

**ARTICLE 49 -SPECIAL EDUCATION**

The District and the Association recognize that several variables impact the workload of Special Education staff. The District shall maintain caseloads or class sizes as set forth below. The workloads will be balanced based on the criteria set forth below.

**Definitions.**

**“Caseload”** refers to the number of students with an Individual Education Program (IEP) for whom the special education teacher is assigned, each student is counted as “one” no matter the needs or severity.

**“Workload”** refers to all of the responsibilities required of the special education teacher or service provider and is based on student needs and many other factors outlined below in this article.

**“Case Manager”** refers to the special education teacher or certain DIS providers who are responsible for the management of the IEP, who oversees the special education processes and verifies that IEP services are implemented in compliance with federal, state and district regulations. Case Managers most often provide the most service minutes on the IEP.

**“Service Provider”** anyone who provides services and service minutes that are designated in the IEP. Related services assist a child with a disability to benefit from special education.

**“Resource Specialist”** is a special education teacher who provides instruction and services to students who are assigned to a regular classroom teacher for more than fifty percent (50%) of their school day and whose needs have been identified in an IEP.

**“Education Specialists”** is a special education teacher who holds this specific credential. This holder can conduct educational assessments, provide instruction and case manage IEPs for identified special education students in their credential specific specialty area.

**“Individual Small Group Instructor”** (ISGI) Provides instruction in the least restrictive environment according to an individual's identified needs. Teacher serves students within the Designated Instruction Services (DIS) Program. Special Education Credential, Resource Specialist Certificate of Competency and three (3) years teaching experience required to fill position. Credential authorizing instruction in the appropriate area of handicap.

**“Co-teaching”** having two teachers in the classroom, is used in the District to provide an inclusive setting for students with IEPs while ensuring that they are in the least restrictive environment as recommended by their IEP team. A co-teaching classroom typically contains a general education teacher and a special education teacher in the classroom. Paraprofessionals and others may also work in this setting to provide additional support.

**“Specialized Academic Instruction”** designates an instructional service on the IEP. These services are provided by personnel with job titles such as, Resource Specialist, Special Day Class teachers & ISGI.

**“Specialized Academic Instructor”** (SAI) designates a specialist who performs the job as described in Ed Code 56362 and is awarded the caseload protections under this section.

The District will maintain caseloads or class sizes as set forth below:

1. **Caseloads for Resource Specialists or Specialists: Education Code sections 56362 – 56362.1.** Defines this position as a specialist who shall provide instruction and services for those pupils whose needs have been identified in an individualized education program developed by the individualized education program team and who are assigned to regular classroom teachers for a majority of the school day.

This means that a Resource Specialist teacher may not be a case manager for any student on an IEP whose special education services calculate out to 50% or more of their school day.

Education Code sections 56362 (c) in part, “No Resource Specialist shall have a case load which exceeds 28 pupils.”

The caseload of 28 students includes the caseload numbers for an ISGI Specialist in the district per the job description provided above.

56362.1. For the purposes of Section 56362, "caseload" shall include, but not be limited to, all pupils for whom the resource specialist performs any of the services described in subdivision (a) of Section 56362.

A waiver may be provided to increase the caseload of a Resource Specialist teacher from 28 to 32 students, however it must follow specific guidelines set forth in the Education Code below.

Education Code (EC) Section 56101 and the California Code of Regulations (CCR) Title 5, Section 3100;

“A school district, special education local plan area, county office of education or any other public agency providing special education or related services may request the State Board of Education to grant a waiver of the maximum resource specialists case load, as set forth in EC Section 56362 (c), only if the waiver is necessary or beneficial to either (1) To the content and implementation of a pupils individualized education plan (IEP) and does not abrogate any right provided individuals with exceptional needs by specified federal law or (2) To the agency’s compliance with specified federal law”.

Requirements afforded within the waiver: CCR Title 5, Section 3100 (a-d)

- Initiating of the waiver is performed by the local educational agency.
- Input from the Resource Specialist teacher being granted approval of the waiver.
- Participation of the resource specialists bargaining unit is required in the waiver development.
- At least 5 hours of aide time daily is required when the caseload is over 28.

When a decision is received by the local educational agency (school district), the agency must produce written verification from the CDE to the resource specialist teacher & bargaining unit association included in the waiver of the approval or denial of the waiver. This must occur before the assigning of additional students to the resource specialist caseload above the 28 maximum. In addition, the increase in aid hours must be in place before the additional students are assigned.

Education Code sections 56362 (d) States “Resource Specialists shall not simultaneously be assigned to serve as Resource Specialists and to teach regular classes”. Any non-identified students that receive services from the resource specialist, i.e. RTI students, shall be counted towards the specialist’s caseload maximum of 28 students.

**Special Day Class (SDC) Setting Caseload Maximums.**

- SDC-Mild/Moderate, includes Autism Inclusion: 12 students. Staff to Student ratio of 1:3
- SDC Mild-Moderate Emotionally Disturbed, Autism, OI: 8 students. Staff to Student ratio of 1:2
- S D C - Moderate/Severe: 10 students. Staff to Student ratio of 1:2
- SDC Moderate/Severe Emotionally Disturbed, Autism, OI: 8 students. Staff to Student ratio of 1:2
- SDC (DHH/Deaf Education): 12 Students. Staff to Student ratio of 1:4

**Ed Code 56363.3**

- Speech Language Pathologists (SLP), Elementary & Secondary level: 55 Students
  - Speech and Language Pathologists (SLP), Early Childhood (Infant-PS): 40 Students
    - Caseloads for SLPs will be prorated to reflect caseloads that contain preschool age children as part of the caseload. Each student will carry an equivalency of 1.375 for preschool age children.
    - Caseloads for Designated Instructional Service (DIS) specialists; Orientation & Mobility (OM), Visually Impaired (VI) shall not exceed 12 students.
    - Caseloads for DIS specialists; Orthopedically Impaired (OI), & Assistive Technology (AT) shall not exceed 25 students.
    - Caseloads for DIS specialists; Deaf Hard Hearing (DHH), Cochlear Implant (CI) & Adapted Physical Education (APE) shall not exceed 15 students.
    - Caseloads for DIS Audiologists shall not exceed 80 students.
2. If a Special Educator is in charge of a specialty program on a campus (i.e., Autism Inclusion, ED program, etc.) those case managers will not be assigned to case manage or service students outside of their specific programs.
3. Any special education professional serving in an itinerant capacity shall be given appropriate travel time between sites. The district will make every effort to assign DIS, itinerant service provider’s site assignments within the same region within the district, in order to minimize interruption of instructional service minutes to students. Itinerant specialists shall be given 30 minutes of travel time between school sites.

**Equitable Distribution of Workload** Caseloads shall be equitably distributed within their program specialty at each school site not solely by equal caseload numbers, but based on the application of the elements of Special Education Workload identified and defined in this Section.

- However program specific special educators in mild-moderate, mod-severe, RSP, Autism, ED, and/or DHH programs shall not be assigned case management duties or other responsibilities for students outside of their specific program for which they are assigned.

**This workload description is highlighting the workloads of Speech Language Pathologists, however most if not all factors apply to other DIS providers, education and resource specialists' workloads.**

### **Caseload/Workload**

Although Ed Code has caseload caps for Speech Pathologists, it has not been revised since it was written. Since then, roles and responsibilities along with supports to teachers, staff, and families has also increased, decreasing the time available.

To accommodate this change, districts across the nation have implemented Workload Models. A site workload model uses a formula to take multiple factors into consideration: services to students, the number of annual/triennial IEPs, Special Education classroom/programs (Autism, DHH, MM, MS, PS), break/lunch, prep time, mandatory meetings, and travel.

### **Caseload Characteristics**

Nationwide, school SLPs provide services to students from at least four different groups:

- school-age students whose primary disability under IDEA is speech or language impairment;
- students identified under IDEA with primary disabilities other than speech-language impairment (e.g., autism, deaf-blindness, deafness, emotional disturbance, HI, intellectual disabilities, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, TBI, and visual impairment including blindness), but who receive speech-language therapy as a related service;
- preschoolers who are eligible for speech-language services;
- Students who receive pre-referral intervention, such as Response to Intervention (RTI) and other services designed to help prevent future difficulties with language learning and literacy.

According to the ASHA 2014 Schools Survey the median monthly caseload size of ASHA-certified, school-based SLPs who were clinical service providers working full-time was 47, with an individual caseload range of 1 to 240.

Some states have established maximum caseload guidelines for school SLPs, but others leave these determinations to local districts.

### **Impact of Large Caseloads**

Large caseloads are those that are difficult to manage, because of the number of students and/or the complexity of their needs. Large caseloads may impact

- student outcomes, because larger caseloads appear to minimize opportunities for individualized intervention. Caseload size may lead to a shift from individual to group treatment, as well as an increase in group size (Schooling, 2000). Communication skills, in particular, appear to be positively influenced by small treatment group size; students tend to verbalize and/or use gestures to communicate more in small-group settings. In addition, students on smaller caseloads are more likely to make measurable progress on functional communication measures than those on large caseloads (Schooling, 2000, 2003).

- service delivery options, because large caseloads appear to be a factor constraining the service delivery options for school SLPs. Large caseloads limit the ability to provide the full continuum of services addressing individual needs and may no longer support individualized services that are required for the student's IEP. Caseload size, rather than student characteristics, appears to be a frequent factor influencing recommendations regarding program intensity and/or model of service delivery (Brandel & Loeb, 2011; Schooling, 2003).
- recruitment and retention, because current trends toward increased school SLP caseloads and expanded responsibilities appear to be important factors contributing to high rates of attrition. Large caseloads are also associated with the difficulties experienced by educational agencies in recruiting qualified SLPs (Woltmann & Camron, 2009; Katz, Maag, Fallon, Blenkarn, & Smith, 2010).

### **In addition, a higher caseload impacts**

- provision of a Free and Appropriate Public Education (FAPE) as mandated by IDEA because larger caseloads may necessitate the use of service models that are not appropriate for some students (see IDEA's influence on student needs and expanded SLP responsibilities in schools)
- integration of curriculum, because the SLP's first responsibility is to provide educational services to the students on his or her caseload, which requires sufficient time to become familiar with curriculum and standards (i.e., Common Core State Standards or CCSS) across all of the grade levels served. High caseloads reduce the availability of time for planning. (For more information about CCSS, see Common Core State Standards Initiative and ASHA's Common Core State Standards: A Resource for SLPs.)
- opportunity to collaborate with teachers, because high caseloads mean less time for the collaboration necessary for transfer and generalization of strategies and skills
- the implementation of a successful educational model depends on quality collaboration with the students' teachers.
- consultation with parents and other professionals, because high caseloads make it very difficult for SLPs to schedule these opportunities. Coordinating services with other professionals and involving parents in planning and implementation are keys to effective intervention.
- supervision/training of SLPAs, classroom aides, student clinicians, and interpreters, because larger caseloads limit the time available to adequately train and supervise student clinicians and support personnel to ensure the highest quality of service delivery
- professional development and leadership opportunities, because larger caseloads may limit time available for participating in professional growth and leadership activities
- mediations and due process hearings, because larger caseloads may result in more situations requiring participation in mediation and due process hearings
- paperwork requirements for third-party billing (Medicaid), because SLPs typically complete paperwork for Medicaid billing for all children on their caseloads.

## Factors Impacting Workload

ASHA's 2014 Schools Survey (ASHA, 2014) indicates that the average number of students on speech-language caseloads has remained relatively unchanged over the past decade, while the role and related responsibilities of the school-based SLP have increased dramatically. These increases in responsibilities necessitate the shift to a workload approach if SLPs are to continue to add value to the students' classroom experiences.

Factors impacting increased workload include:

- changes in student populations including an increase in students with multiple diagnosed disabilities and complex communication disorders, necessitating more intensive, long-term interventions, and increased diversity of students' backgrounds, requiring SLPs to understand and adapt to these differences;
- increased need for collaboration in planning and providing services as students frequently receive services from a variety of providers;
- new mandates, requiring SLPs to provide services in the least restrictive environment using Common Core State Standards-compliance with which results in additional planning and collaboration as well as service delivery time;
- added responsibilities in facilitating literacy for children and adolescents;
- reporting requirements (including progress reporting) and student-centered meetings (both IEP and non-IEP) with general education teachers and parents;
- increased mandated staff development, "other assigned duties" in the building (bus duty), mentoring new SLP staff, and supervising clinical fellows;
- increased accountability mandates involving additional documentation and paperwork.

Thus, caseload can be viewed as only one of many factors that affect the overall workload of the school SLP.



**Factors Impacting Workload**

*Advocating for a Workload Approach to Assigning SLPs*

The **total workload activities** required and performed by school-based SLPs must be taken into account to set appropriate caseload standards. This applies to ALL DIS providers, education and resource specialists.

**Elements of Special Education Workload**

The District and the Association agree on the following as the Elements to be applied when equitably distributing workloads at each school site, and that these Elements are to be included in a Workload model pursuant to this Section, noting that such assignments shall conform to the caseload totals identified in this Article.

**Specialized Academic Instruction** – Includes direct instruction and indirect service such as consultation with general education teachers, co-teaching, modification/adaptation of curriculum, and planning with related service providers.

**Assessments and Reassessments** – Includes initial assessments, interim assessments, three year reviews, and other special education assessments as needed. Special educators teaching in a SDC classroom setting will be provided substitute coverage in the amount of 4 school days per school year.

**IEP Management Responsibilities** – Includes program development, coordination of services, parent communication related to the IEP, annual review, progress monitoring and reporting, behavioral assessments, manifestation determinations, and level 1 & 2 behavior plans (BIP). Functional behavior plans and related data collection will be directly supported by the school psychologist to the IEP team.

**Preparation Time** – Includes time within instructional day to prepare instruction.

**In Secondary Special Education settings:**

When co-teaching, the special education teacher will be given two prep periods: one prep period as defined by the CBA, and another prep period specifically for planning with co-teacher and addressing special education issues (i.e., work modification, differentiated instruction, IEP testing, etc.)

While teaching SDC contained classes, special education teachers will receive 2 prep periods as well; one prep period as defined by the CBA and another prep period specifically for program planning (i.e., cross-curricular lessons, support from sped administration, etc.)

**In Primary Settings:**

Special Education teachers get a 10 minute preparatory period attached to a 30 min lunch in addition to the 45 minute preparatory period at the end of the instructional school day (see article 20)

Resource Specialist Teachers shall be given one instructional day or the equivalent time to complete assessments & IEP paperwork duties.

For all Special Education Case Managers, they will be given one sub-day per quarter to address:

- updating, printing, and mailing of all benchmarks to correlate with grading periods
- writing of IEP's, testing for IEP's, collaboration with teachers who are not part of co-teaching, etc.

**Directing the Work of Paraprofessionals/Para-educators/Instructional aides** – Includes directing work, training and planning for aides and other paraprofessionals working in the classroom setting.

- Paraprofessionals/Para-educators/Instructional aides shall be provided release time, with sub coverage as in 3.5 hours, within the instructional day once monthly so that they can be collaborating with the Education Specialist with whom they are working under so that capacity can be built
- OR
- The district will offer compensation up to one hour per week, beyond the work day to build capacity with curriculum instruction, behavioral strategies and reviewing student's needs per their IEP's with the paraprofessional.
  - The Education Specialist with whom the Paraprofessionals/Para-educators/Instructional aides work with shall have the opportunity to provide input to the administrator evaluating them

Paraprofessionals/Para-educators/Instructional aides shall be present in the classroom for the entire instructional day. This includes all elementary sites, designated school sites, secondary settings and adult education settings.

Program specific Paraprofessionals/Para-educators/Instructional aides, i.e. mild-moderate, mod-severe, RSP, Autism, ED, DHH etc., shall not be removed from the specific program for which they were hired and assigned, for other classroom duties or programs on campus.



- Program specific Paraprofessionals/Para-educators/Instructional aides shall not be utilized for medical or health services due to the level of need being beyond the scope of the special educator (i.e. monitoring or testing for blood sugar levels of diabetic students, administering medication, feeding tubes, monitoring specific health needs or related services).

These duties must fall under the scope of the Registered School Nurse (RN), Licensed Vocational Nurse (LVN) or Health Aide under the Department of Health Services.

The district will make every reasonable effort to fill open support staff positions in special education programs by posting open positions within thirty days (30) of their vacancy. Affected teachers shall be invited and given one week prior notice to attend the interviews, with coverage provided.

**Other Special Education Assignments** – Special educators shall be excluded from lunch or recess supervision of general education students, bus duty and morning/afternoon duty.

4. Bargaining unit members will be provided opportunity to participate in training programs either prior to or concurrently with the implementation of new or **existing instructional** and/or assessment programs in either special education or regular education classrooms. **In addition, these trainings will be provided within the 8 hour work day with substitute coverage. If not feasible, then the unit member will be compensated their per diem rate.**
5. The District will provide CPI training & CPR training to keep certifications current for special educators with appropriate substitute coverage. This applies to any individual serving students in any particular special education program.

#### **General Provisions of Services.**

No special education teacher or their assigned substitute shall be required to substitute for any general education teacher, unless authorized by existing provisions of this Agreement.

The District is to notify the affected unit member(s) prior to assigning new students with an IEP into any classroom. Notification for initial placement would include a copy of the IEP, designated lesson preparatory time with the case manager within the teachers 8 hour work day, and require a minimum of 48 hours advanced notice to the special education teacher or specialists by district personnel.

#### **IEP Meetings.**

The District agrees to make every effort within the limitations of state and federal law to ensure that IEP meetings not occur beyond the eight (8)-hour workday. After securing prior approval from the unit member's supervisor to schedule and/or extend the meeting beyond the eight (8)-hour workday, unit members shall be compensated at their per diem rate for any required IEP meetings that take place beyond the eight (8)-hour work day or may be logged and recorded as hours that apply towards the 54 hours as stated in Article 20. This would be a unit member's decision.

6. Released time for unit members to conduct IEP meetings shall be made available when it is determined by the Administrator of the Special Education Office or his designee that all other options are unavailable. Conditions which may trigger the use of a substitute are as follows: (1) The teacher must attend an IEP meeting away from the school site and/or (2) The only time the IEP meeting can be scheduled is during the instructional day and class coverage by school personnel is not available.

## **SUPPORTING STUDENTS WITH IEPs IN THE GENERAL EDUCATION SETTING:**

### **Defining:**

**Co-Teaching:** Two teachers working together with groups of students: sharing the planning, organization, delivery and assessment of instruction, as well as the physical space. The two teachers referred to in this co-teaching definition are one general education and one special education teacher. This model is curriculum based, counts towards service minutes on the IEP and may satisfy graduation requirement credits.

**Mainstreaming:** The practice aimed at providing a positive educational experience for special education students. The students are placed in the regular education classroom for any part of their day. The focus is to give these special education students, the opportunity to gain appropriate socialization skills and access to the same education as the regular education students, while still allowing them access to the resource rooms and special education classrooms. In this model, there may or may not be a special education support provider with the student (s) at any given time in the general education setting. Direct service of IEP minutes are not the focus.

**Inclusion:** Is part of the continuum of special education placements required by the Individuals with Disabilities Education Act (IDEA). Inclusion is the practice aimed at providing a positive educational experience for special education students. Within the inclusion model, the students are placed in the regular education classroom for any part of their day where the focus is to: provide direct service of IEP minutes and therefore requires either a special education teacher or special education aide who accompanies the student(s) in the general education setting.

**A main consideration of co-teaching, mainstreaming and inclusion, is that the student is provided with the Least Restrictive Environment (LRE) that best meets their individual needs.**

**The District will notify the affected unit member(s) prior to assigning students with IEPs into the regular classroom and provide the unit member(s) with a copy of the student's IEP.**

~~When mainstreaming Special Day Class students in grades K-6, District site leaders will attempt to assign students equitably amongst all classes at the appropriate grade level.~~

1.1 ~~It is the intent of~~ The

District ~~is~~ to notify the affected unit member(s) prior to assigning students with special needs into the regular class room. **Notification for initial placement would include a copy of the IEP, designated lesson preparatory time with the case manager a minimum of 15 minutes per student within the teachers 8 hour work day, and require a minimum of 48 hours advanced notice to the general education teacher by district personnel. If this placement is in conjunction with an IEP meeting, the general education teacher affected should attend the IEP.**

**The District and the Association support successful placement of students with IEPs in general education classrooms and recognize the impact on the additional workload of classroom teachers. The assigning of students should be conducted, in such a way to ensure the minimal impact of the general education classroom environment and equalize the distribution of the additional students amongst the affected teachers. This shall be a shared decision making process to include the IEP team; specifically including, special education teacher, on site administration and general education teacher (s)**

- Co-Teaching ratio no more than 20% of the overall class size
- Mainstreaming ratio no more than 10% of the overall class size
- Inclusion ratio no more than 15% of the overall class size accompanied by a special education staff member specifically for the special education included students.

The site administration will meet with the general education teacher and the special education teacher together, within ten (10) workdays of the request for such a meeting. Any of these three parties can request such a meeting to develop, evaluate, review or revise a class support plan that best meets the needs documented in the student's IEP.

Such supports may include, but not be limited to: smaller class size, redistribution and/or addition of site special education support staff, additional preparatory time, and/or the elimination of non-teaching duties or obligations.

The District shall provide, and the unit members shall have an opportunity to participate in, appropriate in-service learning opportunities with their co-teachers (i.e. PLUS trainings), AC collaboration hours with other special education teachers, curriculum planning with general education teachers (unit members assigned to work with students with IEPs). Any teacher, special education or general education shall be afforded the necessary prep time to efficiently collaborate and plan with their co-teaching partner.

Training will be customized for teachers and other unit members based on the following factors: grade level and subject matter taught, service delivery models, and students' areas of disabilities. Appropriate release time shall be provided for the unit members who participate in any educational training in the district. Training that takes place outside of the unit member's regular contract service (the basic 8-hour day) shall be compensated at the per diem rate.

### **ADEQUATE SPACE, MATERIALS AND EQUIPMENT**

It is important that all unit members who teach students with IEPs in a separate setting, other than in general education classrooms, such as the Resource Specialist Program (RSP), either mild/moderate or moderate/severe, Deaf and Hard of Hearing (DHH) Speech Language Pathologist (SLP), DIS specialists and/or related services staff have adequate and appropriate classroom space to meet the specific needs of the students being served in the specific program.

In addition, the classroom space must be in proper working order and meet the general building, health and safety codes of the state, equivalent to any other general education classroom on site.

The District shall provide unit members who teach special education students curriculum to meet the spectrum of individual needs as stated in the Individual Education Program (IEP), to address ages, grade levels, and ability levels of the students on their caseload. This may include but not be limited to the following:

- general education curriculum i.e. Wonders ELA, Springboard ELA, Go Math, V Math,
- Research-based Tier 3 curriculum i.e. SRA materials, or other research-based reading intervention programs
- Research-based specialized program curriculum i.e. ALPS, STAR, Ed Mark.

7. Special education classroom teachers will be able to utilize **and be provided** the same school site equipment as general education teachers and will be supported with appropriate instructional materials as aligned with the District's adopted curriculum.

The teacher or specialist must be provided a minimum of two days annually for training in order to learn, and be instructed on the curriculum as appropriate for their program needs. Opportunities to attend both the general education and special education trainings shall be offered to the teacher or specialist. These trainings need to be offered during the school day or outside of the school day at the per diem rate per hour.

Materials related to standardized testing for initial and triennial evaluations need to be adequate to reflect a minimum of one standardized, district adopted assessment kit (i.e. KTEA, Brigance), to two special education teachers, (i.e. RSP, SDC) per school campus. Protocols required for district standardized assessments shall be provided and paid for by the district, this will not come out of the teacher's classroom budget.

In addition, DIS providers shall be supplied with adequate assessment materials, specific to their discipline, and standardized assessment tests to serve the students on their caseloads in order to legally conduct initial and or triennial evaluations.

For both special education teachers and DIS providers, the district shall provide assessments that are valid and are the most current editions within one year of a new edition being published.

Prior to the district implementing a new district wide assessment tool, appropriate training shall be provided for all special education educators before being required to utilize it.

The District shall provide such unit members with adequate classroom or workspace and all appropriate equipment and current technology, equivalent to what is provided in the general education classroom for teachers/students to include but not limited to: Smart Boards, Elmos, Computers, Tablets, and Fire Alarms with flashing lights etc. The District should work with sites which have limited space availability to explore the possibility of locating an alternative facility on the school campus to provide equitable and adequate classroom or work space.

### **BATHROOMING OF STUDENTS**

SDC students with bath rooming needs shall be provided with appropriate sanitary, bathrooms that provide privacy, hand washing & diapering facilities.

This may include but not be limited to: appropriate changing tables designed for the age and size of the students that meets the needs of the specific program, and/or student's developmental necessities, and access to ADA compliant bathrooms not in the health office bathroom. These bathroom facilities need to fully address the privacy requirements of the general education and special education students. This is specifically concerning when adult staff must accompany and support special education students in the general population student, school bathrooms.

Program specific aides (i.e. mod-severe, mild-mod, RSP, autism, Ed, DHH), shall not be removed from the specific program for which they were hired and assigned, for other classrooms or programs on campus in order to assist with bath rooming

### **Flow charts and Policies and Procedures Handbook**

By the end of the first week of each school semester, FUSD will distribute to all special education personnel and site administration flowcharts that delineate:

- Special Education chain of command from the Assistant Superintendent for Special Education and SELPA directors down to RIMs, program managers, organized by region to each school site. This shall include but not be limited to special education regional program placement RIM & ISGI assignments graphics.

- Special Education services and programs available within the district by region to include:
  - what is offered at each site location throughout the district (i.e. in the Hoover region, we have these feeder schools; at feeder school A they offer blank programs and blank services,) and the steps, requirements and protocol to access those programs (i.e. documentation/timeline, etc.).
  - out of district service providers (Occupational Therapists, Fresno Pacific University 'On-Site Counseling' programs, County Mental Health, etc.). Any contract signed by an outside agency/person will be provided to the special education case manager in order to ensure student needs are met and that the IEP is being followed.

The district Policies and Procedures Handbook for Special Education and the IEP Manual shall be current and revised by August 1<sup>st</sup> of each school year.

~~8. A reasonable effort shall be made to establish special education staffing ratios consistent with the District's staffing practices.~~

9. The parties acknowledge the importance of constructive dialogue and the respect of professional opinions for all members of the team on all aspects of program delivery.
10. In regards to an IEP team, all school professionals are to be considered equal members. No one person shall be allowed to assign an unreasonable amount of work to a peer and will not be allowed to act as an administrator nor act as an expert in an area that is not their credentialed area of expertise (with the exception of the actual administrator and the Regional Instructional Manager/RIM).
11. Any teacher who possesses a Special Education credential and is assigned to teach in the Special Education Program shall be paid his/her per diem rate when providing services during the extended year program [i.e. between the close of one academic year and the beginning of the succeeding academic year] to a student whose IEP requires extended-year special education services that are comparable in standards, scope and quality to the special education services provided during the regular school year. **Any increased hours for support staff and unit members for Extended School Year (ESY) shall not exceed one Professional Learning (PL) hour per week of ESY paid at their per diem rate.**

## BEHAVIOR PROGRAMS

### Ed Code 56364.2 (a-b)

1. District behavior programs shall be made available for various disabilities and age groups (PS-12<sup>th</sup>) with a spectrum of services for students that pose a continuous threat of physical harm to self or others. Such programs will be staffed by qualified individuals, at higher ratios than stated above, to protect the staff and other children in order to meet the educational learning needs of the students.
2. Special education students who exhibit extreme aggressive behavior that violates the right to a Free and Appropriate Public Education (FAPE), to themselves or others including staff, on a continuous basis (more than 3 incidents in a two month span or less) will be considered for a behavior specific program meeting the description above. The movement of the student to such a program, for an indefinite time, to be determined and documented by data, shall be decided by the IEP team.
3. If the team determines that it is in the best interest of the student to remain in their current

classroom placement, then the case manager will be given an additional, trained support staff member to help address the safety and educational needs of the identified student, peers and staff within the current classroom placement.

4. If students or staff members are injured or the student's extreme behavior continues at the same rate or gets worse (3 or more aggressive incidents documented over 2 months or less), the student will then be placed in the appropriate behavior program.
5. Movement back to a less restrictive environment, which would ensure FAPE, will occur if/when the student shows documented data driven improved behavior. The student will gradually be reintroduced to the previous classroom placement, or new setting if deemed necessary by the IEP team, with support from the behavior program.
6. If their behavior during this gradual reintroduction to a less restrictive environment, which should occur over a period of 8 consecutive weeks, reverts back to 3 or more aggressive incidents documented over 2 months or less, the student will return to the behavior program. If and when their behavior has reached a level that ensures the safety of both the students and staff in the less restrictive environment

#### **EDUCATIONAL PROGRAM**

1. The district will provide credentialed personnel to assist during mandated state testing periods. This applies to special education educators who must provide testing accommodations to students per their IEP's. See Article 39 for details to substitute protocol procedures.

#### **Local Education Agency (LEA) Medi-Cal Billing Option and MediCal Administrative Activities (MAA)**

**Fresno Unified School District participates in (2) Medi-Cal programs receiving funds/reimbursements for services provided to students and families within the District.**

The **Local Education Agency (LEA) Medi-Cal Billing Option Program** is a fee-for-service program authorized by state and federal governments. In 1986 Congress authorized schools to bill the Medicaid (note: in California, Medicaid is called Medi-Cal) program for some health related services for students with disabilities. The health related services for students with disabilities include both assessments and the treatments specified on a student's Individual Education Program (IEP) including: **audiology, counseling, nursing**, occupational therapy, physical therapy, **psychology, speech therapy**, and **transportation related to these services**. Medi-Cal regulations set the same high professional standards for school-based providers as providers who work in hospitals, rehabilitation centers, and other settings.

As per the Individuals with Disabilities Education Act (IDEA) regulations, Fresno Unified School District provides all required services as specified on a child's IEP at no cost to parents. However, FUSD can be reimbursed for the cost of those services from the federal government's Medicaid program; which increases the quality to provide related services for all FUSD students.

The District adheres to IDEA and its requirement to provide students with disabilities with a free and appropriate public education (FAPE). Parents of Medi-Cal eligible students may choose not to allow the FUSD to seek reimbursement for the services provided to their child.

Funds recovered by the Local Education Agency (LEA) Medi-Cal Billing Option are reinvested in District programs. These funds are distributed through a multi-disciplinary community collaborative group called the LEA Collaborative Committee.

**Groups (counseling, nurses, psychologists, audiologists and speech pathologists) participating in this program will receive 20% of the revenue earned by their group back to their group.**

The funds will be used amongst the service providers of their group for materials and professional learning to better services to children. All funds utilized under this program will adhere to the strict usage guidelines of the program and will be used to supplement and not supplant required services/programs by FUSD. These funds will be reviewed by the LEA Collaborative Committee.

The **Medi-Cal Administrative Activities (MAA) Program** is another reimbursement program that FUSD participates in. *California established its MAA program in 1994. The program is operated through the California Department of Health Care Services (DHCS). MAA claims are reimbursement for the administrative activities including: Medi-Cal insurance outreach and enrollment, referral to Medi-Cal services, program planning and collaboration of health and Medi-Cal services for the District and certain administrative activities that improve and support Medi-Cal services to children. Reimbursements are returned to the District as General Fund as unrestricted money.*

District employees designated as MAA participants currently participate in the MAA program by completing Random Moment Time Survey (RMTS). These surveys are (1) minute snapshots of time describing what the designee was doing during that time and with whom. The District identifies specific personnel who are eligible to participate. Participants include school and program administrators, secondary counselors, translators, transportation personnel, selected office staff, audiologists, nurses, psychologists, psychiatric social workers, speech therapists, occupational therapists and others.

**Groups (counseling, nurses, psychologists, audiologists and speech pathologists, special educators) and schools participating in this program, will receive 20% of the revenue earned by their group or school back to their group or school.**

The unrestricted funds will be used amongst the service providers of their group or faculty members of their school. All funds utilized under this program will be used to supplement and not supplant required services/programs by FUSD. These funds will be reviewed by the department/school budget manager.

#### **ADDITIONAL CASELOAD PROVISIONS, REGISTERED NURSES/CREDENTIALLED SCHOOL NURSES:**

The Credentialed School Nurse is a member of the multidisciplinary team that identifies, assesses and places students in special education. He/She also serves students with many health issues, many of which impact the student's individual education plan (IEP) and presents a barrier to equal access to the educational programs and services. The education and nursing background of the credentialed school nurse ensures expertise required to assess and provide for the optimal health service needs of special education students in collaboration with the multi-disciplinary IEP team. The most recent Reauthorization of the Individuals with Disabilities Education Act recognizes school nursing services as a related IEP service.

As a member of the school multi-disciplinary team, the credentialed school nurse will:

- Identify students who may have health needs requiring accommodations.
- Provide input and participate in determining the need for IEP health assessments, focusing on the areas of suspected health disability and current levels of performance.
- Document the health assessment to enable the IEP team to ensure the least restrictive environment for the student.
- Develop an Individualized School Health Plan (ISHP) and/or Emergency Care Plan (ECP) to serve students with special health care needs.
- Provide health related case management and facilitate collaboration with health care providers and other professionals in the coordination of health services to ensure the safe care of students.
- Provide training, collaboration, and supervision of health related care for Designated Instructional Services (DIS) or Specialized Physical Health Care Services (SPHCS) and monitor licensed and unlicensed assistive personnel providing such services.

Ed Code 49427. (a) It is the intent of the legislature that the governing board of each school district and each county superintendent of schools maintain fundamental school health services at a level that is adequate to accomplish all of the following:

- (1) Preserve pupils' ability to learn.
  - (2) Fulfill existing state requirements and policies regarding pupils' health.
  - (3) Contain health care costs through preventive programs and education.
- (b) The legislature finds and declares that the provision of these services may be in jeopardy due to the current caseloads in the public schools, and that failure to maintain adequate health services and standards will result in pupils' poorer health and ability to learn.

A Credentialed School Nurse assignment will determine the percentage of time (30-100%) utilized to meeting the needs of the special education population.

- 1:750 for the general school population – at least one full-time credentialed school nurse on every school campus
- 1:60 for the population with complex health care needs and multiple daily nursing interventions. With additional LVN support to meet the medical needs of all students

Credentialed School Nurse Caseloads will be based on individual student needs. Caseloads that include complex medically fragile and severe cognitively delayed students shall be reduced proportionally to safely meet the needs of each student. \*

\*California School Nurses Organization Position Statement Adopted: 2/74, Revised 4/01, 11/04, 11/10  
Board of Directors, California School Nurses Organization