Special Education Leadership Conference

June 13-14, 2016

"Celebrating Leadership"

NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

WELCOME!

“Celebrating Your Leadership!”

OSEP's RDA

To improve the educational outcomes of America's 6.5 million children and youth with disabilities, on June 24, 2014 the U.S. Department of Education, announced a major shift in the way it oversees the effectiveness of states' special education programs.

OSEP's RDA

RDA Components

- State Performance Plan/Annual Performance Report(SPP/APR) which measures results and compliance. Revised to include a new indicator. States are currently implementing Phase II of the State Systemic Improvement Plan, designed to improve outcomes in targeted areas.
- Determinations which reflect state performance on results as well as compliance.
  - ND APR submitted Feb. 1, 2016; SSIP submitted April 1, 2016. Awaiting OSEP Level of Determination for N.D.
- Differentiated Monitoring for and support for all states, but especially low performing states.
  - OSEP Differentiated Monitoring & Support Engagement Decisions
  - National Technical Assistance Centers Providing Requested TA: CIFR and NCTAT
  - State Self Assessments of Dispute Resolution and Correctional Education

“Celebrating Leadership”

NDDPI Special Education Team

Valerie Bakken: Early childhood Coordinator/ ED Portfolio

Nancy Burke: SPDG Coordinator

Susan Gerenz: Autism

Lea Kugel: SPDG Director/ SLD

Tammy Mayer: Alternate Assessment/AT

Mary McCarvel-O’Connor: Assistant Director Monitoring

Kevin McDonough: SSIP Lead/TBI

Emmanuel Mensah: Data Coordinator

Michelle Souther: Office Manager/TIENET Tech Support

Robin Tschider: Dispute Resolution

LaDawn Eisenbeis: Receptionist/Admin Asst.

Heather Kitzan: IDEA Grants Manager

Colleen Schneider: Administrative Assistant

Kim Vega: Student Contracts

Special Education Updates

- Trainings this summer:
  - Prevent Teach Reinforce (PTR) June 20-21 (Bismarck) and June 23-24 (West Fargo)
  - TEACCH training August 1-2 and 3-4, 2016 (Bismarck)
  - Supervision for the School-Based SLP training August 1-2 (Bismarck)

- Guidelines for Identification & Programming of students with Emotional Disabilities.

- Professional Development this Fall
  - 2016 Northern Plains Law Conference for Students with Disabilities October 4-5 (Bismarck Event Center). Pre-Conference October 3.
  - 2016 ND Fall Educators Conference October 12-14 (Bismarck Event Center)
  - State Autism Conference October 26-28, 2016 (Minot)

Updates: OSEP & the Department of Education

- The Department of Education and the Department of Justice issued a Dear Colleague Letter regarding civil rights protections for transgender students.
- The Office of Special Education Programs and Rehabilitative Services (April 2016) issued a memorandum: RTI Process Cannot Be Used to Delay-Deny an Evaluation for Preschool Special Education Services under the IDEA.
- The Department of Education and the Department of Justice released a statement and a toolkit on early learners who are ELLs. The guidance makes clear that SEAs and LEAs have legal obligations toward EL students and limited English proficient (LEP) parents.

www.Ed.gov

In Your packets….

OSEP’s 40 Hits

OSEP’s answers to most frequently asked questions.

NDDPI Updates

- Every Student Succeeds Act Planning Committee
- Standards Writing: Applications for content Specialist Committee Members
  - Review and revise state academic content standards in English/Language arts/literacy and mathematics
- NDDPI Recruitment and Retention Task Force
- School District Reporting Review Committee

- Special Education is represented on each committee

Every Student Succeeds Act (ESSA)

- The Education Department's draft regulations for ESSA were published in the Federal Register available on May 31, 2016 for public comment. The regulations deal specifically with accountability and state plans. Comments are due August 1. Here's a link to the Federal Register notice:

https://www.gpo.gov/fdsys/pkg/FR-2016-05-31/pdf/2016-12451.pdf

Every Student Succeeds Act (ESSA)

Key Points as Relate to Students with Disabilities

The Every Student Succeeds Act and Students with Disabilities: Signed by President Obama Dec 10, 2015.

Returns power to states when it comes to accountability

States will have to submit a state plan.

- States will have to develop their own accountability systems.
- States must have long term goals and interim targets for improving student outcomes.
- State Plans must be coordinated with other laws including IDEA.
- States must determine what the indicators of success will be for their plan.
- States hold schools accountable for subgroup performance.
- States will determine what is the minimum number of subgroups.

The Every Student Succeeds Act:

- Annual testing in certain grades, ensure 95% participation and disaggregate data for economically disadvantaged students, students from major racial and ethnic groups, children with disabilities (IEP students, and English Learners.
- States must have guidelines for teams to determine appropriate accommodations.
- States must develop an Alternate assessment. States must use principals of universal design.
- States must have definition of Student with Significant Cognitive Disabilities. Goal is to increase the number of students with SCD who receive instruction and assessments for the grade level in which the student is enrolled.

The Every Student Succeeds Act:

The total number of students assessed in a subject using the alternate assessments cannot exceed 1% of the total number of all students who are assessed.

- The ESSA prohibits a local cap on the percentage of students administered

  an alternate assessment.

- The LEA shall submit a justification to the SEA if the percentage exceeds 1%

- The SEA shall provide “appropriate oversight” of any LEA that submits such justification.

- ESSA does not preempt a state or local law regarding the decision of a parent to not have their student participate in the academic assessments.

- Parents must be notified at the beginning of the school year of any opt-out policies.

The Every Student Succeeds Act:

Targeted Support and Improvement:

Each SEA must:

- Notify each LEA of any school in which any subgroup of students is consistently underperforming; and
- Ensure LEA provide notification to the school re: subgroup(s) identification.

The Every Student Succeeds Act:

HQ requirement expires in July 2016.

- Special Education Teachers must meet full state requirements (including alternate routes)
- Pass the states special ed teaching exam
- No waivers for emergency, temporary or provisional status.
- Must hold at least a bachelor's degree.
- Para professional requirements- Same as previously required. State cannot lesson requirements.

Parents Right to Know: Must be told if their child's teachers are on provisional licenses, etc.

Schools must tell parents if child has been taught for 4 consecutive weeks by a teacher who does not meet certification requirements.

The Every Student Succeeds Act:

At least 20% of Title IV A money must be spent on well-rounded educational opportunities.

State Plan must include how the SEA will support LEAS to reduce:

- Incidences of bullying and harassment
- Overuse of discipline procedures
- Use of aversive behavioral interventions that compromise student health and safety.
- System Report Cards – Measure of school quality, climate and safety.

The Every Student Succeeds Act:

Final Notes:

NCLB for another year… ESSA goes into effect July 1, 2017.

Special Education needs to be involved in all planning for ESSA at LEA and SEA level.

LEAs must spend 1% of Title funds for outreach and communication to parents.

Make sure IEP focus on access to the general curriculum.

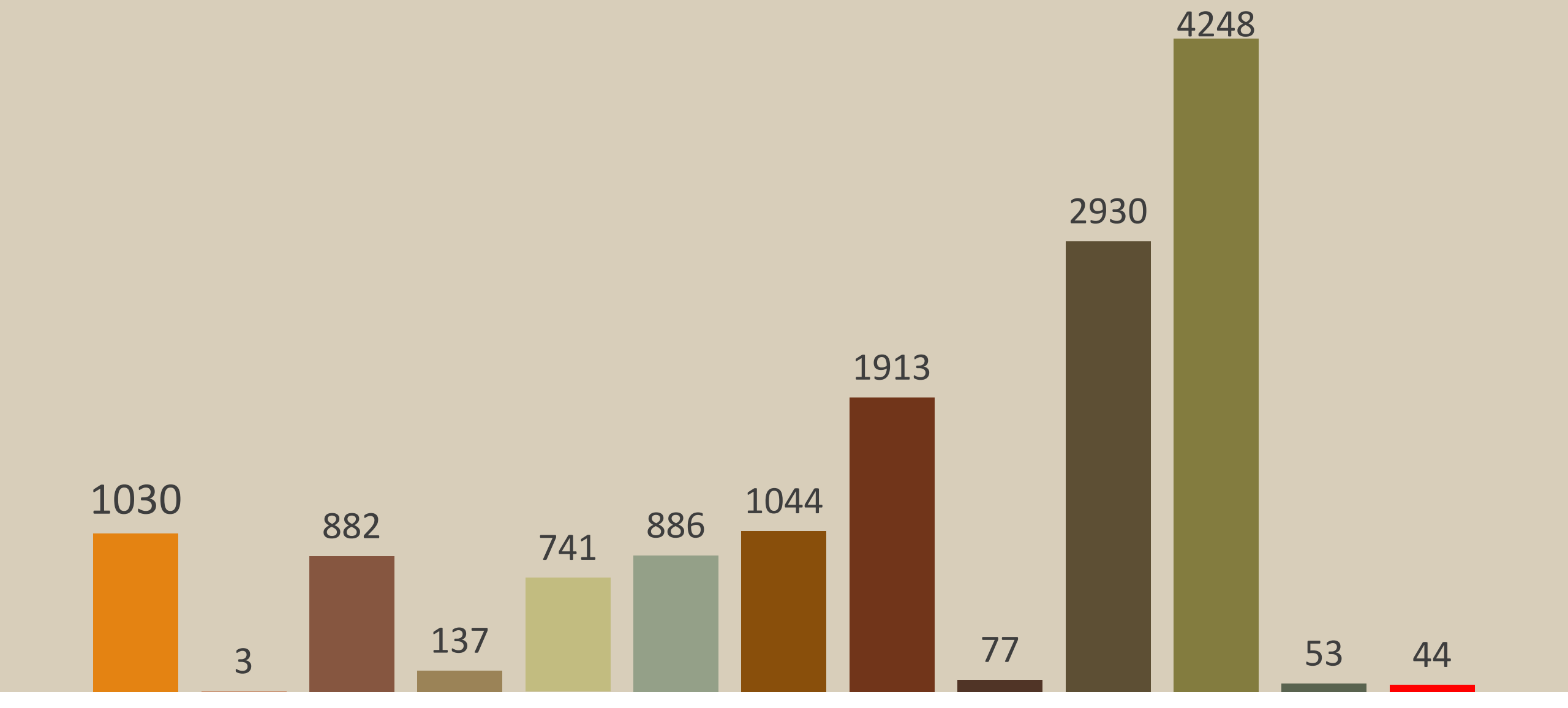
TEAM
WORK

ND Special Education Child Count

As of Dec 1, 2015 the number of children and youth being served on IEPs **13,988** (106,070)

Approx. 13% of 2015-16 Fall Enrollment

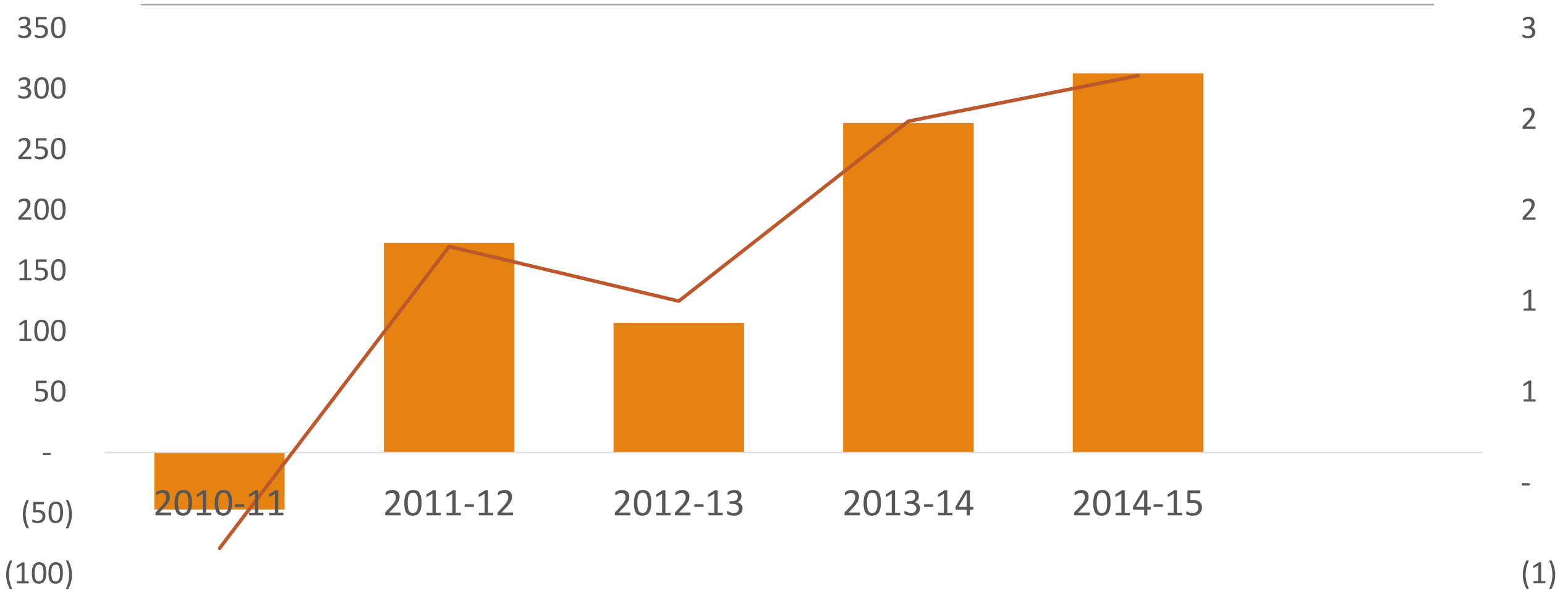
DEC-2015 Child Count Data

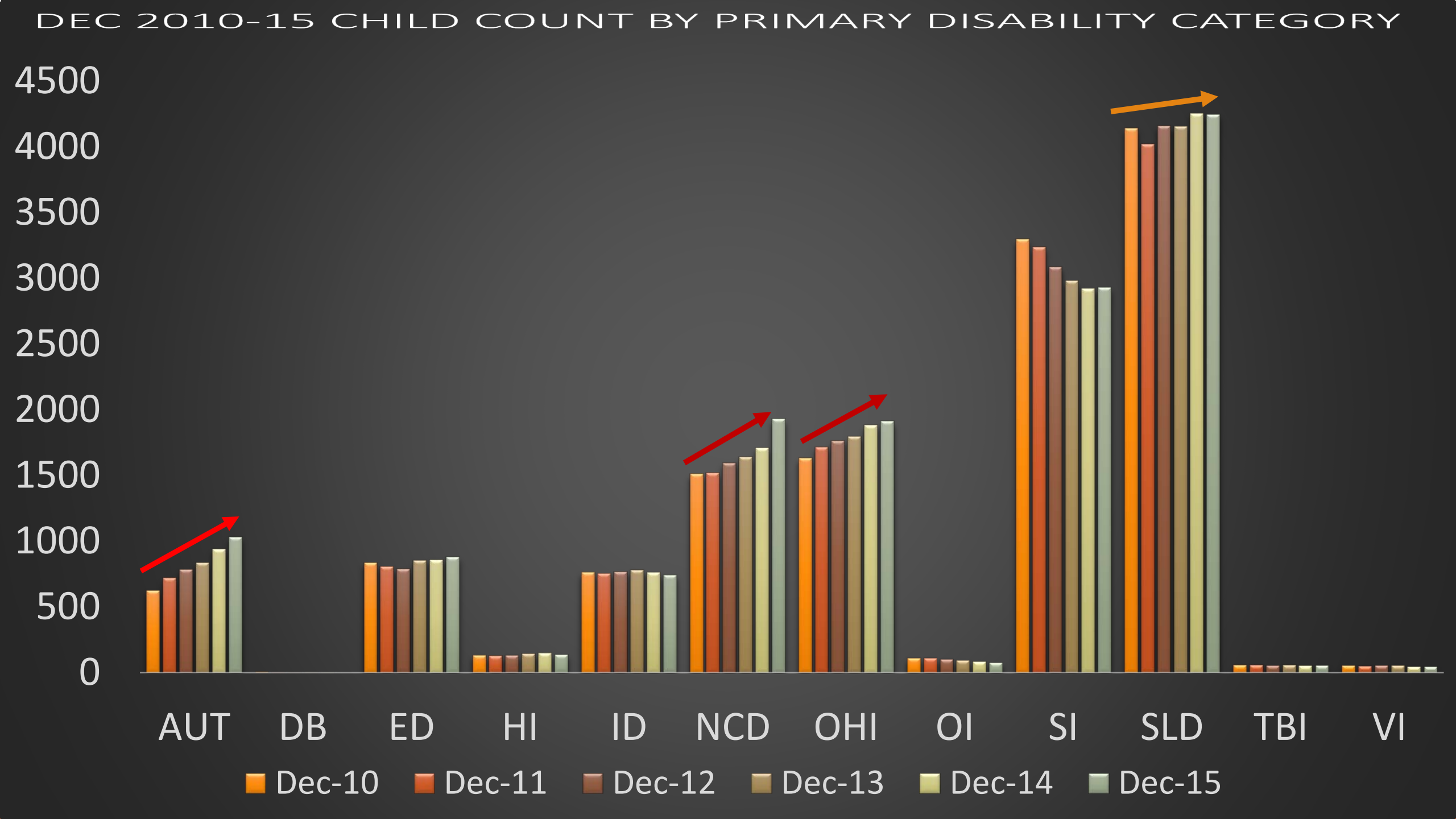


Dec 2010-15 Child Count by Primary Disability Category

Primary Disability	2010	2011	2012	2013	2014	2015
AUT=Autism	627	718	786	837	942	1030
DB= Deaf-blindness	5	4	3	4	3	3
ED= Emotional disturbance	836	807	792	854	861	882
HI= Hearing impairment	131	125	133	147	148	137
ID= Intellectual Disability	763	755	767	780	766	741
NCD 3-5 =Non-Categorical delay	803	780	804	809	801	886
NCD 6-9 =Non-Categorical delay	707	743	789	831	911	1044
OHI= Other health impairment	1634	1715	1765	1797	1883	1913
OI= Orthopedic impairment	110	111	100	93	84	77
SI=Speech/Language Impairments	3298	3237	3087	2982	2923	2930
SLD= Specific learning disability	4143	4022	4161	4158	4256	4248
TBI= Traumatic brain injury	58	57	55	58	52	53
VI= Visual impairment	55	49	54	53	45	44
Total	13,170	13,123	13,296	13,403	13,675	13,988

Changes with Child Count Data 2010-2015




DEC 2010-15 CHILD COUNT BY PRIMARY DISABILITY CATEGORY
4500
4000
3500
3000
2500
2000
1500
1000
500
0
AUT
DB
ED
HI
ID
NCD
OHI
OI
SI
SLD
TBI
VI
Dec-10
Dec-11
Dec-12
Dec-13
Dec-14
Dec-15

OVERVIEW of SPP/APR Data

In 2014-15, State met the target on indicators:

2 Drop-Out Rate

3A AYP/AMO for Disability Subgroup

3B Participation Rates

4A Suspension & Expulsion

4B Suspension, Race/Ethnicity

5C LRE Separate Settings

7A Social-Emotional SS 1&2

7B Knowledge and Skills SS 1&2

7C Appropriate Behaviors SS 1 &2

9 Disproportionate Rep. of R/E Groups

10 Disproportionate Rep. Of R/E in Specific Disability Categories.

14C Post-Sec Outcomes, Education/Employment

17 State Systemic Improvement Plan

OVERVIEW of SPP/APR Data.....

In 2014-15, State did not meet the target on indicators:

- **1** Graduation Rate
- **3C** Proficiency Rates
- **5A** LRE Regular Environment ≥ 80%
- **5B** LRE Regular Classroom < 40%
- **6A** LRE Preschool Regular Classroom
- **6B** LRE Preschool Separate Classroom/School/residential facility
- **11** Timely Evaluation Rate
- **12** Preschool Transition
- **13** Transition Planning by Age 16
- **8** Parent Involvement
- **14A** Post-Sec Outcomes Education
- **14B** Post-Sec Outcomes Employment

OVERVIEW of APR DATA CONT……

From 2013-14 to 2014-15, State improved on these indicators:

1 Graduation Rate

2 Drop-Out Rate

3A AYP/AMO for Disability Subgroup

4A/4B Suspension/Expulsion

7A Social-Emotional

7B Knowledge and Skills

7C Appropriate Behaviors

14C Post-Sec, Education/Employment

17 State Systemic Improvement Plan

OVERVIEW of APR DATA CONT……

From 2013-14 to 2014-15, State did not improve on these indicators:

5A LRE Regular Classroom

5B LRE Separate Classroom

6A LRE Preschool Regular Classroom

5C LRE Separate Facilities

6A LRE Preschool Regular Classroom

6B LRE Preschool Separate Classroom/School

8 Parent Involvement

11 Timely Evaluation

12 Preschool Transition

13 Transition Planning by Age 16

14A Post-Sec, Education

14B Post-Sec, Employment

IDEA Eligibility Documents

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IDEA B Regulations relating to LEA Eligibility Requirements for Federal Funds

LEA Eligible under IDEA 2006 Subpart C- Local Education Agency Eligibility if:

LEA submits s plan assuring

- LEA has in effect policies, procedures, and programs consistent with IDEA B and SEA requirements

  - Meets requirements related to funding and services provided to children and families.

Fiscal Requirements §300.202- §300.210

- Addressed through the Unit's annual completion of the IDEA B Project Application

Key Points within the Requirements

§300.201, §300.211, §200.212, and §300.220

- LEA must have in effect policies , procedures, and programs that are consistent with State policies and procedures regarding the IDEA regulations relating to services provided to children and families and funding.
- LEA must provide the SEA with information necessary to enable the SEA information relating to the performance of children with disabilities.
- All documents relating to eligibility must be made public to parents of children with disabilities and the general public.
- LEA policies and procedures remain in effect unless modification are necessary

N.D. Century Code and Administrative Code further define:

Specific Requirements to State and Federal Funding for Special Education

- NDDPI Approved Eligibility Requirements Documents
- Annual IDEA Project Application
- Comprehensive General Plan

LEA Eligibility Requirements Document

IDEA §300.200

The LEA in providing for education of children with disabilities within its jurisdiction

- Policies, procedures, programs consistent with the State policies and procedures
- In ND this is addressed through the completion of the LEA Eligibility Requirements Documents 2016.

2016 LEA Eligibility Document Template

Incorporates

- IDEA 2006 regulation amendments
- Updates in ND Century Code and Administrative Code related to Special Education

IDEA Part B Project Application

- Assurance LEA has in place policies and procedures relating to both Federal and State Fiscal procedures.

IDEA Part B Project Application

- MOE Maintenance of Effort
- Project Participants
- Project Narratives
- Budget Summary
- Assurances
- Required Signatures

- Application Due Date: Currently August 31st. Beginning 2017 – July 1

Caution: Use of funds without carryover.

Comprehensive General Plan

Comprehensive General Plan
ND Administrative Code – 63-23-01-02

Each LEA

comprehensive general plan for education of students with disabilities ages 3-21 who reside in that LEA.

Plan would provide a description of the Special Education Units Organizational plan and services plan.

Additional Requirements for Multi-district Special Education Unit

N.D. Century Code 15.1-33

Annual Submission of any changes July 1st each year

This year: October 1, 2016.

Document templates will be posted to NDDPI Website- Electronic documents sent to Units

Please Contact Gerry for Questions or Assistance

SSIP Improvement Planning

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Annual Review

- What Did We Do?
- What Will We Do?
- 5 Strategies

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Strategies Completed

With Partners-

✓ **Developed Local CIP Process**

- Specific to Target Population
- Aligned to *AdvancED* Model
- Goals, Strategies, Activities in School CIPs
- Identification of EBPPs

✓ **Provided Resources- Assist Units to Conduct Process**

- Technical Assistance (Process Fidelity)
- Financial (Planning)

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Technical Assistance

- **Communications/Presentations-** June, 2015 - June, 2016
  - **26 Units, Project Leadership Team, IDEA Advisory Committee**
  - **Leadership Conferences, NDCEL, AdvancED, State Agencies- (DJC, VR, Behavioral Health), Indian Ed. Summit, TSE Admin. Conference**
  - **Spec Ed Monthly Messages, Team News, ConnectED, Supt. Mtng.**

- **Fidelity- Communications re: Process Components**
  - Leadership Team, ***Needs Assessment***, Goals, Dissemination

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Fidelity Ratings

- **Statewide Averages**
  - Leadership Team- **3**
  - Needs Assessment- **4**
  - Goals- **4**
  - Dissemination- **3.5**
  - Overall- **3.5**
- **In Your Packet- First 4 Process Components**
  - Use in next Review (Fall, 2016)

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Fidelity Ratings

Component	Fidelity Rating (Scale- 1-4)	Elements
Leadership Team		❖ Important Stakeholders ✓ Total Value (2): ___ ❖ Active Participation ✓ Total Value (2): ___
Needs Assessment		❖ Follow Process ➢ Data/Evidence Process ✓ Total Value (2): ___ ➢ Current Performance ✓ Total Value (1): ___ ➢ Improvement Targets ✓ Total Value (1): ___
Goals		❖ Self-Explanatory ✓ Total Value (2): ___ ❖ AdvancED Format ✓ Total Value (1): ___ ❖ Timeline ✓ Total Value (1): ___
Dissemination		❖ Three Places ➢ School ✓ Total Value (1): ___ ➢ Unit ✓ Total Value (2): ___ ➢ NDDPI ✓ Total Value (1): ___
Evaluation		❖ Summative ✓ Total Value (1): ___ ❖ Formative ✓ Total Value (1) ___ ❖ Fidelity ✓ Total Value (2): ___
Reporting Out		❖ Three Times ➢ Beginning ✓ Total Value (1): ___ ➢ Checkpoints ✓ Total Value (2): ___ ➢ End ✓ Total Value (1): ___
Overall Fidelity Rating		❖ Average of Component Ratings

Planning Funds

- 5- Discretionary Proposals, All Approved

- $30,000- Total from NDDPI- IDEA Discretionary Funds

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Next- Strategies Started/Ongoing

- Assist and Support Units to Deliver Quality Professional Development
- Assist Units to Monitor Progress and Evaluate Success (Evaluation Plan)
- Advocate for an Increase in Mental Health Services

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Deliver Quality PD

Identify and Implement EBPPs

20+ Programs & Practices

Initial Implementation, Expanding Implementation, Sustaining Implementation

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West	Central	East
1. Dickinson 2. Northern Plains 3. Southwest 4. West River 5. Wilmac **5- Zones of Regulation** **3- FBA-BIP/PTR** **3- Early Warning Systems/MTSS** **Other EBPPs/Soc. Skills training**	1. Bismarck 2. Burleigh Co. 3. East Central 4. Emmons Co. 5. Fort Totten 6. Lonetree 7. Morton Sioux 8. Oliver/Mercer 9. Peace Garden 10. Souris Valley 11. So. Cntrl. Prairie 12. Standing Rock 13. Turtle Mtn. **9- Zones of Regulation** **6- FBA-BIP/PTR** **4- Social Thinking** **3- Early Warning Systems/MTSS** **4- Crisis Prevention & Intervention** **Other EBPPs/Soc. Skills training**	1. Fargo 2. Grand Forks 3. G/S/T 4. James River 5. Jamestown 6. Lake Region 7. Pembina 8. Rural Cass 9. Sheyenne Valley 10. South Valley 11. Upper Valley 12. Wahpeton 13. West Fargo **9- Zones of Regulation** **12- FBA-BIP/PTR** **5- Social Thinking** **6- Nurtured Heart** **5- Community Collab. /Collab. PLCs** **Other EBPPs/Soc. Skills training**

Other Needs

- **Writing Quality IEP Goals**
  - Self-Regulation, Executive Functioning, & Behavior
- **Local Infrastructure/Capacity**
  - Scaling-Up
  - Peer Coaching/Peer Sharing
  - Evaluation & Fidelity

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Professional Development 2016-17

- **Statewide, Regional, Local**

  - **Activities**
  - **Funding**
  - **Set-up and Coordination**
    - **Should include Follow-up**

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Funding

- **Discretionary Grants**
  - Proposals: **$357,720.00**
  - Available: **$245,000.00**
- **Other Funds**
  - NDDPI- **?** (Ross Greene, Zones Tour, Goal Writing, Building Capacity, PTR, Soc/Emot Measure in EWS/MTSS, ED Guidelines, TEACHH, etc.)
  - Local- **?** (Implementation, Capacity Building, Supports, etc.)

Strategy- Assist Units to Monitor Progress and Evaluate Success

Evaluation

“ You Get What You Measure”

(Dr. Dean Spitzer, International Consultant, Human Performance Technology)

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What Do You Want to Get?

- Improved-
  - Student Performance!
    - Achievement, Graduation Rates, Drop-out Rates, Classroom Performance/Engagement
  - System Performance!
    - Adjustment in the Actions of People Doing the Work

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Program Improvement
Evaluation Plan Should Include:

- **Student Performance Measures**
  - Long Term/Summative
- **System Performance Measures**
  - Short Term/Formative
    - **Fidelity**
- **Schedules- When will you measure?**

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Local Plans Identified Formative/Summative Measures

- Some- Student Performance
- Some- System Performance
- Few- Both
- Few- Identified Schedule
- None- Fidelity Measures

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Evaluation Plan

Leadership Team

Focus on Short Term (Formative)- 2016-17

Activity

1) Fold a Piece of Paper in Half, or Mobile/Electronic Note App
2) Title One Section- “System Performance”
3) Other Section- “Fidelity”

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Evaluation Plan for 2016-17

System Performance

- **Actions** of the People Doing the Work?
  - Writing Goals, Conducting FBA-BIP, Improving EWS/MTSS, Implementing Engagement Strategies
  - Pick Action Aligned to Goal & Write It Down
- What were the **Measurements** Used in Your Needs Assessment?
  - File Check- FBA-BIP, Self-Reg Goals
  - Survey- Teacher Competency, EWS/MTSS
  - Pick Measure that Matches Action- Write it Down
- Schedule- May, 2017

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Evaluation Plan for 2016-17

- **Fidelity**
  - Define 1 or 2 **Essential** Implementation **Components** of the Program/Practice
    - Methodologies, Frequency, Duration, Group Size, Setting, Sequence of Activities, Materials, Progress Monitoring, Feedback/Reinforcement Schedule (Activity- Zones, PTR)
  - Choose the One that is Essential to Goal and Write It Down
  - How might you measure?
    - Self-Report or Observation
  - Schedule- 2X in School Year- Mid/End

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Draft Evaluation Plan for 2016-17

- System Performance
  - What to Measure
  - How to Measure
  - When to Measure
- Fidelity
  - What to Measure
  - How to Measure
  - When to Measure

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Next Steps- Annual Review

CIP Plans are Flexible

- **Adjust/Change**
  - Timelines
  - Strategies/Activities
  - Formative or Summative Evaluation Measures
- **Should Not Adjust/Change**
  - Long Term Student Performance Goals/Outcomes

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Next Steps- Capacity

- Consider:

Administrative Leadership Data

Finances Communications

Coaching Model Scheduling

Personnel Staff Supports

Celebrations

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Capacity

- Planning Guide- (Standard 2- Supports)
  - Components of 3 features- System, Practices, Data- (Article from RTI Network by Bohanon, Goodman, McIntosh)
- MTSS Scaling-Up Model (ND SIT)
  - Implementation Science (UNC- Chapel Hill)
- Grant Success Stories (ND Practitioners)

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Fall- School Approval

- **No Assurance in ASSIST (ePROVE)**
  - Evidence-
    - Sent to Schools & Submitted Written Summary and Goals/Strategies/Activities
  - Next Year
    - Send to Schools & Submit Evaluation Plans & Updates (Adjustments, Changes, Progress)

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Q & A

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IPAT Updates
John Vastig

Discretionary Grant Project Showcase
Bismarck “Starfish”

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Section 504
Robin Tschider

- Workforce Investment Opportunity Act (WIOA)

Barb Burghart

Division of Vocational Rehabilitation

Seclusion & Restraint Discussion

Peg Wagner & Gerry Teevens

Prevent-Teach Reinforce

Master Coaches Update

Cris Deaver and Lindsey Dirk

Special Education Leadership Conference

June 14, 2016

"Celebrating Leadership"

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IDEA Fiscal Requirements Overview

Wayne Ball

Center for IDEA Fiscal Reporting (CIFR)

IDEA Fiscal Requirements Overview

N.D. Specific Updates and Changes

CEIS IDEA Requirements

34 CFR 300.226 Early Intervening Services

(d) *Reporting.* Each LEA that develops and maintains coordinated, early intervening services under this section must annually report to the SEA on—

(1) The number of children served under this section who received early intervening services; and

(2) The number of children served under this section who received early intervening services and subsequently receive special education and related services under Part B of the Act during the preceding two year period.

Services include Wayne Callendar - Partners for Learning training and Professional Development for K-12 staff on Multi-Tiered System of Supports ($11,90,000 and consultation services from a Board Certified Behavioral Analyst @ $4300.00. Purchased Professional Services and Supplies include SWIS discipline/behavior tracking system for 5 schools schools @ $250.00 = $1,250; miscellaneous office supplies and materials for Student Support Liaisons @ $450.00 and staff travel@ $500

Name of Personnel Involved in Project

Teaching Certificate/Special Education Credential Number

Note: Each LEA that develops and maintains coordinated, early intervening services under this section must annually report to the SEA on – (1) The number of children served under this section who received early intervening services; and (2) The number of children served under this section who received early intervening services and subsequently receive special education and related services under Part B of the Act during the preceding two year period. Briefly describe the major accomplishments and benefits the project provided students with disabilities:

Report the number of children served under this section who received early intervening services:

Report the number of children served under this section who received early intervening services and subsequently receive special education and related services under Part B of the Act during the preceding two year period:

Total Budget		IDEA-B	Amount Spent
110	Professional Salaries	85,810.00	
120	Auxiliary Salaries	70,840.00	
200	Employee Benefits	62,980.00	
300	Purchased Professional and Tech Services	9,800.00	
400	Purchased Property Services		
510	Student Transportation		
580	Staff Travel	500.00	
600	Supplies and Materials	450.00	
730	Equipment		
800	Dues, Memberships (other not classified above)		
Totals		230,380.00	0.00

Previous Save Next Print

Enrollment
District Student Filter
Notification
Plant Courses
Undocumented Student Transfer
Title I Private & Local Neglected

Tools
State Student Search
PSState Student Search
Versions
Import/Transfer
Export
Batch ID Assigner

Functions
Check Out
Validate
Submit
Generate PDF

SPRING ENROLLMENT COLLECTION

Print Page
Help

Return to Student

bunny, bugs

State ID: **2641016464**, DOB: **Feb 12, 2013**, Age: **3**, Gender: **Female**
Ethnicity: **Not Hispanic or Latino**, Race: **White**

Enrollment

Plant Serving:	DPI PLANT
Begin Date:	08/26/2015
Grade:	PK (No section selected)
Resident District:	DPI DISTRICT
Enrolled Status:	Resident
End Date:	09/14/2015
Exit Code:	Continued

District Details

CTB Label Group: (ie. Teachers Name (format: Last, First) or Teacher and ClassID)

**This record was last updated in Stars.

BIE

Served BIE (BIE Plants Only):

Special Programs

- Alternative Education
- Section 504
- NS Lunch Program
- 21st Century
- Gifted and Talented
- Coordinated Early Intervening Services (CEIS)

Send To Tienet: To access INITIAL EVALUATION and RTI forms for students currently not receiving special education.

Special Education
DPI Contact: Michelle Souther, 701-328-2652, msouther@nd.gov

Risk Assessment

Subpart D: Post-Award Requirements
2 CFR 200.331 – Evaluating Subrecipient Risk

Subrecipient Monitoring/Requirements for Pass-Though Entities

- Must evaluate each sub recipient's risk of noncompliance with Federal statutes, regulations, and sub-award terms and conditions.
- May conduct the risk assessments before or after sub-awards are made.
- Use risk assessment results to determine appropriate sub recipient monitoring activities.

Risk Assessment

Program Staff Questions	IDEA B
Has the sub recipient received this type of federal award in the past or is this a brand new award? Rec'd In Past = 0 New Award = 5	
Have there been recent changes in key management or grant personnel? No = 0 Yes = 5	
Have prior monitorings found program or financial management compliance issues (minor-significant) Point scale of 0-10; 1 Finding = 1 Point; 2 Findings = 2 Points, etc. Max of 10 points	
Have the grantees previous financial reports been A) inadequate - 2 points B) Inaccurate - 2 points C) Late - 2 points. If none of the above, assign 0 points	
Has the grantee returned federal funds to the state in the previous two grant cycles? No = 0 Yes = 5	
Has the grantee met program performance goals in the previous year? Yes = 0 No = 5	
Has the grantee submitted numerous budget revisions in the past to correct errors? (i.e. more than 3) No = 0 ; 1 Budget Revision = 1 point; 2 Budget Revisions = 2 points; More than 3 Budget Revisions = 4 points	
Fiscal Grants Management Questions	IDEA-B
Previous FY audit has: A) Findings = 2 Points B) Unresolved Findings = 3 Points C) Is Delinquent = 5 Points	
Size of the Grant A) Smallest Quartile of state-wide total 0 Points B) Second quartile of state-wide total - 2 Points C) Third quartile of state-wide total - 4 Points D) Largest Quartile of state-wide total - 5 Points	
Has the grantee failed to meet MOE or matching requirements in the past 3 years? No = 0 Yes = 5	

Low Risk: 0-20 Points	Moderate Risk: 21 - 40 Points	High Risk: 41 - 60 Points
Low Risk grantees have stable personnel with grant experience. There are little to no audit findings, compliance monitoring issues and reports are submitted timely and accurately.	Moderate Risk grantees have some turnover of key grant individuals. There may be a few audit findings with ether acceptable management responses or quick resolution of the issue. Previous compliance monitoring showed a few items of concern, which have all been resolved. Reports are submitted mostly on time and typically accurate.	High Risk grantees have an unstable work force with high turnover in key grant positions. There have been numerous findings in previous audits with no resolution or unacceptable responses. Previous monitoring showed both program and fiscal have issues of concern, that may or may not have been resolved. Reports are submitted late with errors.

In accordance with 2 CFR 200.207 (b); high risk grantees mayhave additional conditions imposed on their grant award up to and including:

1. Requiring submission of accounting ledger with every request for funds for state agency review.
2. Requiring additional program compliance monitoring.
3. SEA may establish additional prior approvals.
4. State Agency staff may perform a desk audit of the financial activity of the sub recipient.
5. Requiring the grant recipient to obtain technical or management assistance.

If the grantee has been designated high risk, the SEA will

- notify the LEA of this determination and the reasons why the grantee was determined to be high risk.
- notifiy the LEA of the special conditions, what type of action is required to remove the special conditions and the time period for improving the risk level of the entity.

MOE

34 CFR 300.302 (a) *Eligibility standard.* (1) For purposes of establishing the LEA's eligibility for an award for a fiscal year, the SEA must determine that the LEA budgets, for the education of children with disabilities, at least the same amount, from at least one of the following sources, as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available:

(i) Local funds only;

(ii) The combination of State and local funds;

(iii) Local funds only on a per capita basis; or

(iv) The combination of State and local funds on a per capita basis.

NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION
OFFICE OF SPECIAL EDUCATION

MAINTENANCE OF EFFORT (MOE) WORKSHEET

2014-2015 SCHOOL YEAR (ACTUAL)
2015-2016 SCHOOL YEAR (BUDGETED)

Return to:
Department of Public Instruction
Office of Special Education
600 E Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440

Special Education Unit:	
Contact Person:	

Note: All gray areas will automatically calculate as data is entered into worksheet

A. CHILD COUNTS

1	Dec 1, 2014 Child Count Ages 3-21	
2	Dec 1, 2015 Child Count (estimated)	

B. SPECIAL EDUCATION EXPENDITURES **(all entities participating in IDEA B application must be listed)**

		2014-2015 SCHOOL YEAR (ACTUAL)					2015-2016 SCHOOL YEAR (BUDGETED)				
		Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H	Column I	Column J
		Local Expenditures	Local Expenditures Per Child	State Expenditures	Total Local and State Expenditures	Local and State Expenditures Per Child	Local Expenditures	Local Expenditures Per Child	State Expenditures	Total Local and State Expenditures	Local and State Expenditures Per Child
	DISTRICT/UNIT NAME :										
1		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
2		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
3		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
4		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
5		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
6		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
7		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
8		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
9		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
10		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
11		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
12		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
13		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
14		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
15		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
16		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
17		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
18		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
19		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
20		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
21		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
22		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
23		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
24		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
25		$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
C.	TOTAL EXPENDITURES	$ -	#DIV/0!	$ -	$ -	#DIV/0!	$ -	#DIV/0!	$ -	$ -	#DIV/0!
D.	ADJUSTMENT TO LOCAL EFFORT										
	1. Adjustment (see Table 1 calculation)	$ -			$ -		N/A			N/A	
E.	MAINTENANCE OF EFFORT										

Next Steps

Special Education Office will work with MIS department at NDDPI to get MOE Worksheet into the grant application.

Excess Cost

Amounts provided to an LEA under Part B of the Act may be used only to pay the excess costs of providing special education and related services to children with disabilities.

The NDDPI currently calculates excess cost for each LEA to ensure they are meeting this requirement.

Yearly NDDPI will send out letters to Special Education Units:

- Informing them of the K-8 Minimum Amount the LEA must expend before Part B
- Informing them of the 9-12 Minimum Amount the LEA must expend before Part B

Equipment

Please remember:

All equipment purchases must be preapproved and detailed in the application or in a budget revision. In the Special Education online grant management system, budget narratives describing purpose for equipment should be included in each section and a description of each item listed in Part H.

FISCAL: STUDENT CONTRACTS

NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

OVERVIEW

- Introductions: Susan M. Gerenz & Kim Vega
- Key Elements
- Changes in Fiscal Review
- Flickin' Chicken Challenge
- Questions & Comments

KEY ELEMENTS

TIENET

- IEPs must be current & in final form
- List all service minutes, including adaptive phy. ed, music therapy, consultant, paraprofessional, etc. under related services
- IEP team must include both resident and serving district

KEY ELEMENTS

STUDENT CONTRACTS

- Changes in contract or amendment services/minutes requires IEP team review or Prior Written Notice without a meeting form
- Keep login for account current (i.e. email changes, user updates)
- Utilize the comment section for further clarification

Comments

- New IEP on 1/27/2016. He began Adaptive PE and Adaptive Music only on 1/27/2016. Student para minutes increased with the 1/27/2016 IEP due to escalated behaviors. Some small group minutes were moved to Individual Instruction with new IEP as well.
- Individualized Instruction #1: was only able to tolerate 500minutes/week when he first arrived. Individualized Instruction #2: was able to increase instructional time. Since the para provided half of the minutes, I only listed half of what the IEP says. Para was needed 1:1 all day long, even when with teacher, for behavior support.
- Used IEP dated 2/05/15 and IEP dated 1/28/16 for services
- 28 weeks of this contract is based on the finalized IEP created 3/24/15 and 8 weeks are based on IEP created 3/31/16.

Students Placed Out of District for Purposes Other than Education (Agency Placed)

ALLOWABLE

- Placed in licensed foster care or licensed facility
- Primary reason for placement is mental health
- Working toward graduation

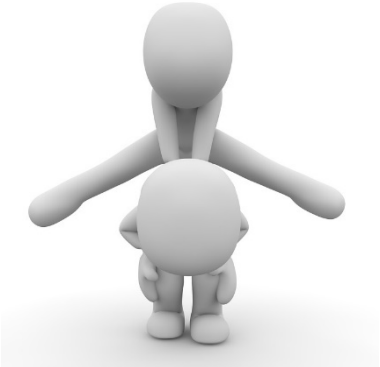
NON-ALLOWABLE

- Placed in kinship or unlicensed relative care
- Primary reason for placement is substance abuse
- Working toward GED

CHANGES IN STUDENT CONTRACT PROCEDURES

TIENET

- IEPs changes between October-April will have an additional fiscal review and are subject to request for amendment
- Specify related services
  - School psych = 3 year re-evaluation, classroom observation, vocational screening, etc.
  - Consultant = Nurse, Orientation & Mobility, CARD program, etc.
- Separate contract per service weeks when changes occur



Student services and Cost Calculations Total: $70,181.06

Name	Code	Units/ Time	Weeks/Yr	Group Size	Units	Unit Desc	Unit Rate	Cost
Paraprofessional	27	10.83/Wk	8.00	1	86.67	Billable/hr	$26.00	$2,253.42
Paraprofessional	27	10.83/Wk	28.00	1	303.33	Billable/hr	$26.00	$7,886.58
Intellectual Disability	4	14.17/Wk	8.00	1	113.33	Billable/hr	$106.52	$12,071.91
Intellectual Disability	4	15.83/Wk	28.00	1	443.33	Billable/hr	$106.52	$47,223.51
Intellectual Disability	4	1.00/Wk	28.00	4	7.00	Billable/hr	$106.52	$745.64

Student Services and Cost Calculations Total: $58,296.60

Name	Code	Units/Time	Weeks/Yr	Group Size	Units	Unit Desc	Unit Rate	Cost
Intellectual Disability	4	2.92/Wk	36.00	1	105.12	Billable/hr	$135.96	$14,292.12
Speech Language	3	0.50/Wk	19.20	1	9.60	Billable/hr	$81.03	$777.89
Intellectual Disability	4	2.50/Wk	36.00	1	90.00	Billable/hr	$135.96	$12,236.40
Paraprofessional	27	28.42/Wk	36.00	1	1,023.00	Billable/hr	$18.33	$18,753.79
Intellectual Disability	4	2.50/Wk	36.00	1	90.00	Billable/hr	$135.96	$12,236.40

STUDENT CONTRACTS (Continued)

- Be mindful of group size-this is subject to additional fiscal caseload review
- The formula is based on teacher time. Based on this calculation, FTEs are the unit of service and considered billable minutes.
- Contract deadline is March 31st- prefer earlier as those will be processed first and receive reimbursement first- lessens negative impact on smaller LEAs budget
- Contracts with private providers for service must be approved 20 days in advance per ND Administrative Rule or use contract waiver form
  - Chapter 67-32-02-03.4

CONTRACT WAIVER REQUEST

NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION
SPECIAL EDUCATION DIVISION
SFN 61044

Requesting Agency	Date of Request		
Mailing Address	City	State	ZIP Code
Contact Person			
Telephone Number	Email Address		
Student Name	Student ID Number	District of Residence	
Projected Student Contract Submission/Resubmission Date			
Reason for Waiver of Contract Preapproval			

REQUIRED CONTRACT AMENDMENTS

- Service ends
- New service added
- Service changes significantly- i.e. $300 or more
- Trial home visit exceeds two consecutive days- Psychiatric Residential Treatment Facilities & Residential Child Care Facilities
- Youth moves out of district
- Homebound Instruction

QUESTIONS AND COMMENTS

State Personnel Development Grant

State Implementation Team (SIT)

Discretionary Grant Project Showcase
“Notching Up Nurtured Heart”

NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

State Assessment Updates

DYNAMIC LEARNING MAPS

measured progress

NDAA

Delivery of **Score Reports**: Projected between Aug. 24-Sept. 7, 2016

Required Test Administration Training modules available: August 10, 2016

October 23, 2016 **Recommended deadline** to complete First Contact and PNP(Personal Needs and Preferences)

Instructionally Embedded **Window opens**: November 9, 2016-Feb. 29, 2017.

- Remember that during this time the **required number** of EE's per grade need to be completed in order to get the most accurate score at the end of the spring testing window.
- **Spring Testing window** opens: March 16 – June 10, 2017
  - NDAA Science: Tentative date of testing window: November 7, 2016

NDSA

NDSA Summative **Assessment Windows**

- Science: October 17, 2016 – November 4, 2016 (Paper & Pencil)
- ELA/Math: March 14, 2017 – May 26, 2017 (Smarter Balanced online)

Reporting of Spring 2016 **Results**

- Student reports being loaded in TIDE as they are scored.
- Student, school, district paper reports shipped to schools in late August, 2016.

Interim Assessments

- Smarter Balanced Interim Assessment **available** October, 2016 (Optional)
- Two Interim Assessment **Options**
  - **I**nterim **C**omprehensive **A**ssessment (**ICA**): mimics the summative assessment
  - **I**nterim **A**ssessment **B**lock (**IAB**): focus on smaller sets of related concepts and provide more detailed information for instructional purposes.

Smarter Balanced Digital Library

An online collection of high-quality instructional and professional learning resources contributed by educators for educators.

Resources help educators implement the formative assessment process to improve teaching and learning. Educators can use the materials to:

- Engage in Professional Learning Communities
- Differentiate instruction for diverse learners
- Engage students in their own learning
- Improve assessment literacy
- Design professional development opportunities

Accounts available to all North Dakota teachers.

TIENET Talk

Participation in District-wide and Statewide Assessments

Sec. 612(a)(16)

Reports.--The State educational agency (or, in the case of a districtwide assessment, the local educational agency) makes available to the public, and reports to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

- (i) The **number of children with disabilities participating in regular assessments**, and the **number of those children who were provided accommodations** in order to participate in those assessments.
- (ii) The **number of children with disabilities participating in alternate assessments** described in subparagraph (C)(ii)(I).

G. Adaptation of Educational Services

What do we need to report?

Assessment type:

- ☐ NDSA without accommodations
- ☐ NDSA with accommodations
- ☐ NDAA

Things to remember:

- Accommodations **should be the same** accommodations used in the course of the student's instruction (i.e. not only used for assessment).
- Accommodations used during testing **should match** those accommodations identified **in Section G** of the student's IEP.
- Students taking NDAA **need objectives** in every goal even in non-testing years

Student Name: sample1 sample1

ID#: SAMPLETE

G. Adaptation of Educational Services

Describe changes in educational services that will be made to permit successful accommodation and education of this student (e.g. grading, credits, staff, transportation, facilities, materials, Braille, equipment, technology, adaptive devices, curriculum, methods, and other services). Include procedures for monitoring equipment, applicable. Include consultation, which is not scheduled or predictable. Consideration must be given to the special factors indicated in section E of the IEP.

Please address the following:
-communication needs
-assistive technology devices and services

Does the student need instructional and related core materials in an accessible specialized format? ☐ Yes ☐ No

Describe the student's participation in North Dakota State Assessment. When completing this section consider the next scheduled NDSA testing window.

☐ Student's current grade does not participate.

☐ Student will participate in North Dakota **State Assessment** without accommodations.

☑ Student will participate in North Dakota **State Assessment** with approved accommodations specified in Adaption of Education Services area.***(Math and English Language Arts/Literacy)***

In the following subject areas: ☐ English Language Arts/Literacy ☐ Math

Designated Supports:

Embedded

☑ Color Contrast
☑ Masking
☐ Text-to-speech (for Math stimuli items and ELA items, not for reading passages)
☐ Translated test directions (for math items)
☐ Translations (glossaries) (for math items)
☑ Translations (stacked) (for math items)
☐ Turn off any universal tools

Non Embedded

☐ Bilingual dictionary (for ELA-performance task full writes)
☑ Color Contrast
☐ ColorOverlay
☑ Magnification
☐ Read aloud (for math items and ELA items, not for reading passages)
☐ Scribe (for ELA non-writing items and math items)
☐ Separate Setting
☐ Translations (glossaries) (for math items)
☐ Translated Test Directions
☐ Noise Buffers

Accommodations:

Embedded

☐ American Sign Language (ELA listening items and Math)
☐ Braille
☐ Closed Captioning (for English-Language Arts listening items)
☐ Text to speech (for English-Language Arts passages grades 6-8 and 11 only)

Non Embedded

☐ Abacus
☐ Alternate Response
☐ Calculator (for calculator items only)
☐ Print on demand
☐ Read aloud (for English-Language Arts passages grades 6-8 and 11; blind students in grades 3-8 and 11 who do not yet have adequate Braille skills)
☐ Scribe (see Designated Supports for math and non-writing English-Language Arts)
☐ Multiplication Table (grade 4 and above math items)
☐ Speech-to-text

☐ Student will participate in North Dakota **State Assessment** with approved accommodations specified in Adaption of Education Services area.***(Science (grades 4, 8, 11))***

☑ Student will participate in the North Dakota **Alternate Assessment** .
In the following subject areas: ☐ English Language Arts/Literacy ☑ Math ☑ Science

If the student will not participate in the regular state-wide (NDSA) assessment, describe why the child cannot participate and why the particular alternate assessment selected is appropriate.

What do
YOU THINK?

SPECIAL EDUCATION SYSTEMIC COMPLAINT

ALLEGATIONS

INVESTIGATION

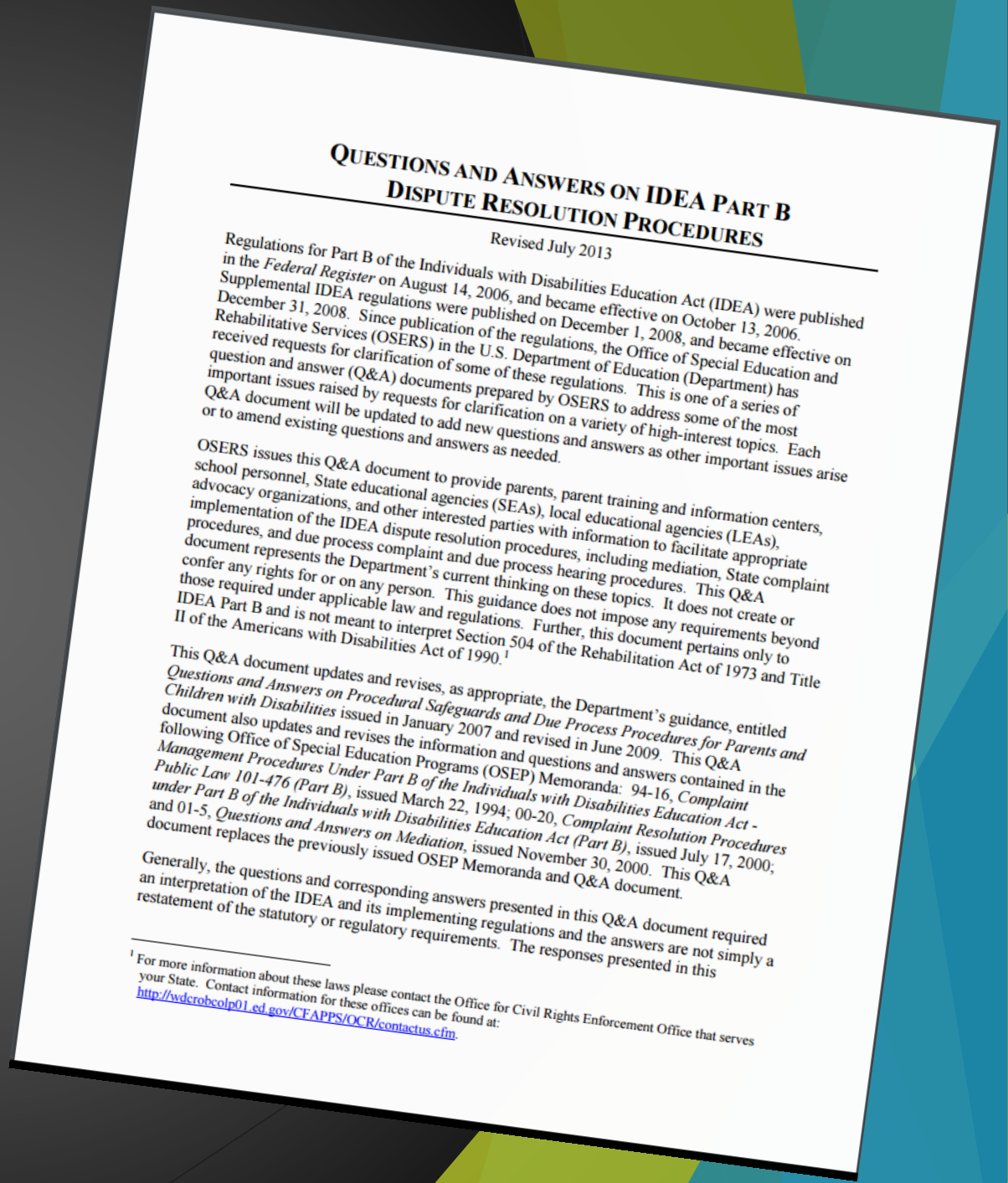
VIOLATIONS

ACTIONS

NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION

QUESTIONS AND ANSWERS ON IDEA PART B DISPUTE RESOLUTION PROCEDURES

Revised July 2013



QUESTIONS AND ANSWERS ON IDEA PART B DISPUTE RESOLUTION PROCEDURES

Revised July 2013

Regulations for Part B of the Individuals with Disabilities Education Act (IDEA) were published in the *Federal Register* on August 14, 2006, and became effective on October 13, 2006. Supplemental IDEA regulations were published on December 1, 2008, and became effective on December 31, 2008. Since publication of the regulations, the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education (Department) has received requests for clarification of some of these regulations. This is one of a series of question and answer (Q&A) documents prepared by OSERS to address some of the most important issues raised by requests for clarification on a variety of high-interest topics. Each Q&A document will be updated to add new questions and answers as other important issues arise or to amend existing questions and answers as needed.

OSERS issues this Q&A document to provide parents, parent training and information centers, school personnel, State educational agencies (SEAs), local educational agencies (LEAs), advocacy organizations, and other interested parties with information to facilitate appropriate implementation of the IDEA dispute resolution procedures, including mediation, State complaint procedures, and due process complaint and due process hearing procedures. This Q&A document represents the Department's current thinking on these topics. It does not create or confer any rights for or on any person. This guidance does not impose any requirements beyond those required under applicable law and regulations. Further, this document pertains only to IDEA Part B and is not meant to interpret Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.[1]

This Q&A document updates and revises, as appropriate, the Department's guidance, entitled *Questions and Answers on Procedural Safeguards and Due Process Procedures for Parents and Children with Disabilities* issued in January 2007 and revised in June 2009. This Q&A document also updates and revises the information and questions and answers contained in the following Office of Special Education Programs (OSEP) Memoranda: 94-16, *Complaint Management Procedures Under Part B of the Individuals with Disabilities Education Act - Public Law 101-476 (Part B)*, issued March 22, 1994; 00-20, *Complaint Resolution Procedures under Part B of the Individuals with Disabilities Education Act (Part B)*, issued July 17, 2000; and 01-5, *Questions and Answers on Mediation*, issued November 30, 2000. This Q&A document replaces the previously issued OSEP Memoranda and Q&A document.

Generally, the questions and corresponding answers presented in this Q&A document required an interpretation of the IDEA and its implementing regulations and the answers are not simply a restatement of the statutory or regulatory requirements. The responses presented in this

[1] For more information about these laws please contact the Office for Civil Rights Enforcement Office that serves your State. Contact information for these offices can be found at: http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm.

May the State complaint procedures,… be used to address the problems of a group of children, i.e., a complaint alleging systemic noncompliance?

Yes. An SEA is required to resolve any complaint that meets the requirements,…alleging that a public agency has not provided FAPE to an individual child or a group of children in accordance with Part B.

If there is a finding in a State complaint that a child or group of children has been denied FAPE, what are the remedies?

In resolving a complaint in which there is a finding,… whether to an individual child or a group of children, [a SEA] … is required to address: the failure to provide appropriate services, including corrective action and appropriate future …services

SYSTEMIC COMPLAINT

- ✓Filed by one parent, on behalf of 11 parents
- ✓Complaint was 136 pages
- ✓Complaint questioned policies, procedures, monitoring and supervision by the SEA
- ✓An independent investigator, was contracted through Utah State University on behalf of the Center for Technical Assistance for Excellence in Special Education (TAESE)

1. Whether the NDDPI has policies, procedures or practices which violate IDEA Part B with respect to:

a) Evaluation and Reevaluation; including consent, timelines, independent education evaluation, prior notice, parental requests, and assistive technology.

§§300.300-300.305

b) IEP development, review, revision, and implementation; including parent participation in meetings, use of draft IEPs, required team members, progress reports, provision of services, and extended school year.

§§300.320-300.324

1. Whether the NDDPI has policies, procedures or practices which violate IDEA Part B with respect to:

c) Least Restrictive Environment with respect to preschool age children.

§§300.114-300.120

d) Procedural Safeguards; including prior notice, examine records, and independent education evaluation.

§§300.500-300.505 and §300.613

2. Whether the NDDPI implements general supervision requirements with respect to:

a) State dispute resolution system; including monitoring decisions and required corrective actions.

§§300.151-300.154

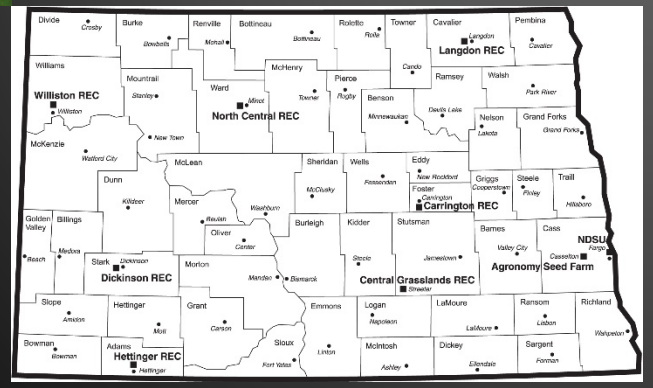
b) Monitoring LEA implementation of state special education rules and IDEA Part B regulations; including monitoring, technical assistance and enforcement.

§§300.600-300.601, 300.608, and 300.149

NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION

INVESTIGATION ACTIVITIES

Investigation began at the state level then moved to the local level.



Investigator interviewed:

- ✓Parents
- ✓DPI staff
- ✓DPI complaint investigator
- ✓SEU administrators
- ✓SEU staff

INVESTIGATION ACTIVITIES

Investigator reviewed records and documents including:

- ✓Systemic complaint
- ✓Dispute resolution data
- ✓Focused monitoring data
- ✓Meeting notes
- ✓Emails
- ✓Trainings
- ✓Conferences
- ✓Brochures
- ✓Policies
- ✓IEPs
- ✓Guidelines
- ✓Websites

INVESTIGATOR COMMENTS

"there was a consistent misunderstanding that the *only* way to move forward in the consideration of a parental request for assessment was through a meeting, resulting in long delays in the process of determining whether the school will conduct the assessment/reevaluation as requested."

INVESTIGATOR COMMENTS

"in most cases there was either a refusal to conduct the requested assessments, or there were long delays (in some cases 3 months or more) before the district made the decision whether to conduct the assessment or not." … "During these long delays and refusals, the parents were not provided PWN."

INVESTIGATOR COMMENTS

"there is a wide spread misunderstanding on the part of the parents as to what triggers an Independent Educational Evaluation at public expense. The schools also do not provide adequate PWN to parents when an IEE was requested which did not meet the federal regulations and State guidelines governing the IEE process."

FINDING FOR ISSUE 1a

"The NDDPI is found to be in compliance through their provision of policies and procedures which are aligned to the IDEA Part B regulations." …
"identified practices of the districts and special education services units/cooperative are found to be in violation of the IDEA Part B regulations, and require corrective actions."

INVESTIGATOR COMMENTS

"LEA staff are still using a limited set of criteria (regression and recoupment data only) to determine ESY eligibility." … "The school has responded {to parent request for ESY services} in writing and verbally in a variety of ways – telling parents that they did not collect regression and recoupment data to support ESY eligibility, indicating that this is the only method they use to determine the eligibility, or by telling parents that their child doesn't meet the profile of a child who is eligible for ESY (not severe enough)."

FINDING FOR ISSUE 1b (ESY)

"The NDDPI is found to be in compliance through their provision of policies and procedures which are aligned to the IDEA Part B regulations." … "identified practices of the districts and special education services units/cooperative are found to be in violation of the IDEA Part B regulations, and require corrective actions."

FINDING FOR ISSUE 1b (PARENT PARTICIPATION)

"It is found that there is no violation of the provisions of IDEA with respect to parent opportunity to participate."

INVESTIGATOR COMMENTS

"In the case of preschool age children… the continuum of placement options described in §300.115 must be adhered to. In addition, §300.114(2) requires that IEP teams must ensure that preschool children with disabilities to the maximum extent appropriate, are educated with children who are nondisabled."

INVESTIGATOR COMMENTS

"This regulation proves to be difficult, but not impossible where states and local districts do not have regular education preschool programs."… "Local districts must develop plans to address any discrepancy between their current practices and the preschool LRE requirements, to ensure appropriate movement toward compliance."

FINDING FOR ISSUE 1c

"Least Restrictive Environment with respect to preschool age children, there is <u>not</u> a violation of Part B of IDEA and the regulations."

INVESTIGATOR COMMENTS

“it is found that there is a lack of understanding of when it is required to provide a PWN, and a lack of understanding of the required content of a PWN.”

FINDING FOR ISSUE 1d

"The NDDPI is found to be in compliance through their provision of policies and procedures which are aligned to the IDEA Part B regulations." … "identified practices of the districts and special education services units/cooperative are found to be in violation of the IDEA Part B regulations, and require corrective actions."

FINDINGS FOR ISSUES 2a and b

"While there are no identified compliance violations within the NDDPI general supervision requirements, it was determined that the professional development which is provided is not reaching the staff who are directly responsible for implementing the provisions of IDEA with consistent levels of accuracy, or with enough emphasis to impact current practices. It is recommended that NDDPI develop a process to ensure that LEA staff are adequately trained."

CORRECTIVE
ACTION
YES
NO

CORRECTIVE ACTION

Professional development must be provided to districts and special education services staff regarding the following:

1. Regulations and requirements of prior written notice (PWN) with regard to evaluation and reevaluation.
   - ✓ Emphasis on refusal to conduct an evaluation or reevaluation.
   - ✓ Emphasis on refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
   - ✓ Emphasis on timeliness of providing a complete PWN that meets the requirements.

CORRECTIVE ACTION

Professional development must be provided to districts and special education services staff regarding the following:

2. Regulations and requirements for independent educational evaluation (IEE) including the PWN requirements that apply when a parent's request does not meet the definition of IEE under IDEA.

3. Regulations, requirements, and guidelines governing Extended School Year (ESY) eligibility.

CORRECTIVE ACTION

Professional development must be provided to districts and special education services staff regarding the following:

4. IEP development, review, revision, and implementation

5. Alternate methods to gain information and input from parents who opt out of the assessment planning meetings

Professional development must begin not later than June 15, 2016, and be completed not later than December 1, 2016

CORRECTIVE ACTION… FOR ALL

"There is evidence that many of the teams are functioning under strained relationships due to current and past disagreements – it is advised that each of the team members, parents and school, step back, review, and revise their approaches to each other, and get back to a place of working as a team. At the center of each discussion and decision, there is a child who is waiting for the team to develop and implement an appropriate plan for educating him/her."

GROUP DISCUSSION

Fall Special Education Leadership Conference

September 13-14, 2016

Have a Great Summer!