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:

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.
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

1030 AUT
882 DB
137 ED
741 HI
886 ID
1044 NCD 3-5
1913 NCD 6-9
77 OHI
2930 OI
4248 SI
53 SLD
44 TBI

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<td>OI= Orthopedic impairment</td>
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Changes with Child Count Data 2010-2015

![Chart showing changes in child count data from 2010-2015. The x-axis represents the years 2010-11 to 2014-15, and the y-axis represents the change in counts ranging from 0 to 350. The chart illustrates an increasing trend in child count data over the years.]
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


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
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
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
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 a 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
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 NDDP Website- Electronic documents sent to Units
Please Contact Gerry for Questions or Assistance
SSIP Improvement Planning

Thank You!
Annual Review

► What Did We Do?

► What Will We Do?

► 5 Strategies
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)
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

- Fidelity- Communications re: Process Components
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)
# Fidelity Ratings

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<td>✔️</td>
<td>✔️</td>
</tr>
</tbody>
</table>
Planning Funds

5- Discretionary Proposals, All Approved

$30,000- Total from NDDPI- IDEA Discretionary Funds
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
Deliver Quality PD

Identify and Implement EBPPs

*20+ Programs & Practices*

Initial Implementation, Expanding Implementation, Sustaining Implementation
<table>
<thead>
<tr>
<th>West</th>
<th>Central</th>
<th>East</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Dickinson</td>
<td>1. Bismarck</td>
<td>1. Fargo</td>
</tr>
<tr>
<td>2. Northern Plains</td>
<td>2. Burleigh Co.</td>
<td>2. Grand Forks</td>
</tr>
<tr>
<td>4. West River</td>
<td>4. Emmons Co.</td>
<td>4. James River</td>
</tr>
<tr>
<td>5. Wilmac</td>
<td>5. Fort Totten</td>
<td>5. Jamestown</td>
</tr>
<tr>
<td></td>
<td>7. Morton Sioux</td>
<td>7. Pembina</td>
</tr>
<tr>
<td></td>
<td>8. Oliver/Mercer</td>
<td>8. Rural Cass</td>
</tr>
<tr>
<td></td>
<td>10. Souris Valley</td>
<td></td>
</tr>
<tr>
<td></td>
<td>11. So. Cntrl. Prairie</td>
<td></td>
</tr>
<tr>
<td></td>
<td>12. Standing Rock</td>
<td></td>
</tr>
<tr>
<td>5- Zones of Regulation</td>
<td>9- Zones of Regulation</td>
<td>9- Zones of Regulation</td>
</tr>
<tr>
<td>3- FBA-BIP/PTR</td>
<td>6- FBA-BIP/PTR</td>
<td>12- FBA-BIP/PTR</td>
</tr>
<tr>
<td>3- Early Warning Systems/MTSS</td>
<td>4- Social Thinking</td>
<td>5- Social Thinking</td>
</tr>
<tr>
<td>Other EBPPs/Soc. Skills training</td>
<td>3- Early Warning Systems/MTSS</td>
<td>6- Nurtured Heart</td>
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<tr>
<td></td>
<td>4- Crisis Prevention &amp; Intervention</td>
<td>5- Community Collab. /Collab. PLCs</td>
</tr>
<tr>
<td></td>
<td>Other EBPPs/Soc. Skills training</td>
<td>Other EBPPs/Soc. Skills training</td>
</tr>
</tbody>
</table>
Other Needs

- Writing Quality IEP Goals
  - Self-Regulation, Executive Functioning, & Behavior

- Local Infrastructure/Capacity
  - Scaling-Up
  - Peer Coaching/Peer Sharing
  - Evaluation & Fidelity
Professional Development 2016-17

- Statewide, Regional, Local

- Activities
- Funding
- Set-up and Coordination
  - Should include Follow-up
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)
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
Program Improvement Evaluation Plan Should Include:

- **Student Performance Measures**
  - Long Term/Summative

- **System Performance Measures**
  - Short Term/Formative
  - Fidelity

- Schedules- When will you measure?
Local Plans Identified
Formative/Summative Measures

- Some - Student Performance
- Some - System Performance
- Few - Both
- Few - Identified Schedule
- None - Fidelity Measures
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”
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
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
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
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
Next Steps - Capacity

Consider:

Administrative Leadership Data
Finances Communications
Coaching Model Scheduling
Personnel Staff Supports
Celebrations
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)
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)
Q & A
IPAT Updates
John Vastig
Discretionary Grant Project Showcase
Bismarck “Starfish”
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
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.
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:

<table>
<thead>
<tr>
<th>Total Budget</th>
<th>IDEA-B</th>
<th>Amount Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional Salaries</td>
<td>110</td>
<td>85,810.00</td>
</tr>
<tr>
<td>Auxiliary Salaries</td>
<td>120</td>
<td>70,840.00</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>200</td>
<td>62,980.00</td>
</tr>
<tr>
<td>Purchased Professional and Tech Services</td>
<td>300</td>
<td>9,800.00</td>
</tr>
<tr>
<td>Purchased Property Services</td>
<td>400</td>
<td>0.00</td>
</tr>
<tr>
<td>Student Transportation</td>
<td>510</td>
<td>0.00</td>
</tr>
<tr>
<td>Staff Travel</td>
<td>560</td>
<td>500.00</td>
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<tr>
<td>Supplies and Materials</td>
<td>600</td>
<td>0.00</td>
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<tr>
<td>Equipment</td>
<td>730</td>
<td>0.00</td>
</tr>
<tr>
<td>Dues, Memberships (other not classified above)</td>
<td>800</td>
<td>450.00</td>
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<tr>
<td>Totals</td>
<td>230,380.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>
### Enrollment Details

**State ID:** 2641015464  **DOB:** Feb 12, 2013  **Age:** 3  **Gender:** Female  **Ethnicity:** Not Hispanic or Latino  **Race:** White

**Enrollment Details:**
- **Plant Serving:** DPI PLANT
- **Begin Date:** 09/14/2015
- **Grade:** PK (No section selected)
- **Resident District:** DPI DISTRICT
- **Enrolled Status:** Resident
- **Exit Code:** Continued

**CTB Label Group:** (e. Teachers Name (format: Last, First) or Teacher and Class ID)

---

**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)

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**Special Education**

DPI Contact: Michelle Souther, 701-328-2652; msouther@ed.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

<table>
<thead>
<tr>
<th>Program Staff Questions</th>
<th>IDEA B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the sub recipient received this type of federal award in the past or is this a brand new award?</td>
<td>Rec'd In Past = 0 New Award = 5</td>
</tr>
<tr>
<td>Have there been recent changes in key management or grant personnel? No = 0 Yes = 5</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Has the grantee returned federal funds to the state in the previous two grant cycles? No = 0 Yes = 5</td>
<td></td>
</tr>
<tr>
<td>Has the grantee met program performance goals in the previous year? Yes = 0 No = 5</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fiscal Grants Management Questions</th>
<th>IDEA-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous FY audit has: A) Findings = 2 Points B) Unresolved Findings = 3 Points C) Is Delinquent = 5 Points</td>
<td></td>
</tr>
<tr>
<td>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</td>
<td></td>
</tr>
<tr>
<td>Has the grantee failed to meet MOE or matching requirements in the past 3 years? No = 0 Yes = 5</td>
<td></td>
</tr>
<tr>
<td>Low Risk: 0-20 Points</td>
<td>Moderate Risk: 21 - 40 Points</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>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.</td>
<td>Moderate Risk grantees have some turnover of key grant individuals. There may be a few audit findings with either 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.</td>
</tr>
</tbody>
</table>
In accordance with 2 CFR 200.207 (b); high risk grantees may have 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.
- notify 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.
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)

**Special Education Unit:**

**Notes:** All gray areas will automatically calculate as data is entered into worksheet.

#### A. CHILD COUNTS

- Dec 1, 2014 Child Count Ages 8-21
- Dec 1, 2015 Child Count (estimated)

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

<table>
<thead>
<tr>
<th>Column A</th>
<th>2014-2015 SCHOOL YEAR (ACTUAL)</th>
<th>2015-2016 SCHOOL YEAR (BUDGETED)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Expenditures</td>
<td>Per Child</td>
<td>State Expenditures</td>
</tr>
<tr>
<td>Local Expenditures</td>
<td>Per Child</td>
<td>State Expenditures</td>
</tr>
<tr>
<td>Local Expenditures</td>
<td>Per Child</td>
<td>State Expenditures</td>
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<td>Local Expenditures</td>
<td>Per Child</td>
<td>State Expenditures</td>
</tr>
<tr>
<td>Local Expenditures</td>
<td>Per Child</td>
<td>State Expenditures</td>
</tr>
</tbody>
</table>

#### D. ADJUSTMENT TO LOCAL EFFORT

- Adjustment for Table Evaluation

#### E. MAINTENANCE OF EFFORT

- N/A
- N/A
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
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 500 minutes/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

<table>
<thead>
<tr>
<th>Name</th>
<th>Code</th>
<th>Units/Time</th>
<th>Weeks/Yr</th>
<th>Group Size</th>
<th>Units</th>
<th>Unit Desc</th>
<th>Unit Rate</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>Paraprofessional</td>
<td>27</td>
<td>10.83/Wk</td>
<td>8.00</td>
<td>1</td>
<td>86.67</td>
<td>Billable/hr</td>
<td>$26.00</td>
<td>$2,253.42</td>
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<tr>
<td>Paraprofessional</td>
<td>27</td>
<td>10.83/Wk</td>
<td>28.00</td>
<td>1</td>
<td>303.33</td>
<td>Billable/hr</td>
<td>$26.00</td>
<td>$7,886.58</td>
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<tr>
<td>Intellectual</td>
<td>4</td>
<td>14.17/Wk</td>
<td>8.00</td>
<td>1</td>
<td>113.33</td>
<td>Billable/hr</td>
<td>$106.52</td>
<td>$12,071.91</td>
</tr>
<tr>
<td>Disability</td>
<td>4</td>
<td>15.83/Wk</td>
<td>28.00</td>
<td>1</td>
<td>443.33</td>
<td>Billable/hr</td>
<td>$106.52</td>
<td>$47,223.51</td>
</tr>
<tr>
<td>Intellectual</td>
<td>4</td>
<td>1.00/Wk</td>
<td>28.00</td>
<td>4</td>
<td>7.00</td>
<td>Billable/hr</td>
<td>$106.52</td>
<td>$745.64</td>
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</table>
# Student Services and Cost Calculations

Total: $58,296.60

<table>
<thead>
<tr>
<th>Name</th>
<th>Code</th>
<th>Units/Time</th>
<th>Weeks/Yr</th>
<th>Group Size</th>
<th>Units</th>
<th>Unit Desc</th>
<th>Unit Rate</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Intellectual Disability</td>
<td>4</td>
<td>2.92/Wk</td>
<td>36.00</td>
<td>1</td>
<td>105.12</td>
<td>Billable/hr</td>
<td>$135.96</td>
<td>$14,292.12</td>
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<tr>
<td>Speech Language</td>
<td>3</td>
<td>0.50/Wk</td>
<td>19.20</td>
<td>1</td>
<td>9.60</td>
<td>Billable/hr</td>
<td>$81.03</td>
<td>$777.89</td>
</tr>
<tr>
<td>Intellectual Disability</td>
<td>4</td>
<td>2.50/Wk</td>
<td>36.00</td>
<td>1</td>
<td>90.00</td>
<td>Billable/hr</td>
<td>$135.96</td>
<td>$12,236.40</td>
</tr>
<tr>
<td>Paraprofessional</td>
<td>27</td>
<td>28.42/Wk</td>
<td>36.00</td>
<td>1</td>
<td>1,023.00</td>
<td>Billable/hr</td>
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<tr>
<td>Intellectual Disability</td>
<td>4</td>
<td>2.50/Wk</td>
<td>36.00</td>
<td>1</td>
<td>90.00</td>
<td>Billable/hr</td>
<td>$135.96</td>
<td>$12,236.40</td>
</tr>
</tbody>
</table>
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
<table>
<thead>
<tr>
<th>Requesting Agency</th>
<th>Date of Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address</td>
<td>City</td>
</tr>
<tr>
<td>Contact Person</td>
<td></td>
</tr>
<tr>
<td>Telephone Number</td>
<td>Email Address</td>
</tr>
<tr>
<td>Student Name</td>
<td>Student ID Number</td>
</tr>
<tr>
<td>Projected Student Contract Submission/Resubmission Date</td>
<td></td>
</tr>
<tr>
<td>Reason for Waiver of Contract Preapproval</td>
<td></td>
</tr>
</tbody>
</table>
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
State Personnel Development Grant

State Implementation Team (SIT)
Discretionary Grant Project Showcase
“Notching Up Nurtured Heart”
State Assessment Updates
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**
  - Interim Comprehensive Assessment (ICA): mimics the summative assessment
  - Interim Assessment Block (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
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 NDASA testing window.

- Students 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 Adaptation 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
  - Magnifying
  - Text-to-speech (for Math stimuli items and ELA items, not for reading passages)
- Non Embedded
  - Distinguish dictionary (for ELA-performance test full writings)

Accommodations:
- Embedded
  - American Sign Language (ELA listening items and Math)
  - Braille
  - Closed Captioning (for English Language Arts listening items)
- Non Embedded
  - Abacus
  - Alternate Response
  - Calculator (for calculator items only)

- Student will participate in North Dakota State Assessment with approved accommodations specified in Adaptation of Education Services area (Math and English Language Arts/Literacy).
- 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 (NDASA) 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
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
Investigation began at the state level then moved to the local level. Investigator interviewed:

- Parents
- DPI staff
- DPI complaint investigator
- SEU administrators
- SEU staff
Investigator reviewed records and documents including:

- Systemic complaint
- Dispute resolution data
- Focused monitoring data
- Meeting notes
- Emails

- Trainings
- Conferences
- Brochures
- Policies
- IEPs
- Guidelines
- Websites
“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.”
“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.”
“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.”
“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).”
“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.”
“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.”
“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 not a violation of Part B of IDEA and the regulations.”
“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!