Office of the Independent Monitor
March 4, 2019

Study of Tier 6 Schools – Phone Interviews of Schools with High Number of Students Receiving No Services

INTRODUCTION

In spring 2018, the Parties agreed to revise Outcome 13: Delivery of Services, establishing three new measures aimed at ensuring that students with disabilities (SWDs) receive services as specified in their Individualized Education Programs (IEPs). This includes instructional services like the resource specialist program (RSP) and related services such as speech and language (LAS) therapy, occupational therapy (OT), and physical therapy (PT). The revised outcome has three parts, and its performance is determined by using Welligent Service Tracking data.

To summarize, the first part of the revised outcome (Measure 13A) requires that the population (aggregate) of SWDs receive 90% of the duration minutes as specified in their IEPs. This means that performance will be based on the overall minutes provided to all students for service categories grouped together. The second part of the revised outcome (Measure 13B) requires the District to identify students receiving less than 70% of their aggregate duration minutes by service category, notify parents of this noncompliance, and present an offer of compensatory services within 10 days of identification. Students are identified three times over the course of the 2018-19 school year (October 15, 2018, February 15, 2019, and April 15, 2019). The third part (Measure 13C) requires periodic parental notification of their student's service delivery status via the MiSiS Parent Portal.

Although not a requirement for successfully meeting the revised measures of Outcome 13, the Parties agreed that the aim is to increase service delivery for these students to 100%. The Parties also agreed that while an increase in service delivery is not required, it is within the Independent Monitor's (IM's) purview to monitor these students for improved performance throughout the year to determine substantial compliance.

The District monitors service delivery via the Welligent IEP system and uses six performance levels[1] (tiers) to report compliance. Students who have not been provided any services during the year are reported in Tier 6. When students receive at least one minute of their respective service, they move out of Tier 6 permanently. This means that students being reported as Tier 6 are those still waiting to receive any service since their initial eligibility, enrollment, or beginning of the school year, making these students a critical group for intervention. Understanding why students have not received any service throughout the year might yield programmatic and oversight insights to improve service delivery and reveal areas of systemic problems that prevent substantial compliance.

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[1] Tier 1 (100%), Tier 2 (90-99.9%), Tier 3 (70-89.9%), Tier 4 (40-69.9%), Tier 5 (0.01-39.9%), Tier 6 (0%)

METHODS

The Office of the Independent Monitor (OIM) conducted a study to examine the circumstances that might explain why students have not received any services. The study consist of telephone interviews of schools with a considerable number of students who had not received services since the beginning of the school year through October 15, 2018.

An interview guide was developed and piloted between September 28 and October 3. Twelve sites participated and received follow-up calls during the study's timeframe to identify changes in the status of vacancies, with new information updated as needed.

The telephone interviews were conducted between October 20 and December 14, 2018. A total of 69 schools were contacted with 51 completed surveys. The study focused on schools with the highest number of students in Tier 6 for the following service categories: LAS, OT, psychological services counseling (ERICS), and RSP. Several schools demonstrated students in Tier 6 in multiple services. Data were collected on 59 services, including one case for PT.

The OIM created a database that included school contact information and maintained survey responses. Schools were contacted multiple times, with requests to speak to the administrator with oversight responsibilities of the special education program (Assistant Principal Elementary Instructional Specialist (APEIS), Assistant Principal (AP), or Principal). Several bridge coordinators and one service provider also provided responses.

Schools with high numbers of students receiving no services were identified using cohort data and the SER 311 report. Cohort data are year-to-date Welligent service tracking data that looks at students' service provision from the beginning of the school year through October 15, 2018. This is the same data used for Outcomes 13B and 13C and for identifying which parents to notify because their student is receiving less than 70% of their services as well as service rates posted on the Parent Portal. The cohort data identify students who have not received any of their owed services to date.

The Welligent SER 311 report identifies students who did not receive any services in the past 30 days or, in this instance, between September 15 and October 15, 2018. The SER 311 report was used to capture schools where a considerable number of students did not receive any services over the past month, but might have received a portion of their services prior to September 15. Schools having high number of students in the SER 311 report might indicate that a provider might have started the year, and went on leave or left the district, resulting in the school lacking coverage.

Appendix A shows the number of students not receiving any services both in the cohort data (8/14 through 10/15) and the SER 311 report (9/15-10/15) for schools called in the sample. Speech and language services has the highest number of students on these lists. Given the long history of shortages in this area, the study assumed that the majority of uncovered schools would be associated with the speech and language program. Conversely, Tier 6 data for instructional services such as RSP are more likely to be due to data entry issues such as teachers not entering data, or a lack of Welligent access by substitute teachers. The study was not designed to identify all uncovered schools or compare differences between service categories.

Interviewing schools with high numbers of students in Tier 6 and/or SER 311 report enabled the interviews to avoid discussing individual student(s) and focusing on the programmatic issues that might be indicative of systemic problems. Discussions were centered on the presence or absence of a provider,

and efforts to fill the position. Site administrators were informed that the calls were not compliance oriented but rather intended to increase understanding of the data. The study aimed to determine if the schools lacked a provider or if the shortcoming was more indicative of service personnel failing to document services delivered.

The study aimed to identify which schools were uncovered and which were a result of data issues, since solutions are different. For example, filling vacancies for related services such as speech and language, ERICS/Counseling, OT, and PT is different structurally from filling vacancies for instructional service providers or RSP teachers, since the District has alternate pool of providers such as substitute teachers.

The study aimed to identify the following:

- If schools lacked coverage due to a shortage or leave
- Length of vacancy
- The status of the position (i.e., someone was assigned or the school remained uncovered)
- The type of coverage provided during vacancy
- If the school was covered, whether Tier 6 students were a result of no data entry or other data issues
- District staff contacted regarding the vacancy
- Schools' approaches to addressing owed services
- Awareness and usage of the Focus Dashboard

FINDINGS

This section includes findings of the telephone interviews of 51 sites. Some sites responded to multiple services, resulting in information on 59 service providers across five service categories. For schools that reported on multiple service providers, inquiries such as on the usage of the Focus Dashboard were only counted once.

The interviews aimed to help the Parties understand why students had not received any services either since the beginning of the school year, or for the period between 9/15-10/15. The primary goal was to identify whether the data indicating no service at these sites were a result of a lack of provider, or data issues, such as providers not entering session data. Inquiries regarding the nature of the vacancy or lack of coverage aimed to identify if they were due to professional shortages or current staff who had gone on a leave. The differentiation of these circumstances is important in understanding the organizational challenges for providing services and identifying solutions.

National and statewide shortages exist for special educators and related service providers. Some related service professionals, such as speech and language pathologists, and occupational therapists have particularly high shortages, resulting in a higher lack of coverage for these services at schools. Despite aggressive recruitment and incentive efforts deployed by the District for years, the demand for qualified providers continues to exceed the number of professionals hired.

Sites were considered uncovered due to shortages if the positions had never been filled or if a provider was initially assigned but left the District and a replacement was not available. Some sites reported having a provider available, but due to split caseloads (meaning school had multiple providers of the same service type), some students had not received any services. These schools were also considered uncovered due to shortages.

Table 1 shows the number of uncovered sites due to shortages by service category. Overall, the majority of sites (n=18, 75.0%) reporting vacancies due to shortage areas did not start the year with a provider. Four out of five schools (n=19, 79.2%) had been assigned some coverage after October 15 and during the timeframe of the study.

More than half (59.4%) of schools reported not having a speech and language pathologist due to national and statewide shortages. The majority of these sites (n=15, 78.9%) reported not having a provider since the beginning of the school year (All Year), while two reported having a provider at the beginning of the year who left shortly thereafter (Partial). At one site, the administrator noted the provider was a per diem or contractor who left due to contracting difficulties between the agency and District, despite expressing a desire to stay at the school.

Slightly less than three-fourths of schools (n=14, 73.6%) had a speech and language professional assigned at these sites, with five reporting that the school remained uncovered. Schools that had been assigned only a speech and language pathologist assistant (SLPA) were considered unassigned since these paraprofessional cannot conduct assessments or IEPs.

All schools reporting vacancies due to shortages in services categories such as OT, ERICS, and RSP, had a provider assigned by December 20, 2018. Two sites reported having split coverage for speech and language and one site for OT, meaning that while the school had a provider, a portion of the school's caseload was not receiving services.

Table 1. Uncovered Schools Due to Shortage by Service Category

Shortage	Total	Yes		No		All Year		Partial		Assigned		Unassigned	
		n	%	n	%	n	%	n	%	n	%	n	%
LAS t	32	19	59.4	13	40.6	15	78.9	4	21.1	14	73.6	5	26.3
OT	11	3	18.2	8	81.8	2	66.3	1	33.3	3	100.0	0	0.0
ERICS	4	1	25.0	3	75.0	1	100.0	0	0.0	1	100.0	0	0.0
PT	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
RSP	11	1	9.1	10	89.9	0	0.0	1	100.0	1	100.0	0	0.0
Total	59	24	40.6	35	59.3	18	75.0	6	25.0	19	79.2	5	20.8

Sites that reported vacant positions because of a provider leave are reported separately to illustrate the different challenges and solutions. Although these sites are uncovered due to shortages or a lack of available providers, these sites are technically covered. Leaves impact service delivery, creating lapses in coverage that range in time and can be for extended periods. The majority of leaves are either for maternity or medical reasons. Leaves can also impact a high number of schools since many of the related service providers often have multiple site assignments. This study did not identify providers at these sites or attempt to track other schools that might be uncovered due to multi-site providers' leaves.

Twenty schools (33.9%) reported lacking coverage due to provider leaves (Table 2). The interviews showed higher rates of leaves for non-speech and language service categories (OT, ERICS, RSP) than of shortages. This means that despite availability of providers in these service categories, leaves contributed to the lack of coverage at these sites.

Slightly more than half (n=11, 52.6%) of the leaves resulted in schools being uncovered since the beginning of the school year, with the remaining sites (n=9, 47.4%) reporting providers starting the year but taking a leave thereafter. The majority (n=18, 89.5%) of these positions were provided coverage during the study's timeframe.

Speech (n=11, 34.4%) and OT (n=5, 45.5%) had the highest number of schools reporting leaves, with all but two speech positions receiving some coverage. Thirty of the 32 schools where students did not receive services were due to a lack of coverage related to shortage and leave.

Table 2. Uncovered Schools Due to Leave by Service Category

Leave	Total	Yes		No		All Year		Partial		Assigned		Unassigned	
		n	%	n	%	n	%	n	%	n	%	n	%
LAS	32	11	34.4	21	65.6	8	72.8	3	27.2	9	81.8	2	18.2
OT	11	5	45.5	6	54.5	1	20.0	4	80.0	5	100.0	0	0.0
ERICS	4	2	50.0	2	50.0	1	50.0	1	50.0	2	100.0	0	0.0
PT	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
RSP	11	2	18.2	9	81.8	1	0.0	1	100.0	2	100.0	0	0.0
Total	59	20	33.9	39	66.1	11	52.6	9	47.4	18	89.5	2	11.5

Data issues can also explain students showing up as not having received any services in both the cohort and SER 311 dataset. If data issues are the reason that students end up in Tier 6 or SER 311, then students have access to providers, and the solution for improving service delivery rates lies in management's oversight and/or training or technical support.

For schools that did not report a vacancy (shortage or leave) as the reason for students not receiving services, three primary data issues were the reason (Table 3). The first explanation was that students received some or all of their services, but the provider did not enter service data in Welligent. The second was that students received some or all of their services and data had been entered, but glitches in the system or other unexplained problems in the Welligent resulted in data not being saved. The last explanation was that providers lacked access to the Welligent service tracking module. It is important to point out that some schools reported more than one issue. Other sites noted that although students had been seen, they acknowledged that providers had not provided all of the services and had also neglected entering service tracking data.

Site administrators also reported providers not entering data due to challenges in getting Welligent access, particularly for new providers, as well as the challenges these individuals had navigating the system due to a lack of experience and need for training.

The majority of data issues were reported for RSP teachers (18 of 28 issues, 64.3%). Although sites reported schools having coverage, it consisted of new hires, or substitute/pool[2] teachers covering these vacancies. These providers lacked access to Welligent or had not been adequately trained in entering service delivery data.

Table 3. Data Issues by Service Category

Data Issues	Delivered not entered		Entered - Welligent Issues		No Welligent Access	
	n	%	n	%	n	%
LAS	3	18.8	1	20.0	1	14.3
OT	2	12.5	1	20.0	1	14.3
ERICS	0	0.0	0	0.0	0	0.0
PT	1	6.2	0	0.0	0	0.0
RSP	10	62.5	3	60.0	5	71.4
Total	16	100.0	5	100.0	7	100.0

The Focus Dashboard is a new monitoring tool that provides special education compliance data, including service delivery rates. The District rolled out the dashboard at the beginning of the 2018-2019 school year and has been engaged in raising awareness as well as providing training opportunities at schools.

More than half of the schools interviewed had partial or no awareness of the dashboard. Charter schools indicated not having access, while bridge coordinators at secondary sites indicated restricted access (Table 4).

Many respondents who reported being aware of and using the dashboards indicated relying on Welligent 300 reports as their main source of monitoring data. Reliance on Welligent reports is reflected, as only one in five respondents stated that they fully use the dashboards as a tool for monitoring service delivery.

Table 4. Dashboard Awareness and Usage

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[2] Pool teachers are displaced teachers assigned to cover schools by the District.

	Fully		Partial		Not At All		Charter/No Access		NA		Total	
	n	%	n	%	N	%	N	%	N	%	n	%
Awareness	21	41.2	11	21.5	13	25.5	3	5.8	3	5.8	51	100.0
Usage	10	19.6	17	33.3	16	31.4	4	7.8	4	7.8	51	100.0

Additional Findings:

The majority of schools cited the District's policy as a reason that schools lack a provider due to shortages or leaves. The policy requires a school to inform parents that a provider is unavailable due to a shortage or leave, and address any owed services at the student's next scheduled IEP meeting. Schools are instructed to include a statement in the student's IEP indicating the amount of time (duration) missed or owed, noting these services will be made up when a provider becomes available (if due to shortage) or upon their return from leave. All uncovered schools interviewed reported having held at least one IEP meeting in which parents were notified of the lack of coverage, and acknowledgment of compensatory time was written in the student's IEP.

Respondents' inquiries to central or local district related service personnel or administrator regarding schools' lack of coverage were typically answered with references to the policy described above. They received a document outlining instructions on what to tell parents and how to document compensatory services in the student's IEP. One secondary school administrator expressed frustration with this response, noting that the lack of an ERICS provider at her site had a detrimental impact on students with an emotional disturbance (ED). She reported that during this lapse in coverage, one student was hospitalized while another ran away. While the administrator understood the reality of shortages and that the provider was justified in her maternity leave, she felt that this solution was insufficient. Despite expressing the school's needs to the supervisor, the only response was that the provider was on leave and services would be made up upon her return. The site administrator believed that these services were critical for ED students and filling these vacancies should have a higher priority.

Some sites lacking speech and language providers reported partial solutions for delivering student services. Six elementary sites noted having a provider assigned to their Preschool for All Learners (PALs) program, but no coverage for other students. Another six sites reported having SLPAs assigned to provider services. Administrators noted that while these paraprofessionals were helpful, the school lacked qualified providers to conduct assessments and conduct IEPs. Seven additional sites reported a new online delivery model referred to as Telepractice. The majority of the sites reported that this model had been recently initiated, or was about to be implemented at their schools.

On February 11, 2019, the District provided the Parties information on the Telepractice model. It reported that 16 sites are currently using this model with many being implemented at secondary sites. The model consists of a provider licensed by the State of California to deliver online sessions. The model requires a paraprofessional referred to as the "eHelper" to prepare and facilitate the session by getting the students from the classroom, setting up equipment, and providing assistance during the session. In addition to providing online services, Telepractice providers are able to participate in IEP meetings but do not conduct assessments. The District shared criteria created by the American Speech-Language-Hearing Association (ASHA) for determining good candidates for this model.

To get a better sense of the model, five sites (three participated in the interviews) were contacted on February 14. One secondary site with a high number of students reported having used this model for two years. They noted that the model worked well and that parents did not report discontent or concerns with this model. Another secondary site also reported satisfaction with the model and shared that their school will pilot Telepractice (online) assessments.

Three sites expressed some problems with the model. One site reported the eHelper quit, causing a month delay in students getting services. The administrator noted that this occurred a few days prior to the teachers' strike, yet the contracting agency that provides the Telepractice therapist asked if the school could find a paraprofessional or parent to assume this role. Another site reported receiving a letter on February 11 from the agency, notifying the school that these services would be "canceled" citing transitions in their program. Although the letter stated this was a temporary cessation of services, the administrator was not aware how long services would be interrupted. The third site indicated that the Telepractice model had only recently begun, and two days of services had been provided. The administrator reported that not all students had participated and therefore were still not receiving services.

Last, respondents reported a high level of awareness of the October 15 parental notification letters informing them that their students received less than 70% of their services. The majority noted not seeing an increase in parental inquiries regarding the letters or low rates of service delivery.

SUMMARY AND RECOMMENDATIONS

To better understand the reasons students are not receiving services as reported by both the Welligent year-to-date cohort data, and the 30-day SER 311 report, the OIM conducted phone interviews with 51 schools and discussed 59 service providers across five service categories. The interviews found that staffing shortages and leaves are the primary reason students have not received services, and have a substantial impact that can last for extended periods. Although most of the sites reported having recently been assigned a provider, or another solution such as an SLPA or a Telepractice therapist, many of these became available between mid-November through mid-December, resulting in a high number of owed services at these sites.

Site administrators confirmed the District's policy for informing parents when their schools lack coverage and how to address missing services, which occurs at the student's next scheduled IEP meeting. Schools expressed feeling helpless during lapses in coverage, with central or local district related service administrators offering few solutions, often citing national and statewide shortages.

Although shortage areas and leaves exist, these are not new phenomena. The District's policy can be characterized as a wait-and-see approach to addressing compliance and is not indicative of a system that prevents systemic substantial noncompliance. On a monthly basis, the District reports 5,000-7,000 students in Tier 6, indicating that a new approach is required to meet its service delivery obligations. Although the hiring of additional service providers will help, this might not be the only solution needed to meet the high demands.

The District has been engaged in aggressive provider recruitment campaigns for years, and has recently increased alternative modes of service delivery such as hiring more SLPAs and contracting with Telepractice therapist. It must also continue to examine retention of existing staff and look to reduce administrative tasks that prevent providers from seeing students.

Although no easy task, the District must be more proactive in having these alternatives available at the beginning of the school year. It must also revise its policy to inform parents at the beginning of the school year when schools lack coverage, and make offers of compensatory services available via other methods, such as nonpublic agencies, that are not contingent on a provider being hired or returning from leave.

The prioritization of services for student populations with high needs was seen in the coverage of PALs programs, despite the rest of the school being uncovered. This illustrates management decisions that allocate resources for students most vulnerable. The District should also prioritize students that demonstrate high needs, such as those receiving ERICS.

The lack of reported RSP services was primarily due to data issues, indicating a lack of access or training to new hires or substitute teachers providing services. Although it is positive that students are receiving services, this issue can be easily remediated with proper oversight and a contingency plan for documenting services in a timely manner.