

April 11, 2003

Mr. Dean Rummel, Chairperson
Dickinson Special Education Unit
835 Senior Avenue
Dickinson, ND 58601-3755

Dear Mr. Rummel,

The North Dakota Department of Public Instruction (NDDPI) Office of Special Education conducted a Verification Review in the Dickinson Special Education Unit during February 11-13, 2003, for the purpose of assessing compliance in the implementation of the Individuals with Disabilities Education Act (IDEA) and assisting your Unit in developing strategies to improve results for children with disabilities. The IDEA Amendments of 1997 focus on “access to services” as well as “improving results for children and youth with disabilities.” In the same way, the Continuous Improvement Monitoring Process implemented by NDDPI is designed to focus federal, state, and local resources on improved results for children with disabilities and their families through a working partnership among NDDPI, the Dickinson Special Education Unit, parents, and stakeholders.

In conducting its review of the Dickinson Special Education Unit, NDDPI applied the standards set forth in the IDEA ‘97 statute and Part B regulations (34 CFR Part 300), as they were in effect at the time of the review. On March 12, 1999, the United States Department of Education published new final Part B regulations that took effect on May 11, 1999. In planning and implementing improvement strategies to address the findings in this report, the Dickinson Special Education Unit should ensure that all improvement strategies are consistent with the new final regulations.

The enclosed report addresses strengths noted during the review, areas that require corrective action because they represent noncompliance with the requirements of the IDEA, and suggestions for improvements that will lead to best practice. Enclosed you will find an *Executive Summary* of the Report, an *Introduction* including background information, and a *description* of issues and findings. NDDPI will work with you to develop corrective actions and improvement strategies to ensure improved results for children with disabilities.

Thank you for the assistance and cooperation provided by the Dickinson Special Education staff and self-assessment team members during our review. Throughout the course of the review, Dorothy Martinson, Director of Special Education, was responsive to requests for information and assistance from NDDPI personnel.

Thank you for the continued efforts toward the goal of achieving better results for children and youth with disabilities in North Dakota. Since the enactment of IDEA and its predecessor, the Education of All Handicapped Children Act, one of the basic goals of the law, ensuring that children with disabilities are not excluded from school, has largely been achieved. Today, families can have a positive vision for their child's future.

While schools have made great progress, significant challenges remain. Now that children with disabilities are receiving services, the critical issue is to place greater emphasis on attaining better results. To that end, we look forward to working in partnership with the Dickinson Special Education Unit to continue to improve the lives of individuals with disabilities.

Sincerely,

Robert C. Rutten
Director of Special Education

Cc: Dorothy Martinson

Enclosure

EXECUTIVE SUMMARY DICKINSON SPECIAL EDUCATION UNIT

The attached report contains results of the Collaborative Review and Verification Review phases of the North Dakota Continuous Improvement Monitoring of the Individuals with Disabilities Education Act (IDEA), Part B, implemented in the Dickinson Special Education Unit during the 2001 – 2002 school year. The process is designed to focus resources on improving results for children with disabilities and their families through enhanced partnerships between the North Dakota Department of Public Instruction (NDDPI), the Dickinson Special Education Unit, parents, and stakeholders.

Monitoring Activities

Several means were used in the monitoring process to gather data, review procedures, and determine the extent to which the Dickinson Special Education Unit is in compliance with federal and state regulations. The Collaborative Review phase of the monitoring process included the completion of a *Self-Assessment* by a Steering Committee comprised of administrators, general education personnel, parochial school administrators, Protection and Advocacy, and special education personnel. A smaller committee comprised of special education teachers was used to provide additional input and consultation through the file review activities. Data for the Collaborative Review Process was compiled from a variety of sources. School district and special education unit policies and procedures were reviewed, student IEPs were reviewed, stakeholder groups were surveyed, and focus group interviews were conducted with parents, general education teachers, and special education teachers. The Self-Assessment Process included a synthesis of the quantitative and qualitative data collected to address the six principles of IDEA and will result in the completion of a unit *improvement plan*.

The Steering Committee that facilitated the Collaborative Review Process completed six Self-Assessment activities:

1. Parents, students with disabilities, general education teachers, special education personnel, and administrators were surveyed regarding their satisfaction with the Dickinson Special Education Unit. Sample survey forms recommended by NDDPI were revised and used. Data was collected from 100 students being served through the Dickinson Special Education Unit. Data from staff surveys included a total of 142 surveys completed by general education teachers and special education teachers. Eleven administrators were surveyed separately from the school staff. Out of a total of 335 parent surveys that were sent out, 119 surveys were returned, representing a 36% return rate.
2. A sample of 22% of all special education student files were reviewed for compliance with the IDEA regulations for assessment, procedural safeguards/due process, and IEP development, utilizing the form provided in the NDDPI document *Special Education Monitoring Manual: Collaborative Review Process*. A total of 88 files were reviewed for the assessment, IEP, and procedural safeguards standards.
3. The files of all special education students ages 14 to 21 were reviewed to specifically determine compliance with federal and state requirements related to transition issues. Files were reviewed using the DPI Transition Checklist.
4. Compliance worksheets were completed and the results were analyzed.

5. Programmatic issues were analyzed to ensure that comprehensive and accurate information was used to identify issues necessary for the design of the unit improvement plan.
6. Focus group interviews were conducted with three groups of consumers. The focus group interviews were conducted in collaboration with the North Dakota Department of Public Instruction. The Regional Special Education Coordinator and the Special Education Monitoring Consultant facilitated the gathering of qualitative data. The consumer groups consisted of:
 - a) The parents of twelve children with disabilities receiving special education services from the Dickinson Special Education Unit participated in a focus interview on November 12, 2002.
 - b) Twenty-five special education teachers employed by the Dickinson Public School System participated in a focus interview on November 12, 2002.
 - c) Twelve general education teachers providing services in one of the Dickinson Public Schools buildings participated in a focus interview on January 29, 2003.

The Verification Review was conducted by NDDPI personnel on November 12, 2002 and included a review of the data collected by the Self-Assessment Steering Committee. The on-site visitation occurred on February 11 –13, 2003, and included a meeting with members from the Dickinson Special Education Unit Self-Assessment Steering Committee and the North Dakota Department of Public Instruction (NDDPI) staff. Interviews with school administrators, general education teachers, special education teachers, related service providers, and paraeducators were conducted during the on-site visitation on February 11- 13, 2003. Focused special education file reviews were conducted on the special education records of 25 students following the compliance issues reported by the Special Education Unit Steering Committee in their Self-Assessment Report. The *1996 Dickinson Special Education Unit P.L. 101-476 Compliance Monitoring Report and Three-Year Plan Review* was reviewed for comparison purposes with the current verification review. The *Dickinson Special Education Unit Policies and Procedures Manual* was reviewed to ensure that the revisions contained within the *1997 Reauthorization of the IDEA* were addressed in the unit's policy. Information obtained from these data sources was shared with Dorothy Martinson, Director, and other Steering Committee members in an exit meeting conducted on Thursday, February 13, 2003.

The NDDPI staff members express their appreciation to the administrators, special education and general education teachers, students and parents, and other agency personnel in the Dickinson Special Education Unit who participated in the monitoring activities. A special thank you is extended to the office support staff at the Dickinson Public Schools Central Office for their wonderful cooperation. The efforts of Dorothy Martinson and all staff members represent a commitment of time and energy without which the multipurpose task of monitoring could not be completed.

This report contains a description of the process utilized to collect data and to determine strengths, areas of noncompliance with the IDEA, and suggestions for improvements for fully realizing the six basic principles of the Individuals with Disabilities Education Act.

Education of Children and Youth with Disabilities
Part B of IDEA

Strengths

The North Dakota Department of Public Instruction (NDDPI) verified several strengths identified by the Dickinson Special Education Unit Self-Assessment Committee. Other strengths were observed by the NDDPI Monitoring Team during the Verification Review and the site visit.

- The support provided by Dorothy Martinson, Director of Special Education, Dean Koppelman, Superintendent, and the Principals was viewed by all consumer groups as a significant strength.
- The quality and professional training of the special education teachers, general education administrators, and other staff members employed in the schools were observed to be strengths. The special education teachers were observed by the NDDPI Monitoring Team to be very experienced, committed, and demonstrated a high degree of devotion to enhancing outcomes for students with disabilities. These patterns were observed across all grade levels.
- The Dickinson Public School System has a history of utilizing collaborative teaming processes between general education and special education. Exemplary practices were observed in some of the elementary school buildings that have a school-wide Title Program. The collaboration between special education and general education and the attempts being made to enhance the outcomes for all students is commendable. The curriculum planning, cooperative teaching, and the use of “student support plans” for at-risk students is indicative of a unified educational system designed to integrate the special education services and Title services into the fabric of the school-wide curriculum for all students.
- The Dickinson Public Schools Early Childhood Special Education Program continues to be a strength. Young children with disabilities are educated in an integrated setting with nondisabled preschoolers including Head Start children.
- The services that are provided to children attending private schools in the Dickinson community are exemplary. The quality of the services, the adherence to the procedural safeguards, and the collaboration with the teaching staff and administrators across the two educational systems is commendable.
- Several strengths were noted in the manner in which educational records are created and maintained. The file-organization system is excellent. The state recommended assessment planning process is consistently utilized across all special education teachers. There was a high degree of compliance with documentation of the procedural safeguards of the IDEA.
- The Dickinson Special Education Unit has developed excellent collaboration with other agencies providing services to families in the Dickinson community. The interagency collaboration was viewed as exemplary including the collaboration and planning with Developmental Disabilities, Job Service, and Protection and Advocacy for transition age students. The transition component is very strong in practice.
- An additional strength is the Dickinson Special Education Unit’s commitment to facilitating parent involvement opportunities. Parents are provided meaningful opportunities for participation and skill development through the parent activities sponsored by the West Dakota Parent and Resource Center and the parent involvement committees sponsored by each school building.

Areas of Noncompliance

NDDPI observed the following areas of noncompliance:

- Reevaluations are not always completed within the required three year time limit.
- Documentation of the team deliberation when it is determined that “no additional assessment information is required” is not adequate.
- Integrated Written Assessment Reports (IWARs) did not contain sufficient information related to enabling the child to be involved in, and to progress in, the general education curriculum.
- Documentation that parents are regularly informed of progress at least as often as parents are informed of nondisabled children’s progress was not found in student files.
- The IEP section entitled *Nonacademic and Extra-Curricular Participation* is not being completed correctly to address options discussed by the team and the options selected.
- Documentation of the discussion and rationale for the determination of Extended School Year is not adequate.
- Documentation of the school to post-school transition process is not adequate.
- Some components in documentation of the student’s Present Levels of Educational Performance (PLEP) are weak or missing from the IEP.
- Annual goals do not have a desired ending level, resulting in a lack of measurability of being accomplished in one year.
- Lack of documentation in the IEP results in missing components of the characteristics of services discussion.
- Justification of the Least Restrictive Environment (LRE) in the IEP is not adequate.
- Parent consent for placement in special education documentation was missing from some student files.

Note: The current computer software program being used by Dickinson Public Schools does not include all of the essential IEP components. In some instances, special education staff members are not using the drop-down boxes correctly which may result in missing components. A related problem reported by the Director of Special Education consists of the different IEP versions being used by the special education teachers across the school buildings resulting in inconsistent inclusion of the required components. Many of the regulations determined to be areas of noncompliance may be attributable to the difficulties inherent in the software program.

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INTRODUCTION

Background, Administrative Structures, and Children Served: The Dickinson Special Education Unit is an independent special education unit located in the southwestern part of the state. The Unit serves the Dickinson Public School District and the private schools contained within the city of Dickinson. Special education students make up approximately 11.5% of the unit's total student population as of December 2001. The total district ADM population was 3502 and the total special education population was 402 on December 1, 2001. Of the total ADM population of 3,502 students, 2,752 were enrolled in the Dickinson Public School System and 750 in the private schools including Trinity High School (355), St. Joseph Elementary School (62), St. Patrick Queen of Peace Elementary (130), St. Wenceslaus Elementary School (149), and Hope Christian Academy (54).

The Dickinson Special Education Unit has a professional staff of 36 professionals supervised by the director and an administrative assistant. An additional 45 paraprofessionals are employed to assist the special education teachers. The staff consists of eight speech and language therapists, eight Specific Learning Disabilities teachers, two early childhood teachers, seven teachers of the Mentally Handicapped, and four teachers of the Emotionally Disturbed. Specialized low-incidence teachers consist of one teacher in each of the following areas: Hearing Impaired, Vision Impaired, Gifted, and Transition. The Dickinson Special Education Unit also employs one school psychologist and two personnel to operate a Day Treatment Program.

Verification Review and Data Collection: The Dickinson Special Education Unit began the Collaborative Review Process on October 2, 2001 by attending the statewide training session held in Bismarck, ND. The Self-Assessment Report was submitted to NDDPI in December of 2002. The Self-Assessment Report included the data and analysis of student record reviews, survey information, and program quality indicators.

The North Dakota Department of Public Instruction (NDDPI) visited the Dickinson Special Education Unit on November 12, 2002 for the purpose of verifying the information provided through the Collaborative Review Process. The meeting with the Dickinson Special Education Unit Self-Assessment Committee included a review of the new requirements under the IDEA, Amendments of 1997, and compliance to findings from the *1996 Dickinson Special Education Unit State Monitoring Report*. As a result of the Verification Review meeting, additional monitoring activities were selected by the Steering Committee including a focus group interview of general education teachers. The NDDPI conducted a Site Review on February 11-13, 2003 to validate the Dickinson Special Education Unit's Self-Assessment. On February 11, 2003, NDDPI staff members met with Dorothy Martinson, Director of the Dickinson Special Education Unit, to review and discuss the Self-Assessment Report. NDDPI visited the majority of the public and private school buildings served by the Dickinson Special Education Unit. Student record reviews of the files for 24 students were completed in the central office. The student file reviews consisted of a review of the Individualized Education Programs (IEPs), Integrated Written Assessment Reports (IWARs), and procedural safeguards documentation. A total of 23 interviews were conducted including 10 with special education staff, six with general education staff members who teach children with disabilities in their classrooms, and seven with administrators. Preliminary results and findings of the Verification Review Visit were presented

to the Self-Assessment Steering Committee in a summary meeting at the end of the site visit, on February 13, 2003.

Improvement Planning: In response to this report, the Dickinson Special Education Unit will develop an action plan including specific *Improvement Strategies* addressing areas identified as noncompliant, within 60 days of receipt of this report. The NDDPI Special Education Regional Coordinator assigned to the Dickinson Special Education Unit will serve as a resource for improvement planning purposes, and will respond in writing to indicate approval of Improvement Strategies submitted by the Unit. If needed, the regional coordinator may be contacted for suggested formats to be used for the development and documentation of the Improvement Strategies.

It should be noted that, as a general rule, noncompliance is cited when a violation is found in fifteen percent (15%) or more of the student files or other data reviewed. However, some violations are considered so serious as to be cited if even one incident is noted. Violations of this nature include, for example; not conducting an assessment before placement, lack of evidence of parent consent, or other critical information that must be maintained in a student's file.

Suggestions for improved results for children do not require a formal response. However, the NDDPI encourages the Dickinson Special Education Unit to consider the suggestions for further study and improvement planning as a means of strengthening the system of services to children with disabilities.

Preliminary recommendations for improvement planning were submitted to the NDDPI as a part of the Self-Assessment Process. The Dickinson Special Education Unit director is encouraged to continue refinement of improvement planning strategies and action steps as a logical next step in the Continuous Improvement Monitoring Process.

Report Organization

The remainder of this report presents information in each of six areas, which reflect the six principles of the Individuals with Disabilities Education Act (IDEA). They are zero reject, nondiscriminatory evaluation, free appropriate public education, least restrictive environment, parent involvement, and procedural safeguards. Each section describes strengths and concerns identified in the Dickinson Special Education Unit Self-Assessment Report, areas of strength identified by the NDDPI Verification Review Team through interviews and student files reviews, and other sources; areas of noncompliance; and suggestions for improved results for children.

I. ZERO REJECT

All children with disabilities must be provided with a free appropriate public education (FAPE). All children with disabilities, and who are in need of special education and related services, must be identified, located, and evaluated.

The Dickinson Special Education Unit provides free appropriate public education to all children with disabilities between the ages of 3 and 21. The unit has proactive programs in place to locate and identify students with disabilities, to provide appropriate services and transitions for those students, and to keep students with disabilities in school until they exit through graduation.

Child Find activities reported in the Dickinson Special Education Unit Self-Assessment Report include a public awareness campaign that is carried out to generate increased community awareness of special education programs, parent and student's rights, and the need for early identification and services to children with disabilities. Activities carried out within the Dickinson Special Education Unit include: (1) preschool selective screening; (2) in-school screening procedures; (3) procedures for addressing potential school dropouts; (4) ongoing inservice training to school personnel, parents, agency representatives, and organizations regarding Child Find activities; (5) coordination and cooperation with Head Start; and (6) transition from the KIDS Infant Development Program to the school program.

Collaboration with other service providers occurs within the Dickinson Special Education Unit for the purpose of identifying locating and evaluating students suspecting of having a disability. When a child between 0-2 years of age is referred to a public school, the unit provides information regarding the KIDS program. For children from 3-5 years of age, a referral is made to the Early Childhood Coordinator-Head Start Director. Each school has a Building Level Support Team to assist teachers in creating appropriate instruction for students who have not responded to the classroom instruction provided them. If the team's interventions are not successful, the student is referred to the special education multidisciplinary team for an evaluation. The public and private school programs also sponsor child find screening services in the areas of vision, hearing, and health.

Transitions at several stages are managed with careful planning. Transitions from the KIDS Infant Development Program to school-based services at age three are planned and implemented. Specific transition activities also occur when students enter kindergarten and when they move from elementary to middle school and from middle school to high school. These activities are individualized to student needs, but they generally consist of meetings between the current team, including parents, and the next school year's team to share information and make plans for the coming school year. Some students have an orientation session in a new building or classroom before the new school year begins.

Planning for the transition from school to post-school environments begins at age 14 and includes the provision of specialized activities and services. Students with disabilities at Dickinson and Trinity High Schools exit school with a diploma as opposed to a certificate. Students receive their diplomas at the time of graduation or when exiting at age 21. Students

unable to participate in academic course work receive their diplomas based on satisfactory completion of their individual education program.

The Dickinson Special Education Unit strives to identify and support students who are at-risk for dropping out. Referrals are made to the Building Administrator to review the student's needs. A team at the school building reviews the educational history. If the team suspects a disability, a referral is made for an evaluation.

The Dickinson Special Education Unit adheres to state and federal guidelines with respect to suspension and expulsion. The policy and procedures governing suspension and expulsion are found on page 518 of the *Dickinson Special Services Guidebook*. There were no students with disabilities suspended for more than 10 days or expelled in the 2001-2002 academic year or thus far in the 2002-2003 academic year.

The Dickinson Special Education Unit Self-Assessment Report provided the following data for *Performance Indicator # 5- Schools provide appropriate behavioral interventions for children with disabilities whose behavior impedes their learning or that of others*. As of December 1, 2001, six students were placed in residential facilities. All placements were initiated by parents or outside agencies. One of the students placed was reported to have behavioral issues in the school setting, but with a structured behavior management plan, the behavior was manageable in the school setting. The placement occurred as the result of behaviors outside the school setting.

The Dickinson Public Schools employs four credentialed teachers of the Emotionally Disturbed (ED), as well as specialists from other disciplines, who have training in designing and implementing behavioral interventions. A teacher for Specific Learning Disabilities (SLD) who is working toward a credential in the area of ED was also hired for the 2002-2003 academic year to increase the level of service provided for students with emotional disturbance or behavioral management challenges. In addition, paraeducators are used to support the students with emotional needs in the academic setting. The school psychologist and school counselors are involved in assisting in the development of behavioral intervention plans for students with disabilities whose behavior impedes their learning or that of others. When appropriate, personnel currently providing services to the students outside the school environment are also included. Assessment procedures such as observation, functional behavior assessment procedures, and consultation are used to help develop and monitor behavioral intervention plans. Weekly classroom reports from general education teachers, daily charting of behavior, and observation notes provide additional documentation of behavior intervention plans.

The Dickinson Special Education Unit has developed several preventative approaches designed to enhance the success rate in supporting students with behavioral and emotional concerns within the general education curriculum. The programs consist of:

- Mentoring and Peer Tutoring Programs
- Protect and Respect Program at all levels
- EQUIP Program at the high school level
- Junior High Day Treatment Program
- Interagency Care Team
- School Counseling Programs

- Early Childhood Mental Health Services
- Classes at the high school level including *Strategies Class, Interpersonal Relationships Skills, and Social Skills Training.*
- School Resource Officers
- Path/Partnership Teams
- Academic Learning Centers at the junior and senior high school levels.
- Collaboration with law enforcement regarding probation, trackers, attendance, and court appearances.
- High-5 Camp

An analysis of the percentages of students served under each disability category indicated that the Dickinson Special Education Unit is consistent with the state and national averages across disability categories. The Dickinson Public School System and the five private schools located in the city of Dickinson served a total of 3,502 students. The total number of students with disabilities in this special education unit on December 1, 2002, was 402. Approximately 11.5% of the student population in the unit is comprised of students with identified disabilities.

The NDDPI reviewed the files of 25 students on IEPs served through the Dickinson Special Education Unit. All files reviewed (100%) contained documentation that an evaluation had been completed prior to initial placement in special education. The majority of student files in each school building documented extensive involvement of building level support teams in trying to support the students prior to, or concurrent with referral for special education. Additional components of Zero-Reject were found to be in substantial compliance.

The Dickinson Self-Assessment Report contained survey data from administrators, teachers, students, and parents that addressed the parameters of the Zero-Reject priority. When administrators were asked if their “*school had sufficient building level support for students, not on an IEP, with learning and behavioral difficulties,*” 27% of the administrators disagreed with this statement. When educators were asked the same question, 20% of them disagreed. Parents were asked if “Before my child was referred for special education services, other options within general education were tried or considered,” sixty-six percent (66%) of the respondents reported they “agreed” and 7% reported they “disagreed”.

The NDDPI reviewed and analyzed the data and identified the following strengths and suggestions for improvement.

STRENGTHS

The Dickinson Public Schools Early Childhood Center is an elementary school building that contains the Head Start Program and the Early Childhood Special Education (ECSE) Program. Young children with disabilities are educated in an integrated setting with nondisabled preschoolers enrolled in the Head Start Program. Providing services to all preschool children in the Dickinson community through the use of one building, the Early Childhood Center, provides the advantage of assuring preschool interventions in the least restrictive learning environment.

The ECSE services evidence interagency collaboration and include a continuum of options including utilizing the Head Start Program, community child-care facilities, and home-based programs as contexts for intervention.

The Dickinson Public School System has a history of prioritizing collaborative teaming processes between general education and special education. Exemplary practices were observed in the elementary school buildings that have a school-wide Title Program. The collaboration between special education and general education and the attempts being made to enhance the outcomes for all students is commendable. The curriculum planning, cooperative teaching, and the use of “student support plans” for at-risk students is indicative of a unified educational system designed to integrate the special education services and Title services into the fabric of the school-wide curriculum for all students. The consistency with which Building Level Support Teams are used to support at-risk students and to ensure that the general education program has attempted to make the general education curriculum accessible to every student was observed across all school buildings.

The Dickinson Special Education Unit has several options available for students who are at-risk for failing school, dropping out of school, or being suspended or expelled from school. The low number of students referred for suspension and expulsion provides evidence that these strategies are successful. The Dickinson Special Education Unit’s policies and procedures manual contains adequate provisions for those cases where students need to be referred for disciplinary measures. When interviewed by the NDDPI Monitoring Team, the responses of all administrators evidenced no concerns.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

The Dickinson Special Education Unit’s Self-Assessment Report contained a recommendation that training be provided to special education teachers on documenting the prior interventions being received by students in the student evaluation reports. Although the NDDPI monitors found some level of documentation in all of the files reviewed, the inconsistency and limited quality of documentation cited in the Dickinson Special Education Unit Self-Assessment Report was validated relevant to documentation of prior instruction in the area of reading and math. Thus, the NDDPI concurs with the Dickinson Self-Assessment Team.

Elementary level special education teachers reported the use of a special *service plan*, referred to as an “informal plan” for at-risk students. This practice was particularly prevalent in the school-wide Title Programs. The special plan was not an IEP or a Section 504 Plan, but contained the provision for limited special education services. The most common use of the plan was for students requiring minimal special education services, such as articulation therapy, but where the team did not feel a placement in special education was necessary. Alternative strategies might consist of developing a school-wide accommodation plan that would be available to all students, expanding the Title I plan, or developing a brochure that describes the “special plan” that can be distributed to parents. The goal would be to prevent an assumption that the school district is placing some children in special education without their parents’ permission.

II. NONDISCRIMINATORY EVALUATION

Any child with a suspected disability must receive a full, individualized evaluation, which meets specific standards, and includes information from a variety of sources.

The Dickinson Special Education Unit requires assessment to be completed in a non-discriminatory manner. The Assessment Process includes planning with parents and teachers, conducting the evaluation, and determining appropriate services after a student is found to be eligible for special education under IDEA. Assessment is conducted in consideration of environmental, social, cultural, economic, and sensory factors in order not to be racially or culturally discriminatory. Policies and procedures relative to the Nondiscriminatory Evaluation Process are contained on pages 201-247 of the *Dickinson Special Services Guidebook*. The changes in the reevaluation process outlined in the 1997 Reauthorization of the IDEA are found on pages 240-242 of the guidebook.

The Dickinson Special Education Unit has developed a form referred to as an *Evaluation Summary* that is used to document the evaluation process. The sections contained on the form consist of: *student information, parent information, team members, meeting minutes*, and a *summary* of findings and present levels of performance. An additional page of the form provides documentation of the disability determination, assurances that the disability is not attributable to the exclusionary criteria, and documents the agreement of all team members through signatures. Parents are notified when an assessment has been completed, and a meeting is scheduled to write the Integrated Written Assessment Report.

The Dickinson Special Education Unit's File Review Team reviewed the files of 88 students and identified several areas with a compliance level of 85% or higher. These areas included:

- Ninety-two percent (92%) of files documented that evaluation was completed prior to placement.
- Ninety-two percent (92%) of the files included an Integrated Written Assessment Report.
- Eighty-six percent (86%) of the evaluation reports contained dates.

Components of the evaluation process that were found to be less than 85% compliant consisted of:

- Seventy-five percent (75%) contained documentation of a parent prior notice form.
- Seventy-nine percent (79%) of files contained consent for evaluation (initial or reevaluation).
- Eighty-four percent (84%) contained documentation that parents were involved in the assessment planning process.
- Seventy-nine percent (79%) documented that the student had been assessed in all areas of suspected disability.
- Seventy-five percent (75%) found evidence that an assessment was conducted prior to determining that the student is no longer a child with a disability.
- Fifty-eight percent (58%) included a student profile.

Students classified as learning disabled have added evaluation requirements that must be addressed in the Integrated Written Assessment Report. Levels of compliance identified in the Dickinson Self-Assessment Report on these items were as follows:

- Forty-six percent (46%) of files documented the relationship between observation and academic functioning.
- Forty-six percent (46%) of files contained documentation of classroom observation.
- Eighty-four percent (84%) of files addressed effects of economic, cultural, and/or environmental disadvantage.
- Seventy-nine percent (79%) documented that prior to referral for initial evaluation, instruction provided was appropriate to the age and ability level of the student.
- Eighty-seven percent (87%) provided documentation that the student was identified as learning disabled in one of seven areas.
- Seventy-seven percent (77%) contained justification for the basis of determination of a specific learning disability.
- Thirty-three percent (33%) documented the discrepancy between ability and achievement.
- Eight-four percent (84%) documented that the discrepancy was not attributable to other causes.
- Seventy-nine percent (79%) addressed educationally relevant medical findings.

Administrators surveyed reported that “student information is reflective of student progress and is valid and meaningful for planning student instruction” in 100% of the cases. Only 75% of the general education teachers, and 70% of the special education teachers, agreed with this statement, however.

The percentage of students with disabilities in the special education unit who participate in statewide assessments is slightly below the statewide averages. The most recent data available to the Dickinson Special Education Unit Steering Committee, Spring 2001, indicated that statewide, 92.2% of students with disabilities participated in the assessment. In the Dickinson Special Education Unit, 89.4% participated.

The NDDPI reviewed the assessment files of 25 students served through the Dickinson Special Education Unit. Eight of the student files were for students identified as having a specific learning disability. The NDDPI Monitoring Team verified many of the strengths identified in the Dickinson Special Education Unit Self-Assessment Report, including each of the following standards that were found to be in substantial compliance of 85% or higher:

- Evaluation completed prior to initial placement- 19 out of 19 files (100%).
- Most current evaluation found in file- 24 out of 25 files (96%).
- Evaluation used an assessment planning process- 21 out of 23 files (91%).
- Child was evaluated prior to dismissal- 2 out of 2 files (100%).
- Test instruments administered by trained personnel- 18 out of 21 files (86%).
- Multidisciplinary team included a parent, general education teacher, and a special education teacher- 23 out of 24 files (96%).
- Multidisciplinary team included an individual who can interpret the instructional implications of the evaluation results- 24 out of 24 files (100%).

- Multidisciplinary team included other individuals who have knowledge and special expertise regarding the child- 22 out of 22 files (100%).
- Integrated Written Assessment Report (IWAR) written in a manner understandable to parents- 22 out of 25 files (85%).
- IWAR integrates findings from all sources- 23 out of 25 files (92%).
- IWAR documented the determination of the student's disability- 20 out of 22 files (91%).

For SLD evaluations, the following standards were found to be in substantial compliance by the NDDPI monitors:

- The multidisciplinary team included a diagnostician qualified to conduct individual diagnostic evaluations- 8 out of 8 files (100%).
- Observation conducted in general education classroom by other than the general education teacher- 8 out of 8 files (100%).
- Identified as SLD in one of seven areas because of a severe discrepancy between achievement and intellectual ability- 8 out of 8 files (100%).
- Discrepancy not attributable to any other cause- 8 out of 8 files (100%).
- Statement that the team found that the discrepancy was not due to vision, hearing, motor disability, mental retardation, emotional disturbance, or environmental, cultural, or economic disadvantage- 7 out of 8 files (87%).
- Documentation of educationally relevant medical findings – 8 out of 8 files (100%).
- Signature of each team member indicating approval- 7 out of 8 files (87%).

The NDDPI reviewed and analyzed the data and identified the following strength, areas of noncompliance, and suggestions for improvement.

STRENGTH

The Dickinson Special Education Unit is consistently using an assessment planning process patterned after the state recommended practices. A multidisciplinary team, including the parents, convenes and discusses the assessment needs of the student. The evaluation is conducted and a second team meeting is held to discuss the implications of the assessment and to prepare the Integrated Written Assessment Report. Although the North Dakota Assessment Planning form is not utilized, the form developed by the Dickinson Special Education Unit contains the essential components. The process is being used for initial evaluations and three-year reevaluations.

AREAS OF NONCOMPLIANCE

Reevaluation

34 CFR 300.536 Each public agency shall ensure- (a) That the IEP of each child with a disability is reviewed in accordance with 300.340-300.350; and (b) That a reevaluation of each child, in accordance with 300.532-300.535, is conducted if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation, but at least once every three years.

The Dickinson Special Education Unit's File-Review Team determined that 44 out of 52 reevaluations had been conducted within the three-year time limit. The NDDPI Monitoring Team found this to be true in 12 out of 15 files, indicating 80% compliance.

Determination of Needed Evaluation Data

34 CFR 300.533 (d) Requirements if additional data are not needed. (1) If the determination under paragraph (a) of this section is that no additional data are needed to determine whether the child continues to be a child with a disability, the public agency shall notify the child's parents- (i) Of that determination and the reasons for it; and (ii) Of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability.

In those cases where an assessment plan was developed, but a formal evaluation was not completed, the parents were notified that “no additional information was needed” in only one out of the 11 cases reviewed, resulting in 9% compliance. Since the form used by the Dickinson Special Education Unit does not contain this item for consideration, the majority of the evaluation reports did not address the issue.

Evaluation Procedures

34 CFR 300.532 Each public agency shall ensure, at a minimum, that the following requirements are met:

(b) A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum...

The evaluation included information related to enabling the child to be involved in, and to progress in, the general education curriculum in only 16 out of 21 files, resulting in 76% compliance.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

The Dickinson Self-Assessment Report identified an improvement need in the area of documenting the consideration of a comprehensive assessment for each student suspected of having a disability. Since the assessment form used by the unit does not include a section entitled *Student Profile*, the consideration of all areas of suspected disability is often not documented in the student evaluations. The recommendation to consider amending the current form to include a *student profile section* is endorsed by the NDDPI Monitoring Team.

The Dickinson Special Education Unit's Self-Assessment Steering Committee has identified a need for additional training for all teachers to review the NDDPI state recommended *Guidelines: Evaluation Process* and the *Dickinson Special Services Guidelines* regarding the Evaluation Process. Because of inconsistencies observed across several additional areas of the Assessment Process, the NDDPI Monitoring Team concurs with this recommendation.

The Dickinson Special Education Unit's Self-Assessment team also recommended that the current internal monitoring process for file reviews of student evaluations be strengthened to address concerns identified in the report. The NDDPI Monitoring Team strongly endorses this recommendation. Periodic review of the assessment plans, parent prior notices, parent consent

for evaluations, parent participation, and completed Integrated Written Assessment Reports, will assist the administrator of the unit in identifying teachers having difficulty implementing the training in using the state recommended Assessment Process. The high level of reliability observed between the Dickinson Special Education Unit and the NDDPI monitoring team indicates that the results from the unit's internal monitoring procedure are valid measures of teacher performance regarding procedures for assessment that are in compliance with IDEA.

III. FREE APPROPRIATE PUBLIC EDUCATION

CFR 300.344 An IEP team, which includes the child's teacher, the child's parent(s), an administrator, and a special education teacher must develop an educational program tailored to meet the child's unique needs.

The Dickinson Special Education Unit's Self-Assessment Report identified several areas of compliance in regard to FAPE. Regulations found to be at 85% compliance or greater: including a primary disability (88%), having parents in attendance at IEP meetings (94%), including present levels of educational performance (90%), and including adaptations of educational services (91%). Annual goals were found in 89% of the IEPs and positive behavioral interventions were contained in 92% of the IEPs reviewed. Additional components found to be in compliance consisted of addressing the type of physical education (93%), participation in academic and nonacademic activities (92%), and listing the special education and related services to be received by the students (89%).

All students with disabilities, including those in separate special class placements, have ongoing access to general education curriculum. Teachers of students with significant impairments report that although most of their students are not enrolled full-time in core academic classes, the students have access to all general education curriculum components considered appropriate. A full continuum of program options is available including student participation in portions of traditional classroom instruction, participation in elective classes, and/or participation in specific projects being carried out in classrooms.

When surveyed, 87% of parents agreed or strongly agreed with the statement, "The teachers set challenging goals and have high expectations for my child." Educators responding to a survey item, "Students with disabilities in special classes are provided with similar content area curriculum as that taught to students without disabilities of the same age and grade," responded with 80% agreement (6% disagreeing). In addition, 85% of staff surveyed agreed "I have high expectations for students with disabilities." Administrators reported that students with disabilities are provided with "similar content area curriculum as non-disabled students of the same age/grade" on 100% of the surveys. Students responded favorably in 83% of the cases to the survey question, "I feel that my teachers give me challenging work to do, and have high expectations for me."

Students with disabilities are reported to have equal access to, and opportunities to participate in, extracurricular activities to the extent appropriate. Ninety percent (90%) of parents and 95% of staff indicated that the opportunity to participate in all school activities is available to students with disabilities. Ninety-one percent (91%) of the parents surveyed either agreed, or stated the

item was inapplicable, with “My child has the adaptive equipment needed to participate in his/her educational program.” Eighty-one percent (81%) of all students surveyed reported that they are satisfied with the education services they are receiving. Eighty-eight percent (88%) of all parents expressed satisfaction with the special education program and services provided to their child.

A structured review of all transition files in the unit indicated compliance rates from 79% to 86%. Post-school outcomes were included in 86% of the files and a statement of transition service needs in 79% of the files. The Statement of Needed Transition Services section, for students ages 16-21, was included in 80% of the files for students 16-21. Agency coordination and responsibilities for students, ages 16-21, was included in 79% of the IEPs reviewed by the Dickinson Special Education Unit’s Self-Assessment Team.

Several areas of concern in transition planning were identified in the Dickinson Special Education Unit Self-Assessment Report. As a result of these concerns, Valerie Fischer, State Transition Coordinator for the North Dakota Department of Public Instruction, was asked to provide training to the Dickinson Public Schools special education teachers. This training was provided in January of 2002.

Several questions on the student survey related to transition topics. Sixty-nine percent (69%) of students 14 years of age or older reported they were asked by school staff to help decide what classes and services they wanted. Seventy-nine percent (79%) of the students surveyed agreed with the item “I think my classes and school work will help me later when I am done with high school.” Only two percent (2%) of the parents surveyed disagreed with the statement that “both my child and I have been involved in planning for transition to post-school experiences as part of the IEP development.”

The NDDPI reviewed the Individualized Educational Programs (IEP) for 24 students with disabilities. Ten of the files represented students of transition age, ages 14 years to 21 years. A current IEP was found in the file for each of the 24 student files reviewed, indicating 100% compliance. Of the students who had been receiving special education services for more than one year, 96% of the IEPs had been reviewed annually. The NDDPI Verification Review Team verified many additional areas of substantial compliance, verifying the areas identified by the Dickinson Special Education Unit Self-Assessment Team, including each of the following standards found to be at the 85% compliance level or higher.

- The IEP team includes all necessary participants including an administrator (87%), a general education teacher (96%), the parent (100%), and the special education teacher (100%). For initial IEPs, the evaluator was present in 100% of the cases.
- Students with disabilities over age 14 were in attendance at the IEP meeting in 90% of the cases.
- The Present Level of Educational Performance (PLEP) reflects significant strengths and deficits- 23 out of 23 files (100%).
- The PLEP gives a clear picture of present level of functioning in all developmental areas- 23 out of 23 files (100%).
- The PLEP is understandable by parents and general education teachers- 22 out of 23 files (96%).
- The PLEP describes patterns of function (96%) and describes the needs for special education (100%).

- For preschoolers, how the disability affects participation in appropriate activities- 3 out of 3 files (100%).
- Annual goal contains a behavior or skills- 22 out of 24 files (92%).
- Annual goals have basis in PLEP- 23 out of 24 files (95%).
- Objectives contain all required components- 21 out of 24 files (87%).
- Characteristics of Services state where each objective will be carried out- 22 out of 23 files- (96%).
- Characteristics of Services provide justification for removal from the general education setting- 22 out of 23 files (96%).
- Adaptation section is complete and relates to the PLEP- 23 out of 23 files (100%).
- For deaf and hearing impaired students, communication and language needs, opportunities for direct communications with peers and professional personnel are addressed in the child's primary mode, at the child's academic level and in the full range of needs- 3 out of 3 file, or 100% compliance.
- For blind and visually impaired, instruction in Braille and its use unless not appropriate was addressed in all applicable cases (100%).
- Assistive Technology devices and services are addressed- 13 out of 13 files, or 100% compliance.
- IEP addresses the student's participation in statewide and district assessments- 21 out of 23 files or 91% compliance.
- Addresses type of physical education- 23 out of 23 files (100%).
- Projected dates for beginning services (100%), anticipated frequency of services (95%), and duration of services (100%).

Ten special education teachers who were interviewed adequately described the IEP planning process including the use of a multidisciplinary team that includes the student and/or parent, the special education teacher, a general education teacher, an administrator, and other team members as needed. All ten teachers were able to describe how annual goals and objectives are developed for each child on an individualized basis and describe how and when assistive technology needs are met for all students.

NDDPI monitors reviewed and analyzed data and identified the following areas of strengths, noncompliance and suggestions for improvement.

STRENGTHS

The documentation of the deliberations of the Individualized Education Program (IEP) planning teams is very strong in several areas. All files reviewed contained current IEPs and documentation that an IEP was in effect before special education services were provided. The Present Levels of Educational Performance sections were well written, easily understood by parents, and identified significant strengths and deficits in 23 out of 23 files, indicating 100% compliance. The PLEP described patterns of function in 96% of the cases and described the need for special education in 100% of the cases.

All required members were in attendance at IEP meetings in 87% of all cases reviewed, including 100% parent participation and 90% student participation, for students ages 14-21. Students aged 16 and above were present in 4 out of 4 applicable cases, indicating 100% compliance. General education teachers were present in 96% of the meetings and special education teachers in 100% of the meetings. Administrators were present at 87% of the meetings.

Another area of strength was the consistency with which the Special Factors were addressed in the files for which these factors were applicable. One hundred percent (100%) of the files reviewed addressed how the language needs of the child impact the provision of FAPE, instruction in Braille for the blind and visually impaired, and communication and language needs for the deaf and hard of hearing. Assistive technology was addressed in 13 out of 13 applicable cases, indicating 100% compliance. The only special factor that was not consistently addressed across IEPs was the impact of behavior if it impedes the learning of a child or others. Behavioral considerations including interventions, strategies, and supports to address behavior were included in 5 out of 6 applicable IEPs, resulting in 83% compliance.

Documentation of participation in physical education was contained in all 23 files reviewed, indicating 100% compliance.

Several strengths were also identified in the area of transition planning for students ages 14-21. The Dickinson Special Education Unit has developed excellent collaboration with other agencies providing services to families in the Dickinson community. The interagency collaboration was viewed as exemplary including the collaboration and planning with Developmental Disabilities, Job Service, and Protection and Advocacy for transition age students. The transition planning process was observed to be very strong in practice. Students were in attendance at their transition IEP meetings, or their preferences and interests were considered and documented, in 100% of the cases. The transition plans included a complete course of study through 12th grade in 87% of the IEPs and the course work was designed to lead to the preparation of the Post-School Outcomes in 100% of the transition IEPs reviewed.

AREAS OF NONCOMPLIANCE

Content of IEP

CFR 300.347 (a) (7) A statement of (ii) How the child's parents will be regularly informed (through such measures as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of...

IDEA '97 contains a new requirement for reporting student progress to parents of children with disabilities "at least as often as the parents of nondisabled children receive reports of student progress". This was an area of inconsistency identified in the monitoring data. The Dickinson Special Education Unit's Self-Assessment Team found that out of 87 student files reviewed, documentation that written reports were provided to parents at least as often as to parents of students without disabilities was contained in 69 of the files, indicating 79% compliance. The NDDPI Monitoring Team found the necessary documentation in only 11 out of 23 files, indicating 48% compliance. Although the IEP Review conducted by the NDDPI Verification Review Team found that the IEPs documented the frequency of notifying parents in several additional files, actual documentation of the implementation of the practice (copies of progress reports sent) was found in fewer cases. Several files contained documentation of progress reports that were incomplete (documenting progress on one or more sets of goals and objectives but not on all sets of goals and objectives). Other files contained complete documentation for one or two progress reports in the academic year, but not with the same frequency that parents of general education students are notified of progress. Special education teachers who were interviewed

expressed inadequate procedures for notifying parents of students with disabilities of progress in 2 out of 10 cases, evidencing 80% compliance.

Documentation of Nonacademic and Extracurricular Activities

34 CFR 300.305 states that...children with disabilities have available to them the variety of educational programs and services available to nondisabled children...

File review findings from the NDDPI Verification Review indicated that nonacademic and extracurricular activities were documented appropriately in 11 out of 23 files, indicating 48% compliance. Although the IEP form used by the Dickinson Special Education Unit contained a section entitled Nonacademic and Extracurricular Activities, there were no provisions for documenting or differentiating “options considered” and “options selected.” Inconsistencies were observed during the interviews with special education teachers about how nonacademic and extracurricular participation is discussed at the IEP meetings. Seven out of 10 teachers (70%) made reference to proactive attempts to get students involved in the nonacademic and extracurricular activities occurring in the school district. The other three teachers (30%) made reference to this requirement being addressed as a part of the transition planning process only or to simply listing the activities the student is currently involved in but not considering other options.

Extended School Year Services (ESY)

34 CFR 300.309 states that...each public agency shall ensure that extended school year services are available as necessary to provide FAPE...

The NDDPI Verification Review Team found the degree to which the ESY provisions of the IDEA are being addressed for all students with disabilities to be an area of noncompliance. Of the 22 files reviewed, 14 (64%) evidenced documentation that the ESY had been considered for the student. This validated the compliance level of 65% cited in the Dickinson Special Education Unit Self-Assessment Report. Special education teachers and administrators who were interviewed expressed inconsistent knowledge of the standard and the implementation of the practice in the Dickinson Special Education Unit. Misconceptions expressed included addressing only a single criteria (severe regression over the summer), having only Title I summer programs available for students, and making the decision based on a category of disability rather than addressing it individually for every student.

Transition

34 CFR 300.347(7)(b)(1) states that for each student with a disability, beginning at age 14, a statement of transition service needs must be developed.

34 CFR 300.29 (a) (1)(2) states that transition services is a coordinated set of activities for a student with a disability that is designed within an outcome-oriented process, that promotes movement from school to post-school activities and is based on the individual student’s needs, taking into account the student’s preferences and interests. The Post-School Outcomes section of the Transition IEP is designed to identify post school outcomes so the team can determine what supports and services will be required as well as to adequately prepare the student for their identified goals.

34 CFR 300.347(7)(b)(2) states that for each student with a disability beginning at age 16, a statement of needed transition services for the student must be developed along with a statement of interagency responsibilities or any needed linkages.

An area of concern identified in the Dickinson Special Education Unit's Self-Assessment Report was compliance with the IEP transition requirements. The NDDPI Monitoring Team also found that the transition requirements were adequately addressed in only six out of eight of the files reviewed, indicating 75% compliance. Some components evidenced even lower levels of compliance including:

- Including related services in the PLEP in four out of eight IEPs, indicating 50% compliance.
- Addressing recreation and leisure (62%), community participation (50%), and post secondary training (62%) in the Post-School Outcomes.
- Considering and documenting student needs (62%).
- Aligning the transition goals with the Post-School Outcomes (62%).
- Statement of Needed Transition Services (16-21 years) contains needs for student while in high school to accomplish Post School Outcomes (67%).
- The Statement of Needed Transition Services is presented as a coordinated set of needs and activities that promote movement from high School to the student's desired goals (33%).
- Other agency representative invited to participate (33%).
- Documentation of agency role in the IEP (33%).
- Agency Section identifies all parties necessary in and after high school to accomplish the Post-School Outcomes (33%).
- Documentation that the participating agency provided the agreed upon services (2%).
- Transition requirements reviewed and updated annually (50%).

It must be noted that although the area of transition was identified as an area of noncompliance, significant improvement has been observed in the quality of IEPs written after the training that was provided by Valerie Fischer. Both the Dickinson Special Education Unit Self-Assessment Team and the NDDPI Monitoring Team noted this improvement. The Transition Planning Process and actual practices used by the Dickinson Special Education Unit appear to be very strong in contrast to the limited documentation previously provided.

Present Level of Educational Performance

34 CFR 300.347(1) requires that the Present Level of Educational Performance address all areas of functioning. 34CFR 300.347 (a) (1) (i) requires that the IEP for each child with a disability must include a statement of the child's PLEP, including how the child's disability affects the child's involvement and progress in the general curriculum.

Although documenting the students' present levels of educational performance was a strength for the Dickinson Special Education Unit's teachers, some parameters of the PLEP were identified as not being in compliance. "Including information that reflected parent input" was found in only 17 out of 23 files, indicating 74% compliance. "Describing how the disability affects the child's involvement and progress in the general education curriculum" was contained in 19 out of 23 IEPs, indicating 83% compliance.

Annual Goals

34 CFR 300.347 requires that goals be measurable and include short-term objectives intended to meet the child's educational needs resulting from the child's disability.

The Dickinson Special Education Unit's Self-Assessment Report indicated that 89% of all IEPs contained annual goals and short-term behavioral objectives that contained all components. The NDDPI Verification Review Team verified this level of compliance for goals that contained a behavior or skill (92%), had a basis in the PLEP (95%), and contained an intent or purpose (83%). Only 14 out of 24 files, however, contained goals that included a desired ending level of achievement, resulting in 58% compliance. Ten out of 14 files, or 71%, contained goals that were rated by the monitors as being reasonably attainable within one year.

Characteristics of Services (COS)

34 CFR 300.347(a)(2) states that IEPs must include short-term objectives related to how the child will be involved in and progress in the general curriculum. The COS discussion considers where and how the services will be delivered.

Out of a total of 23 files reviewed by NDDPI monitors, eight files (33%) did not have sufficient documentation to confirm that discussions were held to determine the COS. The most frequently missed component was "addressing the evaluation procedure" which was contained in 16 out of 24 files (67%). Additional discrepancies were noted in documenting schedules for determining if objectives are met (79%), stating "who" will carry out each goal/objective (82%), and stating "who will monitor progress" for each goal and objective (78%). During interviews, however, special education teachers were able to describe how COS are developed for each objective. It appears that the discrepancy is attributable to a lack of documentation of team deliberations rather than to a break down in the process utilized.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

The Dickinson Special Education Unit's Self-Assessment Review Team identified a need for staff training for case-managers to review the NDDPI state recommended *Guidelines: Individualized Education Program Planning Process* in order to improve the quality of documentation contained in the IEP documents. The NDDPI Monitoring Team verified the need for a comprehensive review of the documentation of the IEP process. Staff training will be beneficial to enhance the skills of the special education teachers in documenting the deliberations of the IEP teams.

It is recommended that the Dickinson Special Education Unit continue the unit's internal monitoring process in the area of IEP review. In addition to quantitative aspects of compliance monitoring, an emphasis could be placed on qualitative aspects of the development of IEPs.

New staff members reported that there is not adequate training in terms of learning the unique characteristics of the Dickinson Public School System and how it interfaces with the Special Education Program. This comment, heard from both newly employed general education teachers and special education teachers, indicated the need for training regarding the expectations and the requirements of the system. Paraeducators also reported a need for more "hands-on" training

specific to the unique needs of individual students assigned. Although all paraeducators had received the required training pursuant to the *NDDPI Guidelines for Paraeducators*, ongoing and continuous professional development opportunities for paraeducators are strongly encouraged.

IV. LEAST RESTRICTIVE ENVIRONMENT

To the maximum extent appropriate, children with disabilities must be educated with their non-disabled peers. Placement decisions must be based on the goals and objectives in the child's IEP.

The Dickinson Special Education Unit abides by the federal rules and regulations regarding placement of students with disabilities in general education settings with nondisabled peers to the maximum extent possible. Individual student placement options are discussed and determined by the student's IEP team. IEP teams always begin these discussions keeping in mind the principle of least restrictive environment (LRE). File review data from the Dickinson Special Education Unit's Self-Assessment Team indicated that of 88 files reviewed, 71 files (81%) were found to contain adequate justification of LRE including participation in general education.

All students with disabilities, including those in separate class placement, have ongoing access to the general education curriculum. During the 2001-2002 academic year, 86.6 % of students were removed from their general education classroom less than 21% of the school day. Only 8.5 % were removed for more than 21%, but less than 60%, of the school day. Student placements outside the general education classroom for more than 60% of the school day was found in 3.8% of the cases, with 1% placed in residential facilities.

The Dickinson Special Education Unit Self-Evaluation Survey included questions for administrators, professional and paraprofessional staff, parents, and students to respond to items that addressed the issues and philosophy of least restrictive environment. When administrators were asked if "*Students with disabilities are provided with similar content area curriculum as non-disabled students of the same age/grade,*" 100% of responses were rated as "Agree." When asked if "*I ensure that general education staff modify and adapt general education curriculum to meet the needs of students with disabilities in their classes,*" 100% of the administrators responded with "Agree." Ninety percent (90%) of the 119 parents completing the survey indicated that their child was regularly involved with students without disabilities in school activities. Although the parent survey did not specifically address parent satisfaction with the extent of time their child is included in the general education setting, other indicators of parent satisfaction were used to generalize their perceptions of LRE. The parents reported their perceptions that teachers have high expectations (87%), the parents are satisfied with the education program provided to their child (88%), and parents understand and participate in the IEP process (98%).

The Dickinson Special Education Unit's Self-Assessment Report addresses significant attempts that have been made to increase and improve the general education opportunities for students with disabilities. Extensive training has been conducted for both general and special education staff. A variety of teaming models have been implemented, and additional paraeducator support

has been provided. General education teachers, specialists and school counselors have also worked extensively with students on recognizing and accepting individual differences.

The NDDPI reviewed the Individualized Educational Programs (IEPs) of 19 students served through the Dickinson Special Education Unit to examine the adequacy of the documentation of the planning process for determining the LRE for each student placed in special education. Additionally, 23 interviews were conducted with teachers and administrators to verify the use of a team decision-making process in determining the LRE for each child.

The review of 19 files indicated that all files addressed the participation of students with disabilities in the general education curriculum, resulting in 100% compliance. Documentation was also provided of the justification that the removal from the general education setting was considered appropriate based on a team determination, resulting in 100% compliance. The 19 files reviewed contained evidence that the child was being educated in the neighborhood school unless other arrangements were identified, indicating 100% compliance. The Dickinson Special Education Unit Self-Assessment Team, based on their file review, identified a few students who are not enrolled in their neighborhood schools. The Self-Assessment Report addressed the steps being taken to ensure that all students are offered the opportunity to be educated in their neighborhood schools unless the parents express a preference for another school building in the district.

Documentation that the child's placement was based on the IEP and contained evidence that the children were educated with nondisabled children was found in 19 out of 19 files reviewed, indicating 100% compliance with both regulations. Supplementary services were provided in conjunction with general education in all 19 files reviewed. There was evidence that the school and/or classes attended were age appropriate in all 19 files. The potential harmful effects of removal from general education settings was adequately documented in 18 out of 19 files, indicating 95% compliance.

Twenty-three educators and administrators were interviewed during the NDDPI Verification Review. When asked to describe the LRE planning processes, all respondents reported a process that used a team approach that considered the least restrictive learning environment in which the outcomes selected for the child could be adequately addressed. There were, however, some concerns expressed by both general education teachers and special education teachers about negative attitudes of some general education teachers regarding modifications and adaptations for students with disabilities.

The NDDPI reviewed and analyzed the data and identified the following strength, area of noncompliance, and suggestions for improvement.

STRENGTH

The Dickinson Special Education Unit has made significant progress in attempting to address the educational needs of students with disabilities in less restrictive learning environments. Students with varying ability levels were observed in a constellation of settings across all school buildings. Even in those cases where children must be transported to a non-neighborhood school,

the decision is individualized for each student. When parents were asked if their child “is regularly involved with students without disabilities in school activities,” 90% agreed with this statement, with only 2% disagreeing.

AREA OF NONCOMPLIANCE

Least Restrictive Environment

34 CFR 300.550 to the maximum extent appropriate, children with disabilities...are educated with children who are nondisabled.

The NDDPI Monitoring Team reviewed 19 files for students and found that in only 15 of the files (79%) did the documentation of the justification of LRE section address reasons that LRE options were chosen and other options rejected. Typically, the documentation provided a listing of options considered and a rationale for the options selected, but did not discuss the options rejected, and the rationale for why those options were rejected.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Items contained on the Educator Survey used by the Dickinson Special Education Unit included several questions that addressed the readiness of teachers to adequately implement appropriate LRE considerations. Responses from that survey indicated:

- When asked if “I have received adequate training, information, and both material and personnel supports which allow me to implement each student’s IEP,” only 59% of the educators agreed, with 32% expressing disagreement.
- When asked if “General Education staff modify and adapt general education curriculum to meet the needs of students with disabilities in their classes,” only 79% agreed, with 13% disagreeing.
- When asked if “I have time available during the school week to complete necessary tasks,” only 29% agreed, with 67% disagreeing. This response was in sharp contrast to the responses of administrators to the same item. The principals surveyed responded with “agree” 73% of the time, and “disagree,” 27% of the time.

Parent comments were recorded through the group focus interview conducted by the NDDPI staff. Direct quotes from the interview consist of:

- “In the early grades my child was integrated to some degree. Since junior high and high school, there has been less integration and poor peer relationships.”
- “There are still a lot of teachers who do not want any part of educating students with disabilities.”
- “My child doesn’t get any accommodations.”
- “The general education teachers don’t really want kids with disabilities in their classrooms. A lot of the teachers feel this way. Everyone knows it goes on and nothing is done about it.”

Considering the emphasis placed by the 1997 Reauthorization of IDEA on access to the general education curriculum, it would appear advantageous to engage in policy development and to provide training to the general education teachers. Training could be beneficial to address issues

related to the participation of students with disabilities in the general education curriculum including the provision of accommodations and modifications.

V. PARENT INVOLVEMENT

Parents have the right to have access to their child's educational records. Parental consent is required for initial evaluation, reevaluation, and placement. Parents must be included in IEP team decisions, and parents must be notified of their right to appeal.

The Dickinson Special Education Unit utilizes the West Dakota Parent and Family Resource Center, and Partners in Parenting Project, as the primary providers of training to parents. The Special Education Unit sponsors a Family Educator Enhancement Team (FEET) project that is affiliated with the West Dakota Parent and Family Resource Center. Two parents of children with disabilities hold positions on the West Dakota Board. As part of the umbrella organization, FEET has been a valuable resource to parents and educators, providing numerous workshops, support groups, and resource materials. Brown-bag lunches are offered to enable parents to attend sessions during their lunch hour. Numerous evening sessions are also offered with daycare provided if needed. An Internet site and library are available to parents and staff to allow them quick access to resources and materials. A district newsletter is published and distributed monthly to parents and staff, keeping them updated on training seminars and resources. During the 2001-2002 academic year, a total of 235 training sessions were offered to 5,664 parents and 966 staff.

The Dickinson Special Education Unit annually analyzes local needs for parent participation through the West Dakota Parent and Family Resource Center and Partners in Parenting Project. The Partners in Parenting Coordinator frequently consults with the Director of Special Education in planning training opportunities for parents and staff related to special education. A special education teacher and the Partners in Parenting Coordinator attended *Facts for Parents* training and have scheduled a local training session for parents that will be provided on an annual basis.

During focus groups conducted as a part of the monitoring process, parents indicated overall positive impressions of the Dickinson Special Education Unit, including the following quotes from the group focus interview:

- “I am very thankful for my child’s special education teacher. She is willing to work with my child.”
- “Our special education teacher promotes positive learning and social experiences with peers. My student has been in a school play.”
- “My student gets wonderful peer support, and the teacher ensures needed communication between providers in the hospital setting and the school setting.”
- “My child attends a parochial school. Last week for parent teacher conferences, there was someone there from the public school system.”
- “Our teacher is wonderful! My student was helped to lead her own IEP meeting.”

The Dickinson Special Education Unit’s Self-Assessment Team’s *Parent Survey* contained questions on the parents’ perception of their level of participation in their child’s educational

program. When asked if they feel “welcome in my child’s school and treated with respect,” 96% of the parents agreed. Parents agreed 97% of the time to the item “I am asked to participate in the development of my child’s Individualized Education Program (IEP).” When asked if they “understand what is discussed at the meetings to develop my child’s IEP and feel comfortable asking questions and expressing concerns when needed,” 98% of the parents agreed. Ninety-nine percent (99%) of the parents reported that they had received notices and information from the school in their preferred language. When asked if they had been “given the opportunity to participate in both general and special education parent activities,” 81% expressed agreement. Only 6% disagreed with this item, with the remaining parents rating the item as either “not applicable” or “don’t know.”

The Dickinson Special Education Unit’s Self-Assessment Team reviewed the files of 22% of the students currently being served through special education to examine the extent to which parent participation was documented in the IEPs and Assessment Plans. The results indicated that parent participation was adequately addressed in 84% of the 85 student evaluations reviewed. Parent attendance at the IEP meeting was documented in 94% of the 88 files reviewed.

The NDDPI reviewed the most recent student evaluation or reevaluation for 23 students. Parent participation in the assessment planning meeting was documented in 21 out of 23 files, indicating 91% compliance. Parent participation in the meeting to discuss the Integrated Written Assessment Report was adequately documented in 17 out of 21 applicable cases, indicating 81% compliance.

Parent attendance at the IEP meeting was documented in 21 out of 24 IEPs reviewed. In the three cases where parents did not attend the IEP meeting, a rationale was provided for why the parent did not attend the meeting. The rationales provided justification that the parents chose to have the IEP team meet without their involvement. Documentation of actual input into the IEP process, excluding mere attendance, indicated adequate documentation in only 17 out of 23 cases, indicating 74% compliance. It appears that although parents are attending the meetings for their children, their input is not always specifically referenced in the written documents generated from those meetings.

The NDDPI reviewed and analyzed the data and identified the following strength and suggestions for improvement.

STRENGTH

The Dickinson Special Education Unit has demonstrated a strong commitment to involving parents in the educational process. Parents report feeling very comfortable in visiting the school and discussing education issues relevant to their child with school personnel. Parents are provided with meaningful opportunities for participation and skill development through the parent activities sponsored by the West Dakota Parent and Resource Center, the Partners in Parenting Project, and the parent involvement committees sponsored by each school building. The array of options available to parents in the Dickinson Public School System is commendable.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

NDDPI strongly encourages the Dickinson Special Education Unit to continue to offer information and training opportunities to families of children with disabilities. Parental involvement has long been recognized as an important indicator of a school's success and parent involvement has positive effects on children's attitudes and behavior. Partnerships positively impact achievement, improve parent's attitudes toward the school, and benefit school personnel as well. The parents attending the focus group interviews sponsored by the Dickinson Special Education Unit Self-Assessment Team expressed a deep appreciation for the level of support they are provided.

VI. PROCEDURAL SAFEGUARDS

Records are managed with regard to content, maintenance, security, and disclosure. The special education records are maintained in each school building of attendance. File reviews indicated *limited access notices* were posted, *record of inspection* forms were in the files, and files were in a secure location within each school building visited during the NDDPI Monitoring Team Site Visit. *Record locators* were contained within the cumulative folders for each student receiving special education services and specified the locations of all additional files maintained. Private schools were also visited by the NDDPI Monitoring Team and student cumulative files were reviewed. The *record locator* forms contained within the cumulative files in private schools specified the location of the special education records within the public school buildings. All *record locator* forms specified an address with directions so that parents would be able to locate the records.

Due Process Procedural Safeguards are explained to parents fully. Parents are provided with a copy of the *parents' rights booklet* at least on a yearly basis. When an initial evaluation of a child is conducted, parents sign a statement that their rights have been explained to them and they have received the *parents' rights booklet*. These forms were present in 88% of the files reviewed for initial evaluations and 93% of the files for reevaluations. The files in which the form was not found were, for the most part, files on students whose initial evaluation was completed prior to their enrollment in a school in the Dickinson Special Education Unit.

The Dickinson Special Education Unit works well with private schools in the community. File review data showed that services provided in private schools were comparable to services in public schools. All special education services are provided within the private school buildings. Meetings are held with private school administration and the Special Education Director regularly to establish schedules and service needs. A private school principal served on the Dickinson Special Education Unit Self-Assessment Team.

The Dickinson Special Education Unit Self-Assessment Report identified eight out of nine areas of procedural safeguards that were determined to be in 85% compliance or greater including:

- Information from independent evaluations is considered and included in the Integrated Written Assessment Reports- 20 out of 22 files (91%).
- File found in secured location- 79 out of 88 (90%).
- Limited access notice was posted- 85 out of 88 (97%).

- Record of inspection was in the files- 85 out of 88 (97%).
- Record of inspection completed correctly- 75 out of 88 (85%).
- File contained information for only one child- 85 out of 88 (97%).
- Private school representative attended IEP meeting- 6 out of 6 (100%).
- Services provided are comparable to services provided in the public school-6 out of 6 (100%).

One item under procedural safeguards was identified as being less than 85% compliant. Finding a *record locator* form in each cumulative file was found in only 33 out of 50 files, indicating 66% compliance.

The NDDPI reviewed the special education records of 21 students served through the Dickinson Special Education Unit. The *Cumulative Records* maintained for the students in the school building of attendance were also reviewed for the presence of a record locator on a sample of the 22 students. The review of the 22 special education records by the NDDPI Verification Team verified the majority of the findings of the Dickinson Special Education Unit Self-Assessment Team.

Parent Consent forms for the initial evaluations were found in 16 out of 18 records inspected indicating 88% compliance. *Parent Consent* forms for reevaluations were found in 14 out of 15 records for which this standard was applicable, indicating 93% compliance. *Parent Consent* for initial placements was documented in 15 out of 19 files, resulting in 79% compliance.

Parent Prior Notice forms were found in 21 out of 21 files (100%) for both assessment planning and the most recent IEP meetings. The *Parent Prior Notice* form for the initial referral for evaluation was found in 18 out of 19 files (95%) and in 16 out of 19 files (84%) for the IWAR meeting. The *Parent Prior Notice* forms contained all essential components in 21 out of 21 files examined, resulting in 100% compliance.

Four records were examined for the *Transfer of Rights* at age 18. The files included documentation that training was provided at age 17 and that the rights were transferred at age 18 in all four cases, signifying 100% compliance. The student decision for parent participation was documented at age 18 for 3 out of 4 records, indicating 75% compliance.

During interviews conducted with ten special education teachers by the NDDPI Monitoring Team, there were no concerns expressed in any of the procedural safeguards areas. Questions included the unit's procedures for notifying parents, securing necessary consent, providing parents information about their rights in special education, and transfer of rights at age 18.

The NDDPI reviewed and analyzed the data and identified the following strengths, area of noncompliance, and suggestions for improvement.

STRENGTHS

Several strengths were noted in the manner in which educational records are created and maintained. The Dickinson Special Education Unit is to be commended on its outstanding

performance in maintaining educational records through the use of an excellent file-organization system. The state recommended procedural safeguards practices are used by the Dickinson Special Education Unit with a high degree of consistency across all areas including providing parent prior notice, securing parent consent, and documenting the parents' receipt of information that describes their rights in the special education process.

Another area of strength is the collaboration that occurs between private schools and the public school system. The quality of services provided and the collaboration and joint planning that occurs between the two systems is exemplary.

AREA OF NONCOMPLIANCE

Initial Placement

34 CFR 300.505(a)(1)(ii) informed parent consent must be obtained before: initial provision of special education and related services to a child with a disability.

Parent Consent for placement is essential prior to providing special education services to students with disabilities. The Dickinson Special Education Unit Self-Assessment Team found *Parent Consent* for initial placement forms in only 66 out of 86 files reviewed, resulting in 77% compliance. The NDDPI Monitoring Team found *Parent Consent* forms for initial placement in 15 out of 19 files, resulting in 79% compliance. This is a requirement that must be found in 100% of the files reviewed.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

The *Record Locator* form was contained in 66% of the special education records reviewed by the Dickinson Special Education Unit's Self-Assessment Team. The NDDPI Monitoring Team found that record locator forms were contained in 100% of the cumulative files in two schools that were reviewed. In two additional schools, the forms were found in approximately 50% of the files. It appears that the inconsistency reported in the Dickinson Special Education Unit's Self-Assessment Report data is accounted for by inconsistencies across casemanagers in the various schools.

The Dickinson Special Education Unit has done an excellent job in terms of using an internal monitoring process to monitor the presence of record locator forms in the cumulative folders. It would be helpful to review this requirement with all casemanagers and periodically remind them to keep the record locator forms updated. It is recommended that the Dickinson Special Education Unit continue with the current internal monitoring procedures being implemented in the area of procedural safeguards.