district transportation decision tree that defines options available to provide program access in the least restrictive environment, and train IEP teams in its use and application.

Special Education Transportation Student Routing

Of the approximately 137 students identified as requiring transportation, approximately 124 receive transportation on district school buses; approximately 108 students on 12 dedicated special education bus routes and another 16 on general education routes. Based on the route cover sheets, the district has achieved an average student load factor of nine students per special education bus route, a load factor that is slightly below those generally observed in FCMAT transportation studies. The special education load factor indicates a moderately efficient routing system considering the district is on a single-tier master bell schedule. IEP teams should strive to assess and provide transportation services in the LRE. Without the use of a transportation decision tree during the IEP process, it is difficult to determine if a greater percentage of the district's special education students may be appropriately transported on general education routes when available.

Six of the 12 special education routes have an unusually high number of special education 1-to-1 paraeducators who are assigned to specific students. The district should determine the appropriateness of assigning a 1-to-1 paraeducator to assist a student in transport. To attain the LRE and achieve the greatest efficiency when using paraeducators, the district should strive to assign a paraeducator to the bus rather than to each student when appropriate.

The director of transportation assigns students to bus routes. Once students are assigned to a bus route, drivers generate driving directions and are responsible for maintaining the driving directions. The district should exercise more oversight in the construction of safe, timely and cost-efficient routing. District school buses are equipped with global positioning systems (GPS). Reviewing the actual route path performed by district drivers is helpful in assessing the efficiency of planned bus routes. The district should utilize its GPS program and data to continually ensure bus route efficiencies.

As previously discussed, the district guarantees drivers seven hours per day. A review of the district's special education routes found the 12 routes average approximately four hours each. The current route cover sheets reflect "placeholders" mid-day where there was previously a service; however, the service is no longer provided. Therefore, drivers have additional time already built into their schedules each day.

The district recently added a transportation operations supervisor and anticipated that the director and supervisor will be able to exercise greater oversight of the drivers' nondriving assignments as well as bus routing. The district should examine the routing of students assigned to home-to-school transportation or mid-morning/mid-day transportation by private contractors to determine if it can incorporate all or most back into district-provided bus routes.

The district generally has a single-tier master bell schedule and therefore does not benefit from a multitiered master bell schedule that would allow for the school bus fleet to be routed to more efficiently provide service to multiple schools. The district has a unique boundary that is separated into two parts. As a result, it should closely examine the benefits of a multitiered master bell schedule and consider staggering schools in all regions of the district. The district could realize reduced special education routing and/or the full or partial elimination of private external contract transportation services by implementing a multitiered bell schedule that allows greater use of fewer school buses.

Recommendations

The district should:

1. Strive to assign a paraeducator to a bus route rather than to individual students when appropriate.
2. Exercise more oversight in the construction of safe, timely and cost-efficient routing.
3. Utilize the GPS program and data to continually ensure bus route efficiencies.
4. Examine the routing of those students assigned to home-to-school transportation or mid-morning/mid-day transportation by private contractors to determine if those students could be provided transportation on district routes.
5. Consider the benefits of implementing a multitiered master bell schedule that staggers school bell times in all regions of the district.

District Use of External Contract Transportation for Special Education Students

The district provides transportation to 13 special education students through external private contract providers; private taxi cab, shuttle van service, and one student who is transported by their parent “in lieu” of transportation (through a contract). These students are transported to and/or from school, between district campuses and nonpublic schools. Four students utilize taxi cab or shuttle van service to district campuses and are supported by three paraeducators. The related transportation services are provided for students to meet FAPE; however, the district should use a “decision tree” in the IEP process to determine whether each student receives transportation in the LRE (A sample is attached as Appendix B to this report.). The district should strive to provide transportation as a related service on school buses whenever possible.

Although the district’s Business Services Department has established a professional services contract with the transportation providers utilized, the document lacks language on best practices for the transportation of school pupils. Furthermore, using taxi cab and shuttle service providers to transport special education students could be problematic if the vendors are not specifically trained in the disabilities of those students.

Recommendations

The district should:

1. Determine through the IEP process and a decision tree whether each student receives his or her transportation service in the LRE.
2. Strive to provide transportation as a related service on school buses whenever possible.
3. Aggressively review the necessity for using external taxi cab and shuttle service contract providers.
4. Immediately generate a comprehensive professional services contract specific to transporting students with disabilities to ensure vendors have the specific background and experience for transporting special needs students.

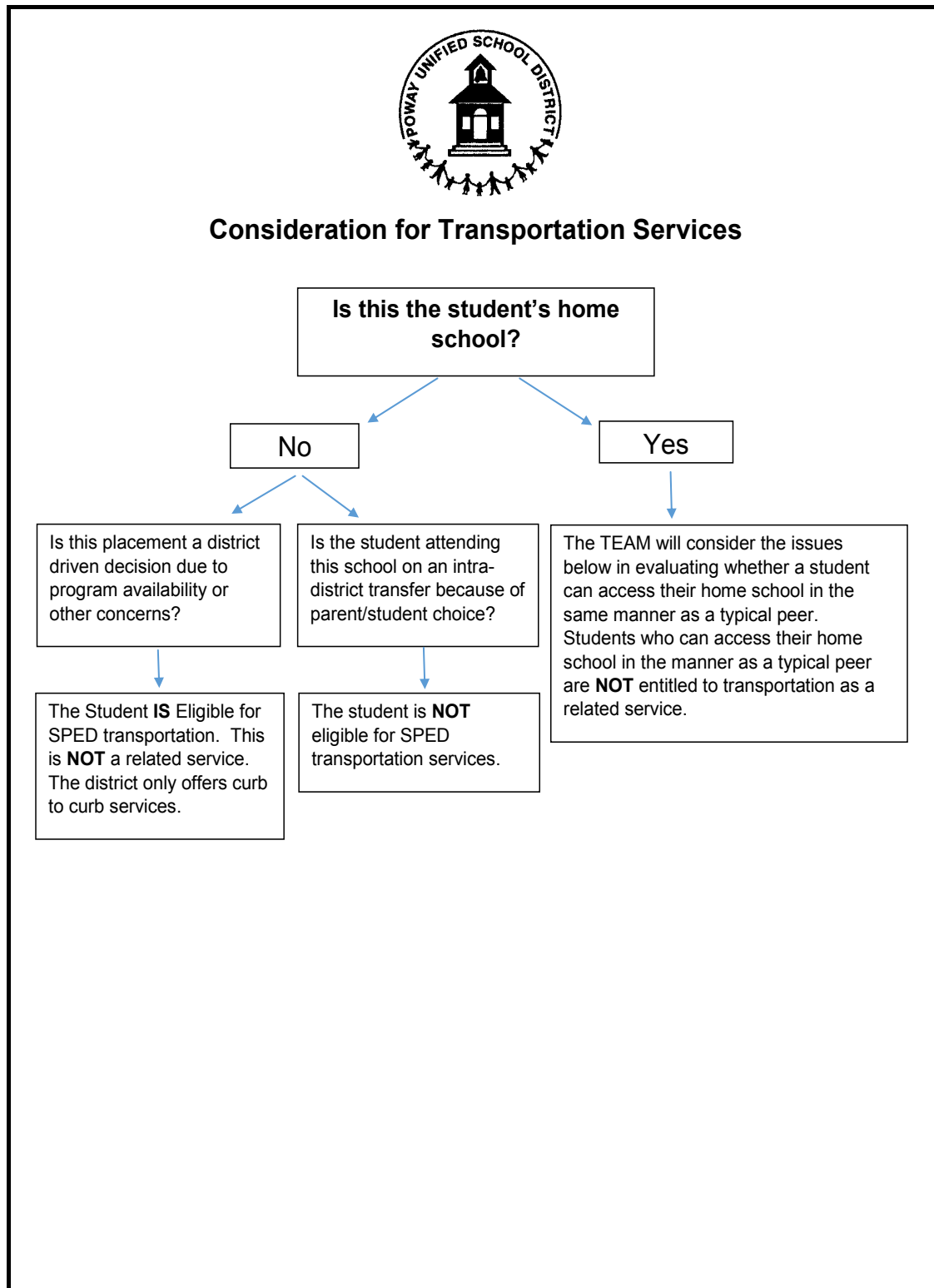
Appendices

A: Sample Transportation Decision Tree

B: Sample Continuum of Transportation Services in LRE

C: Study Agreement

Appendix A- Sample Transportation Decision Tree



Issues to consider when deeming whether a SPED student can access the school in the same manner as a typical peer:

- 1) Will this student make reasonable decisions expected of any student in their grade/age cohort?
- 2) Does the student require assistance to and from class, or other related services during the school day?
- 3) Does the student require immediate supervision during breaks such as lunch and recess?
- 4) Are there any significant medical conditions that might impact the student's access to learning such as seizures or epilepsy? Are they controlled?

***Please send the Poway Unified School District worksheet to the SPED office before holding an IEP to discuss possible addition of Transportation.**

If transportation is added:

- 1) If Transportation is being added as a new service, invite the Program Specialist assigned to your school.
- 2) Please document on the "Special Factors" page in SEIS paying close attention to make accurate selections.
- 3) Make note in "Team Summary" page in SEIS and ensure it is noted within the "Offer of FAPE".
- 4) Complete the IEP transportation checklist, scan and attach in the NOTES tab in SEIS within 5 days of the IEP meeting. It typically takes 10 days for new transportation services to begin.
- 5) Place all original documents in the confidential file.

Appendix B- Sample Continuum of Transportation Services in LRE

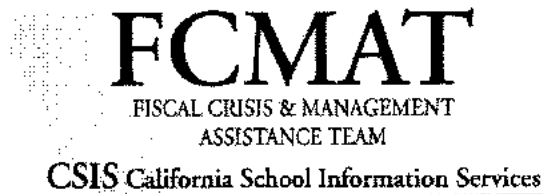
CONTINUUM OF TRANSPORTATION SERVICES

Least Restrictive To Most Restrictive Environment

1. Student resides within 2.0 miles of their school of residence. Student walks to school or utilizes alternate means of commuting equivalent to their peers.
2. Student resides more than 2.0 miles from their school of residence. Student uses designated school bus stops equivalent to their peers.
3. Student's program is at a campus other than their school of residence. Student requires a school bus. Pick-up at their school of residence or a designated school bus stop located within walking distance of their residence (specify with or without special equipment).
4. Student's program is at a campus other than their school of residence. Student requires a school bus, curbside pick-up near residence (specify with or without special equipment).
5. Student's program is at a campus other than their school of residence. Student requires a school bus, home pick-up (specify with or without special equipment).
6. Student's program is at a campus other than their school of residence. Student requires a school bus, home pick-up with assistance at the stop (specify with or without special equipment).

7. Student requires a school bus, home pick-up with assistance at the stop and a transportation assistant on-board the bus (specify with or without special equipment).
8. Student requires a school bus, home pick-up with assistance at the stop, transportation assistant on-board the bus and an adapted ride time (with or without special equipment).
9. Student requires a school bus, home pick-up and rides alone with a transportation assistant on-board the bus.
10. Student requires a school bus, home pick-up and rides alone with a transportation assistant on-board the bus and a modified school day.
11. Student is transported in a passenger van with their peers.
12. Student is transported in a passenger van with their peers and a transportation assistant on-board.
13. Student is transported in a passenger van and rides alone with a transportation assistant on-board.
14. Student is transported in a passenger van alone with a transportation assistant on-board and a modified school day.
15. Student uses atypical transportation such as an ambulance.
16. Parent provides transportation with District reimbursement.

Appendix C- Study Agreement



FISCAL CRISIS & MANAGEMENT ASSISTANCE TEAM STUDY AGREEMENT March 26, 2018

The Fiscal Crisis and Management Assistance Team (FCMAT), hereinafter referred to as the team, and the Santa Monica-Malibu 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 local education agencies (LEAs). The district has requested that the team assign professionals to study specific aspects of the district's operations. These professionals may include staff of the team, county offices of education, the California State Department of Education, school districts, or private contractors. All work shall be performed in accordance with the terms and conditions of this agreement.

In keeping with the provisions of Assembly Bill 1200, the county superintendent will be notified of this agreement between the district and FCMAT and will receive a copy of the final report. The final report will also be published on the FCMAT website.

2. SCOPE OF THE WORK

A. Scope and Objectives of the Study

1. Analyze special education teacher staffing ratios, class and caseload size using statutory requirements for mandated services and statewide guidelines, and make recommendations for improvement, if any.
2. Review the efficiency of staffing allocations of special education paraeducators, per education code requirements and/or industry standards, and make recommendations for improvement, if any. Review the procedures for identifying the need for paraeducators, including least restrictive environment, and the processes for monitoring the assignment of paraeducators and determining the ongoing need for continued support from year to year. (Include classroom and 1:1 paraeducators.)
3. Analyze staffing and caseloads for related service providers, including but not limited to: speech pathologists, psychologists, occupational/physical

therapists, behavior specialists, adaptive physical education and other staff who may be related service providers, and make recommendations for improvement, if any.

4. Analyze whether the district provides a continuum of special education and related services from preschool through age 22, including placements in the least restrictive environments, and make recommendations for improvement, if any.
5. Review COE, NPS and NPA costs and placements, and make recommendations for improving the process for placement and cost efficiencies, if any.
6. Review the organizational structure and staffing of the special education department in the district's central office to determine whether administration, clerical and administrative support, program specialists, teachers on special assignments and overall functionality are aligned with those of districts of comparable size and structure, and make recommendations for greater efficiencies, if needed.
7. Review the special education transportation delivery system for efficiency and effectiveness, and provide recommendations for potential cost savings measures, if any. The review will include but not be limited to the role of the IEP, routing, scheduling, operations and staffing.
8. Review the costs of due process, mediations, and settlements for the past three years, and make recommendations for improvements, if any.
9. Review the district's unrestricted general fund contribution to special education, and make recommendations for greater efficiency, if any.

B. Services and Products to be Provided

1. Orientation Meeting - The team will conduct an orientation session at the district to brief district management and supervisory personnel on the team's procedures and the purpose and schedule of the study.
2. On-site Review - The team will conduct an on-site review at the district office and at school sites if necessary.
3. Exit Meeting - The team will hold an exit meeting at the conclusion of the on-site review to inform the district of significant findings and recommendations to that point.
4. Exit Letter – Approximately 10 days after the exit meeting, the team will issue an exit letter briefly memorializing the topics discussed in the exit meeting.
5. Draft Report - Electronic copies of a preliminary draft report will be delivered to the district's administration for review and comment.

6. **Final Report** - Electronic copies of the final report will be delivered to the district's administration and to the county superintendent following completion of the review. Printed copies are available from FCMAT upon request.
7. **Follow-Up Support** – If requested by the district within six to 12 months after completion of the study, FCMAT will return to the district at no cost to assess the district's progress in implementing the recommendations included in the report. Progress in implementing the recommendations will be documented to the district in a FCMAT management letter. FCMAT will work with the district on a mutually convenient time to return for follow-up support that is no sooner than eight months and no later than 18 months after completion of the study.

3. **PROJECT PERSONNEL**

The FCMAT study team may also include:

<i>A. To be determined</i>	<i>FCMAT Staff</i>
<i>B. To be determined</i>	<i>FCMAT Consultant</i>
<i>C. To be determined</i>	<i>FCMAT Consultant</i>
<i>D. To be determined</i>	<i>FCMAT Consultant</i>
<i>E. To be determined</i>	<i>FCMAT Consultant</i>
<i>F. To be determined</i>	<i>FCMAT Consultant</i>

4. **PROJECT COSTS**

The cost for studies requested pursuant to Education Code (EC) 42127.8(d)(1) shall be as follows:

- A. \$800 per day for each staff member while on site, conducting fieldwork at other locations, presenting reports and participating in meetings. The cost of independent FCMAT consultants will be billed at their actual daily rate for all work performed.
- B. All out-of-pocket expenses, including travel, meals and lodging.
- C. The district will be invoiced at actual costs, with 50% of the estimated cost due following the completion of the on-site review and the remaining amount due upon the district's acceptance of the final report.

Based on the elements noted in section 2A, the total not-to-exceed cost of the study will be \$51,500.

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

Payments for FCMAT's services are payable to Kern County Superintendent of Schools - Administrative Agent, located at 1300 17th Street, City Centre, Bakersfield, CA 93301.

5. RESPONSIBILITIES OF THE DISTRICT

- A. The district will provide office and conference room space during on-site reviews.
- B. The district will provide the following if requested:
 - 1. Policies, regulations and prior reports that address the study scope.
 - 2. Current or proposed organizational charts.
 - 3. Current and two prior years' audit reports.
 - 4. Any documents requested on a supplemental list. Documents requested on the supplemental list should be provided to FCMAT only in electronic format; if only hard copies are available, they should be scanned by the district and sent to FCMAT in electronic format.
 - 5. Documents should be provided in advance of fieldwork; any delay in the receipt of the requested documents may affect the start date and/or completion date of the project. Upon approval of the signed study agreement, access will be provided to FCMAT's online SharePoint document repository, where the district will upload all requested documents.
- C. The district's administration will review a preliminary draft copy of the report resulting from the study. Any comments regarding the accuracy of the data presented in the report or the practicability of the recommendations will be reviewed with the team prior to completion of the final report.

Pursuant to EC 45125.1(c), representatives of FCMAT will have limited contact with pupils. The district shall take appropriate steps to comply with EC 45125.1(c).

6. PROJECT SCHEDULE

The following schedule outlines the planned completion dates for different phases of the study and will be established upon the receipt of a signed study agreement:

Orientation:	to be determined
Staff Interviews:	to be determined
Exit Meeting:	to be determined
Draft Report Submitted:	to be determined
Final Report Submitted:	to be determined
Board Presentation:	to be determined, if requested
Follow-Up Support:	if requested

7. **COMMENCEMENT, TERMINATION AND COMPLETION OF WORK**

FCMAT will begin work as soon as it has assembled an available and appropriate study team consisting of FCMAT staff and independent consultants, taking into consideration other jobs FCMAT has previously undertaken and assignments from the state. The team will work expeditiously to complete its work and deliver its report, subject to the cooperation of the district and any other parties from which, in the team's judgment, it must obtain information. Once the team has completed its fieldwork, it will proceed to prepare a preliminary draft report and a final report. Prior to completion of fieldwork, the district may terminate its request for service and will be responsible for all costs incurred by FCMAT to the date of termination under Section 4 (Project Costs). If the district does not provide written notice of termination prior to completion of fieldwork, the team will complete its work and deliver its report and the district will be responsible for the full costs. The district understands and agrees that FCMAT is a state agency and all FCMAT reports are published on the FCMAT website and made available to interested parties in state government. In the absence of extraordinary circumstances, FCMAT will not withhold preparation, publication and distribution of a report once fieldwork has been completed, and the district shall not request that it do so.

8. **INDEPENDENT CONTRACTOR**

FCMAT is an independent contractor and is not an employee or engaged in any manner with the district. The manner in which FCMAT's services are rendered shall be within its sole control and discretion. FCMAT representatives are not authorized to speak for, represent, or obligate the district in any manner without prior express written authorization from an officer of the district.

9. **INSURANCE**

During the term of this agreement, FCMAT shall maintain liability insurance of not less than \$1 million unless otherwise agreed upon in writing by the district, automobile liability insurance in the amount required under California state law, and workers compensation as required under California state law. FCMAT shall provide certificates of insurance, with Santa Monica-Malibu Unified School District named as additional insured, indicating applicable insurance coverages upon request prior to the commencement of on-site work.

10. **HOLD HARMLESS**

FCMAT shall hold the district, its board, officers, agents and employees harmless from all suits, claims and liabilities resulting from negligent acts or omissions of its board, officers, agents and employees undertaken under this agreement. Conversely, the district shall hold FCMAT, its board, officers, agents and employees harmless from all suits, claims and liabilities resulting from negligent acts or omissions of its board, officers, agents and employees undertaken under this agreement.

11. CONTACT PERSON

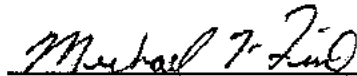
Name: Pamela Kazee, Special Education Director
Telephone: (310) 450-8338
E-mail: pkazee@smmusd.org



Dr. Ben Drati, Superintendent
Santa Monica-Malibu Unified School District

5/26/18

Date



Michael H. Fine,
Chief Executive Officer
Fiscal Crisis and Management Assistance Team

March 26, 2018

Date