

Educational Strategic Planning LLC

December 4, 2017

Dr. Donald Evans, Superintendent
Berkeley Unified School District
2020 Bonar Avenue
Berkeley CA 94702

Dear Superintendent Evans:

In September 2017, the Berkeley Unified School District and Educational Strategic Planning (ESP) LLC entered into an agreement for a review of the district's special education program and services. Fieldwork was conducted November 13-15, 2017.

As a result, Educational Strategic Planning (ESP) LLC has developed a draft report that provides comprehensive assessment and recommendations developed to address those issues. This report is under district review for accuracy, edit and comment. The draft report reflects 57 pages and 143 recommendations including, but not limited to the following to improve; communication, family school relations, fiscal accountability, the role of the principal, and the overall full-inclusion delivery stem.

To meet the board's agenda item December 6, 2017, as requested, following is a report summary to be distributed to your governing board in advance of the issuance of the full report. This document provides a brief overview of the full report.

We trust that this summary and the full report will be beneficial to all concerned. Please do not hesitate to contact us if we can support your district in any way.

Sincerely,

William P. Gillaspie, Ed.D.

Educational Strategic Planning, LLC

Report Summary

The Berkeley Unified School District lacks processes and procedures for special education functions throughout the district. This has resulted in an incoherent special education system replete with fiscal inefficiencies and poor communications. This hinders interdepartmental communication and affects systems that support efficient special education operations.

This lack of written processes and procedures has contributed to a system that overidentifies students as requiring special education services. The available data indicates 136 students are overidentified based on pupil counts, and the annual cost to serve a child in special education is about \$20,750 per child, with a total cost of approximately \$2.8 million. The caseload of 48 for speech services is also significantly less than the Education Code limit of 55, and a review of speech caseloads found that many district employees were significantly under the district limit, due to contract restrictions.

The district's percentage of general fund contribution based on the maintenance of effort documents for the 2017-18 school year is 66%, high compared to the statewide average of 51%. This does not include transportation costs. As a result, some fiscal documents indicate that the general fund contribution to the special education budget is more than \$16 million.

The district maintains commitment to the full-inclusion model to deliver special education services. However, training and a review of the mission for the model should be provided as well as ongoing training for special education and general education staff. Further, the caseloads assigned to special education mild to moderate full inclusion maintain a small classroom load compared to the RSP statutory maximum of 28 students per caseload. The full-inclusion model often only has 12-15 students on IEPs, and the teacher has a push-in model for full inclusion to the general education classroom.

Another area in which a cost savings may be achieved is in psychologists. The statewide best practice is a ratio of one psychologist to 1,366 students. Based on this data, the district is overstaffed by 7.6 school psychologists. It has 14.6 FTE school psychologists at an annual salary of \$104,579 each. Therefore, the 7.6 psychologists mentioned above equal \$794.800 in staffing costs over the statewide average.

Because of the implementation of the full-inclusion model in Berkeley schools, the district depends on instructional assistants to help the general education teacher implement student IEPs in the classroom. During interviews, staff frequently stated these assistants are not trained at the level required to meet student needs. Overstaffing has occurred for years at Berkeley Unified because caseloads have not been effectively monitored, instructional assistants were hired to meet student behavior needs, and NPAs were used to meet student needs.

The single revenue area that a district does have some control over is Medi-Cal Local Education Agency (LEA) billing. The special education director, director of curriculum and the business office should perform a thorough review of Medi-Cal funding to determine the amount of Medi-Cal funds received and whether the district receives the maximum amount.

The district has a lack of training among staff members who serve special education students. The district office has made attempts to provide training in Response to Intervention, for example, but staff interviews indicated personnel are unclear on how RtI works and what it is.

Throughout interviews it was found there is one major reason the district is overstaffed in special education and overidentifies special education students, increasing the contribution of the general fund to the special education: It has a limited districtwide consistent intervention system to help students remain in general education with support due to the Full Inclusion Model.

The district has no board policies or administrative regulations related to SSTs and COST teams and; therefore, no consist process or structure for districtwide implementation. As a result, the SST process is utilized inconsistently throughout the district. The SST appears to be used as the gateway into special education.

Under the previous directors of special education, there was a systemic lack of verbal and written communication from the Special Education Department, which has created isolation between the Special Education Department and the school sites. No effective policies or procedures were developed to guide the overall special education delivery system.

The current director of special education was previously an effective program specialist, but because of lack of opportunity, did not receive extensive training in special education finance, budget development or budget monitoring. The director has had little opportunity to communicate with the Business Department regarding either budget development or budget monitoring. The special education budget has been under the direction of the Business Department. District staff reported that the special education budget is rolled over from one year to the next year based on the prior fiscal year's income and expenditures.

It is normal for a special education budget, to fluctuate during the year, so it is important for the business department to be aware of these fluctuations. The district's Student Services, Human resources and Business departments do not meet or communicate regularly regarding budget changes. The district should, monitor the district's general fund contribution through the annual MOE. The district should determine if it can reduce expenditures using any of the exemptions allowed, monitor the proposed federal regulations regarding MOE and any changes regarding the local only test that may allow increased flexibility in reducing the unrestricted general fund contribution. The district should ensure that the director of special education is involved in all areas of special education budget development and monitoring and schedule meetings monthly, or at least quarterly, with the Special Education, Human Resources and Business departments to monitor the general fund contribution and all budget adjustments.

The director is involved in the everyday responsibilities of running the department and provides direct support to the schools sites, parents, teachers, and other agencies. However, the director lacks the time to work on development of policies and procedures because of her heavy workload. The support of an assistant director would be beneficial to the organization.

District sites do not depend on the Special Education Department for direction on policy or procedures to operate special education. Therefore, the director has limited authority to hold school sites accountable in this area.

There is lack of communication between school site principals and Special Education Department. Because of a lack of policies and procedures, the principals do not depend on the director of special education for authority and direction concerning implementation of special education. Principals indicated the Special Education Department does not provide a vision or clarity on how full inclusion functions or how to implement it. Because of a lack of policy and procedure, the site principals and Special Education Department do not communicate clearly or consistently. Poor communication between departments leads to parent conflicts with school personnel about what services are required and to meet student needs.

Because of the lack of systems in the department, the director cannot be proactive, but functions in a reactive manner. Consequently, she has little time to plan, organize, train and develop an overall delivery system based on consistency that relies on policy and procedures.

The North Region Special Education Local Plan Area (SELPA) has an effective procedural manual with policy and procedures. The district should adopt the SELPA procedural manual and modify it to suit its own needs, but

ensure it contains the standards necessary for legal compliance. The district should provide all staff with in-service training on special education operations and the required procedural systems to operate an effective and efficient special education delivery system for the 2018-19 school year.

The district's unrestricted general fund contribution to special education is projected to be 66% of total special education budget in 2017-2018, excluding transportation. This is above the statewide average of 41% reported by the California State Board of Education Workgroup Guidelines developed in November 2016. Increased expenditures are caused by many factors, such as overstaffing and reliance on NPS and NPAs. The total cost of special education programs and services exceed statutory requirements.

Overstaffing has occurred for years at Berkeley Unified because caseloads have not been effectively monitored, instructional assistants were hired to meet student behavior needs, and NPAs were used to meet student needs.

The district offers a full continuum of special education programs and services consistent with the requirements in federal and state law; however, a more robust continuum would allow students to remain in district programs and reduce the need for costly out-of-district placements.

Transportation excess costs for the 2017-18 school year are projected at \$1, 341,241. The district lacks an approach to monitoring the IEP process when decisions are made on providing specialized transportation. It does not use a "decision tree" chart and at IEP meetings to make decisions on transportation.

Approximately 28% of the district's special education students have transportation designated as a related service on their individualized education programs (IEPs). This exceeds the average of 10% that is found in most districts studied by Educational Strategic Planning LLC (ESP).

The total number of students that the district enrolled in NPSs has increased the last three years. The information provided by special education in the documents titled NPS/NPA Budget 2015-16, 2016-17, 2017-18 includes the daily rate for educational services, the cost of any related services that are not included in the daily rate such as speech, APE, OT, counseling, transportation, residential room/board and therapy.

Budget breakdown NPS:

2014-2015	\$1,423,178
2015-16	\$1,239,401
2016-17	\$1,424,405

The cost of placing a student in an NPS is more than \$40,000 per year on average, twice the cost of serving a student in the district-operated program.

The district should develop a districtwide one- to three-year action plan based on the findings and recommendations of this report. Each section should include a goal statement such as, but not limited to the following:

- Ensure staffing ratios and caseloads are at maximum caseload according to statutory requirements and statewide standards.
- Develop a procedural manual that reflects policies, procedures and process.
- Develop a parent/community advisory committee.

The action plan will serve as a road map for the district in developing special education systems, policies, procedures that ensure a legal, fiscally compliance, and programmatic sound special education delivery system. The district should also develop district board policies, as indicated and as they relate to special education, to ensure that each policy reflects the current Education Code.

A committee should be established made up of representative Special Education Department staff, site administrators, site special education staffs, related services, parents, general education staff, instructional assistants, and other district departments to develop the special education procedure manual and make changes as needed. This committee should meet as soon as possible and be given a short timeline to develop a document that is based on the North Region SELPA manual.

Berkeley Unified embraces a special education model that enhances the opportunity for all students to be mainstreamed into the general education. Therefore, the role of the principal is the key element for success. The single issue that runs throughout all the sections of this report is how principals provide special education services to children with learning, mental, social, and emotional, or physical disabilities.

The district should ensure principals are familiar with the concept and practice of special education as it relates to full inclusion. It should also direct the principals to ensure that all staff members know what is necessary for providing special education services.

Many families are in conflict with the district on meeting their child's individual needs, and consequently, due process and parent complaints are common. The legal expense to settle agreements between parents and school are costly and create a sense of mistrust. The district should work toward strengthening parent, family school relationships. The district should offer information on child development at each age and grade level.

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A spirit of trust and respect needs to be developed to allow parents to freely engage in their child's education without the threat of due process.

A districtwide parent/community advisory committee should be developed. The purpose of the committee is to improve families/school relationships and enhance leadership from the principals and director of special education regarding parents' concerns and complaints. The committee should consist of but not be limited to the following criteria:

- Membership should consist primarily of, but not be limited to, parents with children who have special needs.
- It should be chaired by a parent
- It should have committee bylaws, and all meetings should be open to the public and advertised at least 48 hours in advance. Meeting agendas should be posted on the district webpage.
- The director of special education, with input from the committee, should develop the agenda, notify the public of meetings, and have minutes recorded and approved each meeting.
- General education and special education teacher representatives should be appointed to serve on the committee.
- School site principal representative from the district should be on the committee.

The focus of the parent/community advisory committee should be as follows:

1. Work toward strengthening parent, family school relationships. The district should offer information on child development at each age and grade level.
2. Explain relationship between home influences and school performance.
3. Provide parents with information on curricular changes and how to monitor their students' progress.
4. Perform home visits at critical transition points; elementary to middle school, middle school to high school to establish personal contact; to provide helpful information and address parental questions.
5. Develop parent support systems and parent education offerings that are responsive to family preferences. A family center should be created for services provided.
6. Survey parents to assess their interest and needs, and the survey results should be used to establish a volunteer program and improve communication between home and school.
7. Develop a system for parents and schools to work together with behavior plans and when students are emotionally upset, disturbed and/or demonstrating anti-social behavior and obtain the family support needed to remediate the problems.
8. Regard parents as equal partners in discussions about their students' needs to help develop trust and respect among all parties.
9. Ensure parents are regularly invited to observe and visit the school site. Always debrief after visitation with parent and answer any questions they may have regarding their child's education.