Special Education Monthly Webinar Series

November 2018

Office of Superintendent of Public Instruction

Chris Reykdal, State Superintendent

Vision:

All students prepared for post-secondary pathways, careers, and civic engagement.

Mission:

Transform K–12 education to a system that is centered on closing opportunity gaps and is characterized by high expectations for all students and educators. We achieve this by developing equity-based policies and supports that empower educators, families, and communities.

Values:

- Ensuring Equity
- Collaboration and Service
- Achieving Excellence through Continuous Improvement
- Focus on the Whole Child

Equity Statement:

Each student, family, and community possesses strengths and cultural knowledge that benefit their peers, educators, and schools.

Ensuring educational equity:

- Goes beyond equality; it requires education leaders to examine the ways current policies and practices result in disparate outcomes for our students of color, students living in poverty, students receiving special education and English Learner services, students who identify as LGBTQ+, and highly mobile student populations.

- Requires education leaders to develop an understanding of historical contexts; engage students, families, and community representatives as partners in decision-making; and actively dismantle systemic barriers, replacing them with policies and practices that ensure all students have access to the instruction and support they need to succeed in our schools.

OSPI Special Education Services

The OSPI Special Education Services division is responsible for ensuring the provision of special education and related services on behalf of more than 130,000 eligible students in Washington. We:

- Provide technical assistance and professional development to support and facilitate improvement efforts by disseminating evidence-based and promising practices for the development of academic, health, and post-school outcomes.

- Engage stakeholders involved in, or affected by, special education services and outcomes for students with disabilities.

- Administer general supervision of the provision of special education services through an integrated monitoring system, dispute resolution options, and coordinated data management efforts.

- Allocate federal special education funding and manage the supplemental safety net program.

OSPI Priorities:
Improving Outcomes for Students with Disabilities

Leadership
Support students with disabilities (including increased collaboration and ownership of school administrators and staff) and coordinated efforts with community organizations to improve results and reduce disproportionality.

Growth Mindset
Increased expectations of students with disabilities (e.g., standards, instruction, graduation, assessments, attendance, IEP-related Decisions, and post-school outcomes).

Evidence-Based Practices
Instruction and interventions within an MTSS framework and inclusionary practices leading to increased access and progress in Washington grade-level learning standards.

Professional Development
Joint training for general educators, special educators, , administrators, and parents/families (e.g., IEP team members).

Resource Allocation
Braided funding, consolidated grant application, reducing costs for administrative tasks, increasing direct support to students, and data-based decision making.

Recruitment & Retention
Preparation programs for administrators, general educators, special educators, related service providers, and paraeducators focused around instruction and support for students with disabilities.

Today's Agenda

➢ Welcome and Purpose/Objectives

➢ Data:
  ▪ Federal Child Count/LRE Collection

➢ Program Improvement:
  ▪ District Determinations

➢ Dispute Resolution
  ▪ Progress reporting and the impact of Endrew F.

➢ Wrap-up and Questions

➢ Survey

https://www.ourtownebuilderland.com/wp-content/uploads/2018/02/checklist-1024x768-300x225.jpg

Federal Child Count/LRE Collection

- What?
  - Annual Data Collection
- When?
  - Count Date: November 1
  - Count Window: November 1 – December 17
- How?
  - EDS application: Special Education November Federal Child Count Application
- Why?
  - Required by law. But we also use the data for a lot of other stuff.

Accessing the Application

- Log into EDS (https://eds.ospi.k12.wa.us).
- Select 'I Agree' on the Acceptable Use window.
- Select 'View My Applications'
- Select the 'Special Education November Federal Child Count' application.

Reminders

- Do not assume every student in the validation list can be counted.
- Using the check all feature can save time.
- Errors should be corrected in your student information system. Editing data in the application should be used as a last resort.
- Don't forget about the search feature.
- Check school choice.
- Don't print the Certification page until after you have submitted the report.
- Download the reports for your records.

Common Reasons Why Students are Missing from the Application

- Does primary school = yes, or private school = yes, or homeschool = yes?

- Does the student have a special education record that starts on or before November 1?

- Does the student have a disability record that starts on or before November 1?

CEDARS Submission

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION | *All students prepared for post-secondary pathways, careers, and civic engagement.*

November 6, 2018 |
11

CEDARS File Processor Messages

System is Working on Step 2

Red with "x" indicates step 2 failed

System is actively checking for exceptions/errors

Submission has submission exceptions/errors (yellow exclamation)

No Submission exceptions/errors

Logical Delete threshold is reached: submission is stopped and not loaded

Submission is loaded – data is loaded to CEDARS (exception/error records are not loaded)

Submission is loaded – data is loaded to CEDARS

CEDARS Submission Logical Delete

Questions? Comments?

Determination Levels – Background

- IDEA 2004 requires the U.S. Department of Education to rate States according to their performance on compliance and results indicators *(IDEA 616(a) and CFR 300.600 & 300.602)*

  - Meets Requirements (Level 1)
  - Needs Assistance (Level 2)
  - Needs Intervention (Level 3)
  - Needs Substantial Intervention (Level 4)

Washington's Criteria

- Criteria 1 – Material Audit Findings

  - Does the district have any unresolved special education audit findings that are material in nature?

Criteria 2 – Timely correction of non-compliance

- Did the district correct non-compliance within one year of identification?

- This would include:
  - citizen complaint decisions
  - due process hearing decisions
  - student-specific issues of non-compliance and/or district-level issues of non-compliance

Criteria 3 – Timely and accurate data

- Criteria 3 includes the following reports:
  - Special Education Personnel Employed
  - Child Count/Least Restrictive Environment
  - Special Education Students Suspended/Expelled
  - Preschool Outcomes
  - Timeline for Initial Evaluations
  - Transition from Part C to Part B
  - Post School Outcome Survey

Criteria 4 – Performance on compliance indicators

- Did the district demonstrate substantial compliance with the SPP compliance indicators?

- States are required to include compliance indicators (currently 4B, 9, 10, 11, 12, and 13) in district determinations.

Criteria 4 (continued)

- Indicator 4B: suspension and expulsion rates by race/ethnicity.

- Indicator 9: disproportionate representation in special education.

- Indicator 10: disproportionate representation in specific disability categories.

- Indicator 11: evaluations and eligibility determinations within 35 school days of parent consent.

- Indicator 12: children referred by Part C who have an IEP developed and implemented by their third birthday.

- Indicator 13: youth turning 16 and above with an IEP that includes all required transition components.

Criteria 4.1 (Indicators 11, 12, and 13) – "n" sizes

- "n" sizes for 11, 12, and 13 are applied two ways:

1. Minimum "n" size for the indicator must equal 10% or more of the relative population, and

2. If district doesn't meet requirements as a result of a single student record, the district will be determined to not meet the "n" size.

- However, <u>any</u> issues of non-compliance, regardless of "n" size, are required to be corrected under criteria 2 (timely correction of non-compliance)

Criteria 4.2 (Indicators 9 and 10)

- Did the district have disproportionate data (under Indicators 9 and/or 10), <u>and</u> did OSPI determine that the disproportionality was the result of inappropriate identification?

Criteria 4.3 (Indicator 4B)

- Did the district exceed the Single State Bar (for Indicator 4B), <u>and</u> did OSPI determine that the discrepant data were the result of non-compliant policies, procedures, or practices?

Criteria 5 – Performance on results indicator 14

- Did the LEA/ESA demonstrate substantial performance on SPP Indicator 14C (Postsecondary Outcomes) that is based on a valid and reliable response rate?

- Full implementation of Criteria 5, including potential enforcement actions, was in effect beginning with the November 2016 Determinations.

Criteria 5

- **Indicator 14 -** Percent of youth who had IEPs, are no longer in secondary school, had IEPs in effect at the time they left school, and were:
  - A. Enrolled in higher education within one year of leaving high school.
  - B. Enrolled in higher education or competitively employed within one year of leaving high school.
  - **C. Enrolled in higher education or in some other post secondary education or training program; or competitively employed within one year of leaving high school.**

PREVIOUS Washington State Rubric for Determinations

CRITERIA	(1) MEETS REQUIREMENTS	(2) NEEDS ASSISTANCE	(3) NEEDS INTERVENTION	(4) NEEDS SUBSTANTIAL INTERVENTION
1. Did the LEA/ESA resolve all special education audit findings (if any)? *[Source - OSPI Audit Resolution]*	**yes**	*n/a*	**no**	*n/a*
2. Were all identified issues of non-compliance corrected by the LEA/ESA, including verification and validation by the ESD and OSPI, as soon as possible but no later than one year from identification? *[Source - OSPI general supervision, including program reviews, Safety Net, citizen complaints, etc.]*	**yes**	*n/a*	**no** corrected, but not timely	**no** not timely & uncorrected non-compliance remains
3. Did the LEA/ESA submit timely, complete, and accurate data? *[Source - District-submitted data reports, see list on next page]* *(Note: This includes information from ongoing monitoring activities & other public information related to district compliance with IDEA 2004.)*	**90% or higher**	**75.0% to 89.9%**	**Below 75%**	*n/a*
4.1 Did the LEA/ESA demonstrate substantial compliance (on SPP Indicators 11, 12, and 13)? *[Source - District-submitted reports (Ind. 11 and 12 - see list on next page), Safety Net &/or OSPI Monitoring and Program Review (Ind. 13)]* *("n<reqd" = LEA did not meet the "n" size for that indicator)*	**90% or higher** on all three indicators (&/or "n<reqd")	**75.0% to 89.9%** on <u>any</u> of the three indicators	**Below 75%** on <u>any</u> of the three indicators	*n/a*
4.2 Is disproportionate representation (if any) the result of <u>inappropriate identification</u> (Indicators 9 and 10)? *[Source - OSPI Monitoring and Program Review]*	**no**	**yes**	*n/a*	*n/a*
4.3 Is the LEA's/ESA's suspension/expulsion data above the Single State Bar, AND is the data the result of <u>non-compliant policies, procedures, or practices</u> (Indicator 4B)? *[Source - OSPI Monitoring and Program Review]*	**no**	**yes**	*n/a*	*n/a*
5. Did the LEA/ESA demonstrate substantial performance on SPP Indicator 14C (Postsecondary Engagement Rates) that is based on a valid and reliable response rate? *[Source - District-submitted report (Ind. 14 - see list on next page)] (For LEAs with fewer than 10 leavers, a 3-year trend was used)*	**Ind. 14C = 60% or higher and Response Rate = 70% or higher**	**Ind. 14C = 40.0-59.9% or Response Rate = 50.0-69.9%**	**Ind. 14C = Below 40% or Response Rate = Below 50%**	*n/a*

CURRENT Washington State Rubric for November 2018 Determinations

CRITERIA	(1) MEETS REQUIREMENTS	(2) NEEDS ASSISTANCE	(3) NEEDS INTERVENTION	(4) NEEDS SUBSTANTIAL INTERVENTION
1. Did the LEA/ESA resolve all special education audit findings (if any)? *[Source - OSPI Audit Resolution]*	**yes**	*n/a*	**no** single fiscal year	**no** multiple fiscal years
2. Were all identified issues of non-compliance corrected by the LEA/ESA, including verification and validation by the ESD and OSPI, as soon as possible but no later than one year from identification? *[Source - OSPI general supervision, including program reviews, Safety Net, citizen complaints, etc.]*	**yes**	*n/a*	**no** corrected, but not timely	**no** not timely & uncorrected non-compliance remains
3. Did the LEA/ESA submit timely, complete, and accurate data? *[Source - District-submitted data reports, see list on next page]* *(Note: This includes information from ongoing monitoring activities & other public information related to district compliance with IDEA 2004.)*	**90% or higher**	**75.0% to 89.9%**	**Below 75%**	**Below 50%**
4.1 Did the LEA/ESA demonstrate substantial compliance (on SPP Indicators 11, 12, and 13)? *[Source - District-submitted reports (Ind. 11 and 12 - see list on next page), Safety Net &/or OSPI Monitoring and Program Review (Ind. 13)]* *("n<reqd" = LEA did not meet the "n" size for that indicator)*	**90% or higher** on all three indicators (&/or "n<reqd")	**75.0% to 89.9%** on any of the three indicators	**Below 75%** on any of the three indicators	**Below 50%** on any of the three indicators
4.2 Is disproportionate representation (if any) the result of <u>inappropriate identification</u> (Indicators 9 and 10)? *[Source - OSPI Monitoring and Program Review]*	**no**	**yes** 2 or more individual instances of inappropriate ident.	**yes** 5 or more individual instances of inappropriate ident.	**yes** systemic issues noted across all files reviewed
4.3 Is the LEA's/ESA's suspension/expulsion data above the Single State Bar, AND is the data the result of <u>non-compliant policies, procedures, or practices</u> (Indicator 4B)? *[Source - OSPI Monitoring and Program Review]*	**no**	**yes** 2 or more individual instances of non-compliance	**yes** 5 or more individual instances of non-compliance	**yes** systemic issues noted across all files reviewed
5. Did the LEA/ESA demonstrate substantial performance on SPP Indicator 14C (Postsecondary Engagement Rates) that is based on a valid and reliable response rate? *[Source - District-submitted report (Ind. 14 - see list on next page)]* *(For LEAs with fewer than 10 leavers, a 3-year trend was used)*	**Indicator 14C = 60% or higher and Response Rate = 70% or higher**	**Indicator 14C = 40.0-59.9% or Response Rate = 50.0-69.9%**	**Indicator 14C = Below 40% or Response Rate = Below 50%**	*n/a*
6. Did the district receive a designation of Significant Disproportionality? *[Source - District-submitted reports (Special Education Students Suspended/Expelled, Federal Special Education Child Count/LRE, and October Total Enrollment report)]*	**no**	**yes** 1 or 2 years of designations	**yes** designations 3 consecutive years or more with no progress	**yes** designations 5 consecutive years or more with no progress

Needs Assistance (Level 2) - TA/Improvement Activities

- OSPI will advise the school district and ESD of sources of technical assistance, which may include:
  - ESD, OSPI, and/or OSEP/DOE
  - Technical assistance providers
  - Experts and/or distinguished professionals
  - Colleges/universities, non-profit organizations, etc.

Needs Assistance
for 2 consecutive years ("NA2")
Federally-mandated Enforcement Activities

- District may be required to work with a specific entity for technical assistance, and/or

- Conditions may be imposed on the district's use of Part B funds.

Needs Intervention (Level 3) - TA/Improvement Activities

- May receive a focused monitoring visit,

- Will receive TA resources for improvement,

- May be required to prepare/implement an improvement or corrective action plan, and/or

- May be partnered with another district for technical assistance.

Needs Intervention
for 3 consecutive years ("NI3")
Federally-mandated Enforcement Activities

- Will be required to prepare/implement a corrective action plan and/or compliance agreement,

- OSPI may withhold, in whole or in part, further Part B payments to the district, and/or

- Conditions may be imposed on the district's use of Part B funds.

Needs Substantial Intervention (Level 4) - TA/Improvement Activities

- Will receive a focused monitoring visit, which may lead to a comprehensive, consolidated review of all federal programs,

- Will receive TA resources for improvement,

- Will be required to prepare/implement an improvement or corrective action plan, and/or

- May be partnered with another district for technical assistance.

Needs Substantial Intervention
at any time
Federally-mandated Enforcement Activities

- OSPI is required to withhold, in whole or in part, any further payments to the district under Part B.

Notification

District   ESD

- Districts and ESDs were notified of the district's determination level <u>through a hard-copy letter</u> – mailed to the district on November 1, 2018.

- Districts may request a review and reconsideration if their level is incorrect <u>due to OSPI error</u>. Requests must be received no later than November 30th.

Progress Reporting & the Impact of *Endrew F.*

In *Endrew F. v. Douglas County School District,* the Supreme Court held that for a District to "meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."

Endrew F. Key Language

- Educational program must be appropriately ambitious
- Chance to meet challenging objectives
- Emphasized important of individualized decision-making process regarding the IEP
- IEP process allows all parties to air respective options on the degree of progress an IEP should pursue

U.S. Dept. of Ed. Guidance on *Endrew F.*

- Emphasized the responsibilities of districts to:
    - Improve students' academic outcomes,
    - Monitor progress, and
    - Train administrators and teachers on how to write appropriate IEP

- Individualized decision-making is particularly important when writing annual goals and other IEP content

    Q&A on *Endrew F.*

How do you show an IEP is reasonably calculated to enable the child to make progress appropriate in light of his or her unique circumstances?

Take a minute to share an idea in the comment box…

How do you show an IEP is reasonably calculated to enable the child to make progress appropriate in light of his or her unique circumstances?

- Write clear measurable annual goals
  - That aim to improve educational results and functional performance
- Regularly assess and document student progress towards each IEP goal
- Provide parents with detailed progress reporting
- Remember, the OSPI priority for Growth Mindset addressing increasing expectations for students

Measurable Annual Goals

- WAC 392-172A-03090 Definition of IEP

(b)(i) A statement of measurable annual goals, including academic and functional goals designed to:

(A) **Meet the student's needs** that result from the student's disability to **enable the student to be involved in and make progress in the general education curriculum**; and

(B) Meet each of the student's other educational needs that result from the student's disability;

(ii) For students who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;

Measurable Annual Goals

- Measurable Annual Goals Should Have:
  - A baseline
  - A target
  - A common unit of measure
- One suggestion is that a well-written IEP goal should pass the "stranger test." Under that test, an IEP goal is appropriate if a person unfamiliar with the IEP would be able to implement the goal, implement the assessment of the student's progress on the goal, and determine whether the student's progress was satisfactory.

Think about *Endrew F.* Language & Goals

- Educational program must be appropriately ambitious
- Chance to meet challenging objectives
- Emphasized important of individualized decision-making process regarding the IEP
- IEP process allows all parties to air respective options on the degree of progress an IEP should pursue

Assess & Document Student Progress

- Take a minute to think about the systems you have in place to assess and document student progress.

- Collecting data is key to assessing goals and student progress, and communicating student progress.

- Difficulty collecting data may indicate that the goal is unclear and not objectively measurable.

Progress Reporting

- WAC 392-172A-03090 requires:

   (c) A description of:

   (i) How the district will measure the student's progress toward meeting the annual goals described in (b) of this subsection; and

   (ii) When the district will provide periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards);

Purpose of Progress Reporting

The purpose of progress reporting is to ensure that, through whatever method chosen by a school district, the reporting provides sufficient information to enable parents to be informed of their child's progress toward the annual IEP goals and the extent to which that progress is sufficient to enable the child to achieve those goals.

Amanda J. v. Clark County Sch. Dist. (9th Circuit, 2001): "Parents must be able to examine records and information about their child in order to 'guarantee [their] ability to make informed decisions' and participate in the IEP process."

Progress Reporting Tips

Do

- Include actual information or/narrative

- Include data as stated in goal

- Provide consistent with timeline in IEP

Avoid

- Using only codes (e.g., 1, 2, 3, 4, SP, NP, MP, etc.)

- Failing to document how and when progress reporting provided to parents

Example of Descriptive Progress Reporting

Example of elementary student not progressing:

Annual IEP Goal: By September 5, 2019, Student will increase her reading fluency from 52% CWM to 95% CWM in her grade level literacy text over four weekly data points.

Progress Reporting: Student is currently not on target to meet her goal. Her data indicated that an instructional change was needed due to scores dropping from 52% to 45%. On 11/25/2018, Repeated Reading was added as a strategy to teach reading fluency. After three more data points, Choral Reading was added (01/5/2019) as another instructional change due to scores dropping from 50% back down to 45%. Since this strategy has been implemented, Student has increased to 48% (from 45%). Progress will continue to be monitored utilizing this instructional strategy.

Example of Descriptive Progress Reporting

Example of middle school student progressing:

Annual IEP Goal: By June 15, 2019, Student will increase his reading comprehension of his grade level English literature text, from 4 out of 10 correct comprehension questions to 9 out of 10 comprehension questions correct as measured by teacher administered weekly comprehension probes.

Progress Reporting: At the beginning of the reporting period in September, Student was not making progress toward his goal. On October 15, due to scores of 49%, 48%, 45% and 48%, paired reading was added as an instructional strategy to increase reading fluency and comprehension. Since that strategy began, Student has increased his comprehension scores to 62%. However, the two most recent data collection opportunities have shown a slight decrease. This dip could be due to Student missing several days of school with the flu. This strategy will continue being implemented and progress will continue to be monitored weekly.

See September Monthly Update for Tip on Progress Reporting & More Examples

Learning from Complaint Decisions

Complaint A: District provided progress reporting on the social emotional goals on a trimester basis BUT failed to provide monthly progress reporting for the other goals, despite monthly progress reporting being required by the IEP.

- District had progress reporting entered in IEP Online, but no evidence it was provided to the Parent.
- IEP stated progress reporting would share formative data, but shared data inconsistently.
- IEP also had trimester reporting for some goals and monthly reporting for others, which set the District up for a challenge.
- Found in Violation – procedural violation and limited parent ability to participate.

Learning from Complaint Decisions

Complaint B Conclusions:
- District failed to substantiate that it provided the Parents quarterly progress reporting as required by the Student's IEP
- Note: Parents were provided daily communication via the Student's planner and were in frequent communication with school – thus, did receive information about the Student's progress
- Procedural violation, but not a substantive limit to parent participation or a denial of FAPE.

Corrective Actions (District proposed): Training that included information about progress reporting and data collection for goals

Recommendation (Based on District proposal): Develop policy and procedure to standardize how progress reporting is collected and communicated to parents

Learning from Complaint Decisions

Complaint C Conclusions:
- No indication that the District provided quarterly progress reporting as required by the IEP and District failed to provide end of the year progress reporting.
- District stated that teachers weren't able to assign the student grades for the end of the year (due to a variety of factors) and thus there was no end of year progress reporting.
- Violation – procedural violation & indication that this limited parent participation

Corrective Actions: Provide the Complainant with end of the year progress reporting, including an explanation of any progress or lack of progress

by topic

Child Count and LRE:

http://www.k12.wa.us/SpecialEd/Data/FederalForms.aspx

CEDARS:

http://www.k12.wa.us/CEDARS/Training.aspx

Determinations:

http://www.k12.wa.us/SpecialEd/ProgramReview/Determinations.aspx

Progress Reporting and Endrew F.

Federal Q&A:
https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-endrewcase-12-07-2017.pdf
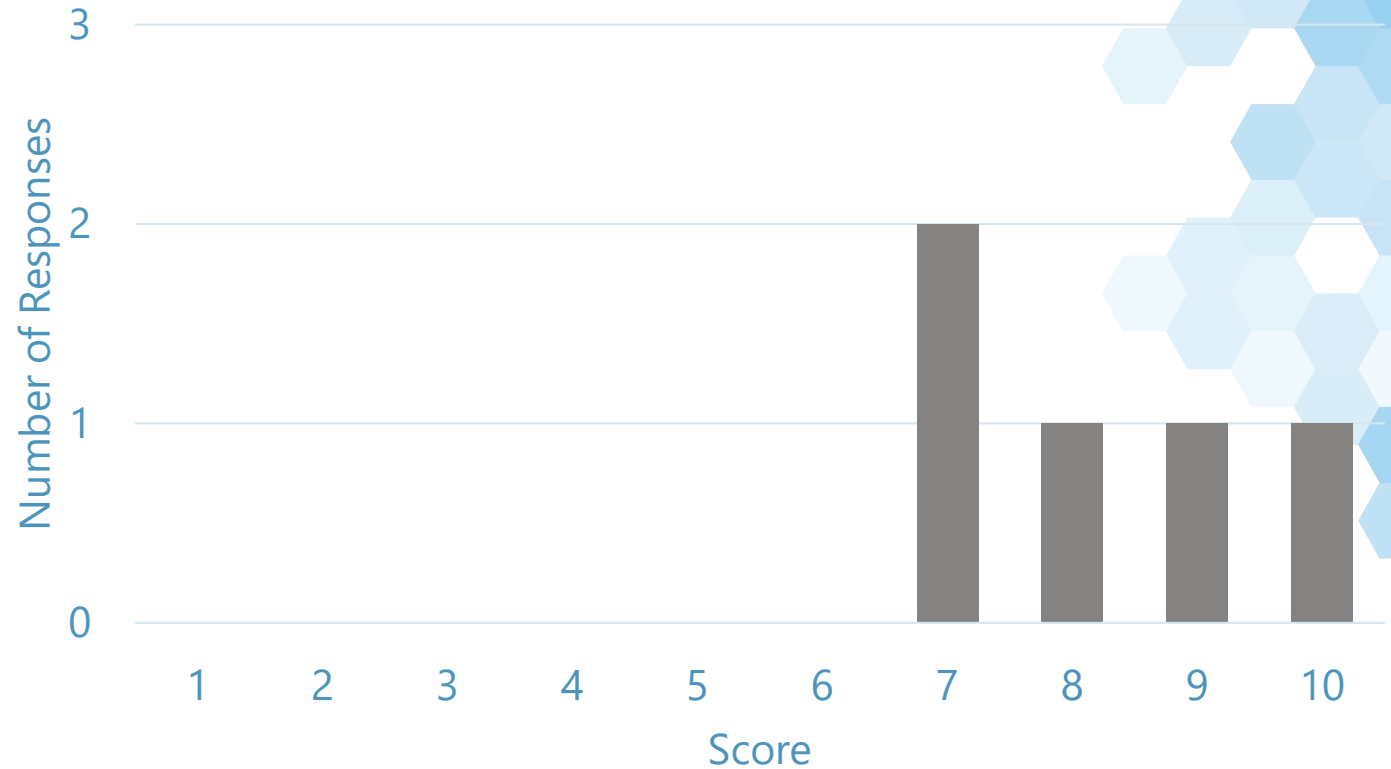
Monthly Update:
http://www.k12.wa.us/SpecialEd/monthlyupdates/Sept2018Updates.pdf

Endrew F. Toolkit:
https://www.understood.org/en/school-learning/your-childs-rights/basics-about-childs-rights/download-endrew-f-advocacy-toolkit

How helpful was the October 2018 Webinar?

November Survey: https://www.surveygizmo.com/s3/4641774/Special-Education-Monthly-Webinar-Series-November-2018

Special Education October 2018 Webinar: https://youtu.be/WamMJ5FJYe8