

August 17, 2001

Cleo Duchscher, Chairperson
Rural Cass County Special Education Unit
P.O. Box 218
Kindred, ND 58051-0218

Dear Ms. Duchscher:

The North Dakota Department of Public Instruction (NDDPI) Office of Special Education conducted a Verification Review in the Rural Cass County Special Education Unit during May 7, 8, and 9, 2001 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 Rural Cass County Special Education Unit, parents and stakeholders.

In conducting its review of the Rural Cass County 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 Rural Cass County 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 Rural Cass County Special Education staff and self-assessment team members during our review. Throughout the course of the review, both Barb Swegarden and Barb Christianson, Coordinators of Special Education were 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 with the Rural Cass County Special Education Unit in partnership to continue to improve the lives of individuals with disabilities.

Sincerely,

Robert C. Rutten
Director of Special Education

Cc: James Tronsgard, Director
Barb Swegarden, Coordinator
Barb Christianson, Coordinator

Enclosure

EXECUTIVE SUMMARY

RURAL CASS COUNTY SPECIAL EDUCATION UNIT

The attached report contains the results of the first two phases (Collaborative Review and Verification Review) of the North Dakota Continuous Improvement Monitoring of the Individuals with Disabilities Education Act (IDEA), Part B, in the Rural Cass County Special Education Unit during the 2000 – 2001 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 Rural Cass County 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 Rural Cass County 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 the Rural Cass County Steering Committee. The Steering Committee was comprised of two special services coordinators, two special education teachers, one superintendent, one elementary principal, one paraeducator, and one board member. The committee's main tasks were: the determination of task force needs; recruitment of personnel to be involved in the process; development of time lines for the self-assessment process; collaboration with the district school improvement committee; review and modification of state assessment tools; identification of quality program questions; facilitation of design and development of the surveys, rubrics, questionnaires, and other instruments; and finalization of the self-assessment report.

A stakeholder group identified as the Committee-at-Large was also selected to provide guidance and to review various aspects of this process during the 1999-2000 school year. This committee represented a variety of constituencies including: parents of students with and without disabilities, two elementary teachers, a registered nurse, a social worker, two special education teachers, a secondary principal, and the unit special education director.

The Rural Cass County Special Education Unit identified three self-assessment activities as part of its Collaborative Review:

1. Parent Survey forms and Staff Survey forms were created by the Steering Committee in order to evaluate the effectiveness of special education programming in the Unit. These surveys were written and modified by the committee to meet the unique needs of the unit, after review of the form provided in the NDDPI document, *Special Education Monitoring Manual: Collaborative Review Process*. The surveys were then sent out to staff and parents respectively. Of the 193 surveys sent to parents, 88 responses were returned for a response rate of approximately 46%. Staff surveys (203) were sent out. 170 were returned for a response rate of 84%.

2. Forty files were reviewed of a possible 247 (December 2000 Child Count) active files in the unit. This represents 16% of total files. Seven staff were employed over a four day period to review files for compliance with IDEA regulations, utilizing a modified version of the form provided in the NDDPI document, *Special Education Monitoring Manual: Collaborative Review Process*. Three files were randomly selected from each of the case managers within the district.
3. Results of both the file reviews and surveys were tallied and evaluated to identify areas of strength and areas of needed improvement based on IDEA regulations. Staff training was then implemented in the fall of 2000 with Unit teachers on needed improvements.

The Verification Review Monitoring Visit conducted by the ND Department of Public Instruction in May of 2001 included an on-site meeting with members from the Rural Cass County Special Education Unit Self-Assessment Teams and the Department's staff. Interviews with 20 public school administrators, general educators, special educators, and related service providers were conducted during the verification review on May 7-9, 2001. The NDDPI wishes to thank Barb Swegarden and Barb Christianson for arranging these interviews. Focused special education file reviews were made of 21 children's special education files following the compliance issues reported by the local Steering Committee in their self-assessment report. Information obtained from these data sources was shared in an exit meeting on May 9, 2001. The meeting was attended by local staff, members of the Rural Cass County Special Education Unit Self-Assessment Committees, and staff from the ND Department of Public Instruction.

The Department of Public Instruction staff members express their appreciation to the administrators, special and general education personnel, students and parents, and other agency personnel in the Rural Cass County Special Education Unit who participated in the monitoring activities. Their efforts 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 improvement in fully realizing the six basic principles of the Individuals with Disabilities Education Act. These principles are:

1. *Zero Reject*- This is the requirement that all children with disabilities be provided with a free appropriate public education (FAPE).
2. *Nondiscriminatory Assessment*- a child with a suspected disability must receive a full and individualized assessment, which meets specific standards, and includes information from a variety of sources.
3. *Appropriate Education*- An IEP team, which includes the child's teacher, the child's parent(s), an administrator, and a special education teacher, develops an educational program tailored to meet the child's unique needs.
4. *Least Restrictive Environment*- To the maximum extent appropriate, children with disabilities should be educated with their non-disabled peers. Placement decisions must be based on the goals and objectives in the child's IEP.

5. *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.
6. *Procedural Safeguards*- Procedural Safeguards, which ensure the fairness of educational decisions, include impartial due process hearings; the right to an independent evaluation; written notification to parents explaining their rights; parental consent, and appointment of surrogate parents, when needed.

**Individuals With Disabilities Education Act (IDEA), Part B
Collaborative Review Process
Report of the Verification Review Team,
North Dakota Department of Public Instruction (NDDPI),
To Rural Cass County Multi-District Special Education Unit
August 10, 2001**

The NDDPI observed the following strengths and areas of noncompliance of the Rural Cass County Multi-District Special Education Unit during the review of desk audit information, the Rural Cass County Self-Assessment Report, and the on-site student file review and interview activities.

Strengths

NDDPI observed the following strengths:

- Special education unit staff are viewed at the local school building level as veterans who are very supportive, helpful, and dedicated to meeting the needs of the children.
- The special education staff appreciates Rural Cass County Special Education Unit Area Coordinators. Staff interviewed indicated that the Coordinators are available for meetings and questions. They are “the bridge” between the school buildings and the district office.
- Positive collaboration between special education and general education is ongoing.
- Positive feedback from parents indicating satisfaction with school services was evident.
- Special education staff are considered to be very knowledgeable and consistent in their approaches with children.

Areas of Noncompliance

NDDPI observed the following areas of noncompliance:

- Policies on Suspension and Expulsion are either not updated or understood by local education personnel.
- Reevaluation does not always occur within a three-year period.
- Assessment in all areas of suspected disability is not always completed.
- Additional requirements for evaluating children with specific learning disabilities are not completed.
- Inadequate documentation on the integrated written assessment reports (IWAR).
- Lack of full IEP Team membership.
- Lack of documentation of parent participation.
- IEP is not reviewed annually in all of files.
- Inadequate documentation on Individualized Education Programs (IEPs) in the following areas: annual goals and short-term objectives, characteristics of services, progress reports, assistive technology; extended school year services; participation in state and district-wide assessments; positive intervention plans; and transition IEPs.
- Least restrictive environment inadequately addressed and documented in the IEP process.
- Potential harmful effect discussion not adequately documented.
- Incomplete or missing Procedural Safeguards (i.e.: prior written notices for assessment planning meetings; or for the most recent IEP meeting; parent consent; Record Locator form; and Record of Inspection).

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INTRODUCTION

Background, Administrative Structures and Children Served

The Rural Cass County Multi-District Special Education Unit is made up of four individual school districts including Kindred, Casselton, Mapleton, and Northern Cass. The Unit has a board made up of four superintendents, the Unit Director (who is also the Fargo Director) and adjunct members including four special services coordinators. This Unit has been in operation for more than 20 years.

The Unit hires and acts as the fiscal and administrative agent for all special education staff in the unit. In addition to this, the Unit acts as administrative management for all personnel development, due process procedural compliance requirements, and local monitoring activities. Rural Cass County shares a Director of Special Education with Fargo. One of four Special Service Coordinators is assigned to each of the four school districts. The Coordinators serve as supervisors and information resources to the local special education staff.

The total unit school district enrollment on December 1, 2000 was 2175 students. Of those 2175 students, 247 were identified as students with disabilities. Students with disabilities served, account for 11.36 % of total student population in the Unit.

Collaborative Review Process

The Rural Cass County Special Education Unit began the Collaborative Review process in the fall of 1999 following the training provided by the Department of Public Instruction on September 15, 1999. A Steering Committee was developed to complete the process of self-assessment for the Unit. A second Committee-at- Large was organized to provide support and to oversee the work of the Steering Committee.

At the conclusion of the self-assessment phase, the Rural Cass County Self-Assessment Report was submitted to NDDPI. The Self-Assessment Report included sample worksheets, surveys, and data analysis of student file reviews, and surveys. The report describes the planning activities and the summary of findings including strengths and needs identified by the Steering Committee.

NDDPI visited schools in the Rural Cass County Special Education Unit on May 7, 8, and 9, 2001, for the purpose of collecting data to verify information provided through the Collaborative Review process, including new requirements under the IDEA Amendments of 1997. On May 7, 2001, NDDPI staff members met with the Rural Cass County Special Education Unit Self-Assessment Teams to review and discuss the Self-Assessment Report. Following this initial intake meeting, NDDPI staff visited three of the four school sites within the Unit. Student file reviews including Individual Education Program plans (IEPs), Integrated Written Assessment Reports (IWARs), and procedural safeguards were conducted on 21 records. These reviews were conducted at three school sites and files from the fourth site were brought in for review. Interviews were conducted with 21 staff members in the Unit. Preliminary results and findings were presented to the Rural Cass County Special Education Unit Self-Assessment Teams and staff in a summary meeting at the end of the Verification Review visit on May 9, 2001.

Improvement Planning

In response to this report, the Rural Cass County 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 Rural Cass County Special Education Unit will serve, as needed, as a resource for improvement planning purposes, and will respond in writing to indicate approval of Improvement Strategies submitted by the Unit. Please contact the regional coordinator for suggested formats to be used for development and documentation of Improvement Strategies.

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, non-disciplinary evaluation, free appropriate education, least restrictive environment, parent involvement, and procedural safeguards. Each section includes strengths and concerns. Areas of noncompliance will be identified by NDDPI, as well as suggestions for improvement.

It should be noted that as a general rule, noncompliance would be cited when a violation is found in 15 percent or more of student files or other review data. 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 from the unit. However, NDDPI encourages the Rural Cass County Multi-District Special Education Unit to consider the suggestions for further study as a means of strengthening the system of services to children with disabilities.

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.

Child Find

The Rural Cass County Multi-District Special Education Unit participates in ongoing efforts to identify, evaluate, and serve children with disabilities. Project Child Find is conducted each October and November at the local level. Rural Cass County works in conjunction with Fargo Special Education Unit in its child find activities and formal screening.

Building Level Support Teams

One of the universal goals of education in the state of North Dakota is to provide effective educational programs in a supportive school environment, where the individual needs of all students can be met and their unique capabilities developed to the highest possible levels. The Building Level Support Team (BLST) is a support system to assist teachers and principals in creating educational adaptations in the classroom for all students experiencing difficulty in school. Although BLST procedures are the responsibility of general education programs, any improvement in their effectiveness will benefit all students.

In surveys conducted as part of the self-assessment process, general and special education professionals and parents were asked if they felt their school had sufficient pre-referral interventions and support services available to support at-risk students within general education programs. Both parent and staff responses were inconclusive due to the questions asking for an opinion rather than an answer on level of satisfaction. During file reviews conducted as part of the Rural Cass County Self-Assessment Report, it was noted that 53% of the files reviewed included documentation that prior to initial referral, instruction was provided appropriate to age and ability level and interventions were documented by the building screening team. Verification file review results indicated inadequate documentation of pre-referral interventions as well.

During the interviews that NDDPI conducted as part of the Verification Review, respondents were asked to “Describe the BLST (TAT, BST) activities in your school”. Further probes included questions regarding team function, sufficient pre-referral interventions and support services to maintain at-risk students in the general education program.

Suspension, Expulsion, and Dropout Rates

IDEA Part B Child Find obligations extend until students graduate from high school. Therefore it is the responsibility of the special education administrative unit to promote effective strategies to identify any school-age child who has a disability and may require special education and related services. This includes students who are at risk for dropping out of school. As part of the Program Quality Indicators section of the Rural Cass County Self-Assessment report, data was to be gathered through the self-assessment process relating to suspension, expulsions and dropout rates of special education students for the 1999-2000 school year and the graduation rate of

special education students vs. district overall graduations rates. This was not submitted as part of the Rural Cass County Self-Assessment Report. In addition to this, Program Quality Indicator questions regarding behavior management, functional behavior assessments, suspension where behavior is not a manifestation of disability, and suspension where behavior is a manifestation of disability, were to be identified in the Rural Cass County Self-Assessment Report, and were not.

During interviews, NDDPI asked general and special education staff, “What are your district’s policies and procedures regarding suspension/expulsion in relation to special education students?” As part of the Rural Cass County Special Education Eligibility Requirements Document, the district was asked to provide current policies and procedures relating to suspension and expulsion of students with disabilities.

NDDPI reviewed and analyzed the data and identified the following:

STRENGTHS

The Rural Cass County Multi-District staff reported that the effectiveness of the BLST process is improving. Most of the building sites have an active Teacher Assistance Team (TAT) team and it is working well to identify ways to assist educators in meeting the needs of students before they are referred to special education for evaluation. Rural Cass County special education staff is described as hard working, supportive, and helpful to general education staff when needed, even prior to referral and evaluation.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Suspension and Expulsion

During the Verification Visit, when asked to explain the district’s policy relating to suspension and expulsion of students with disabilities, most administrators indicated that they were not sure about the policy and referred to the area Special Services Coordinator as a resource to answer those types of questions. General education and special education personnel interviewed by NDDPI staff were also unsure of this policy. It is recommended that the current district policy relating to suspension and expulsion and the appendix relating to discipline for students with disabilities, be included in the unit’s special education handbook and that training pertaining to this policy be provided to appropriate general and special education personnel, including administrators.

Pre-referral Process

Interviews conducted by the NDDPI Monitoring Team indicate that the pre-referral process is known by several different names in Rural Cass County, including Building Level Support Team, Teacher Assistance Team, or Child Study Team. Those interviewed were knowledgeable about the process. Variability among schools was noted, with some schools at the beginning stages of implementing a pre-referral process, and other school exhibiting a strong and well-documented pre-referral process. One administrator interviewed indicated the TAT team process in that building was “on hold” this year. Other issues noted through interviews were the inconsistency of team membership and heavy special education staff involvement.

NDDPI would strongly encourage consistent district wide policies, procedures and skill development at the school building level relating to the building level support team process. Further, NDDPI encourages the Rural Cass County school districts to continue to study the effectiveness and consistency of usage of the building level support team process. Items to be included in this study should be the referral rate per school building, the percentage of special education population at each building, equity in skill level training for instructional staff at each school building, consistency of building procedures and policies relating to the building level support team process and other items determined by the district. Documentation of building level support team activities should be evident in files. Examining the building level support team process will assist in: appropriate referrals; consistency across schools, particularly in terms of nature and extent of training provided; consistent policy and procedures relating to areas such as team composition, team meeting times, and information collected; proper documentation of that information, and other factors as determined by the school district.

NDDPI provides ongoing training and support, along with a revised Building Level Support Team (BLST) manual (January 2000), to all school districts in the state as they develop local BLST policies and procedures. It is recommended that a wider population of educators be trained in the BLST process in order to improve its effectiveness.

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.

File reviews conducted by the Rural Cass County File Review Teams and NDDPI monitors indicated the following items below the 85% compliance requirement: parent participation in the assessment process [300.534]; reevaluation within a three year period [300.536]; most current evaluation on file; assessment in all areas related to suspected disability [300.532g]. The Integrated Written Assessment Report (IWAR) preparation [300.534a] and having the required elements [300.532-300.534] fell below 85% compliance level. Surveys results from the Rural Cass County Self-Assessment Report include one question regarding whether or not staff are involved in the assessment process. Results are inconclusive.

During interviews NDDPI conducted as part of the Verification Review, respondents were asked to “Describe the evaluation planning process”. In addition, respondents were asked about the process that is followed when the team determines that no additional data is needed, and the process that is followed when a student is dismissed from special education prior to graduation. Individuals involved in the completion of assessments for SLD students were asked to describe how additional SLD requirements are addressed in the IWAR. Copies of assessment plans and the IWAR were also reviewed during the student record review process.

NDDPI reviewed and analyzed the data from both the Rural Cass County Self-assessment and the Verification Visit and identified the following areas of strength, noncompliance and suggestions for improvement.

STRENGTH

When asked, teachers are able to identify the majority of requirements under this section. Teachers indicate that they are receiving training, and that they have access to a program coordinator who can answer any questions they have.

AREAS OF NONCOMPLIANCE

Reevaluation Within a Three-Year Period

34 CFR 300.536 states that a reevaluation be conducted if conditions warrant a reevaluation, or if a parent or teacher requests a reevaluation, but at least once every three years. Eight files reviewed by NDDPI monitors indicated that the three-year reevaluation was not found, not dated, or not completed within the three year time period.

Assessment in all Areas of Suspected Disability

34 CFR 300.532g describes that the child be assessed in all areas of the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

Five files reviewed indicated incomplete assessment documentation in all areas of suspected disability. This was an area of noncompliance in the 1995 report as well.

Integrated Written Assessment Report

34 CFR 300.534a *describes the need for an Integrated Written Assessment Report.*

The Rural Cass County Self-Assessment and the NDDPI monitors identified that the IWAR was found in 75% of files reviewed. This was an area of noncompliance in the 1995 report as well.

300.532-300.534 *identifies the necessary components of the IWAR.*

File reviews conducted by NDDPI monitors indicated that 56% of files were found in compliance. The most notable finding was that team members were submitting individual reports and these reports were being compiled as one with a statement at the end. These file reviews indicated that there was not a clear understanding of integrating information from a variety of sources into one report. Lack of parental input was noted as well. Rural Cass County was found to be noncompliant in this area in the 1995 Monitoring Report.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Additional Requirements for Evaluating Children with Specific Learning Disabilities

34 CFR 300.540-300.543 *describe the additional requirements the district must follow when evaluating a child with specific learning disabilities.*

Professionals responsible for providing services for SLD students were interviewed regarding the additional SLD requirements. Most interviewees were able to describe additional SLD requirements. Rural Cass County Unit file reviews indicated 74% compliance on documenting appropriate observations; 77% documentation of discrepancy; 61% documentation that the discrepancy is not attributed to other causes; 56% documentation of educationally relevant medical findings; 77% documentation of basis for determination of SLD; and 71% documentation of addressing the effects of environmental, cultural or economic disadvantage as an indicator.

NDDPI Monitoring Team was not able to verify the findings of the Rural Cass County file reviewers. However, due to the fact that the unit identified so many needs in this area, it would be advisable to give careful consideration to reviewing the requirements with local special education staff to improve consistency of meeting these requirements.

Unit Forms

The unit form “Summary of Findings/Present Levels of Performance” allows for thorough reporting of findings in designated areas relating to the child’s overall functioning. The unit is cautioned that although a comprehensive view of the child is provided, this information is not presented in an integrated format. A student’s unique pattern of functioning, particularly students whose problems are complex, will emerge only after the team’s joint analysis of the input.

Conclusions drawn after careful discussion and deliberation of all team members provide a description of the complex interactions of all areas of functioning and are likely to reconcile inconsistencies in the data.

Parent participation in the assessment process should be documented in the Assessment Plan and in the Integrated Written Assessment Report. Parental signature does not automatically indicate parent participation in the process.

The Rural Cass County Special Education Unit should compare the computerized evaluation documents to state recommended forms to assure required regulations are included as part of the unit's forms. This would trigger discussion and documentation of all required components.

Internal Monitoring Process and Staff Handbook

It is recommended that the Rural Cass County Special Education Unit expand the unit's internal monitoring process in the area of evaluation. Also, it would be valuable to compare the current Rural Cass County special education staff handbook to the previous unit handbook (August 1996) and IDEA 97 regulations to assure that all areas relating to evaluation are part of the new unit staff handbook.

Training

There was inconsistency among professionals in the quality of the documentation involved in the evaluation process. Some individuals had clear documentation and described the evaluation process in depth, while others were inconsistent in documenting required elements involved in the evaluation process. Although NDDPI monitors did not verify all evaluation issues addressed in the Rural Cass County Self-Assessment Report, it will benefit special education personnel to participate in ongoing training in this area. NDDPI *Guidelines: Evaluation Process* (8/1/99) and *Guidelines: Identification and Evaluation of Students with Specific Learning Disabilities* (Fall 2000) include suggested procedures and forms to meet requirements of the evaluation process. The unit staff members demonstrating in-depth knowledge of the evaluation process could be utilized by the unit to assist in ongoing and continuous training in the area of evaluation.

III. FREE APPROPRIATE PUBLIC EDUCATION

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.

Components of the IEP that were identified as 85% or less in compliance in the Rural Cass County Self-Assessment Report included the following: attendance of all required IEP team members [300.344]; Present Level of Educational Performance reflecting parental input [300.347]; effective dates of IEP reviewed within one year; annual goals [300.347(2)] and objectives [300.347 2)] containing all of the required components; Characteristics of Service [300.347] addressed adequately; Assistive Technology needs [300.300.6] and devices discussed; Extended School Year justification [300.309] discussion documented; participation in district and state-wide assessment [300.347] discussed; regularly informing parents of progress [300.347(a) (7)]; and positive behavioral supports [300.346 (2)(i)]. Transition services that were found to be below 85% compliance were: agency participation in transition IEPs (age 16); documentation of statements of both needed transition services (age 16); and post school outcomes (age 14).

During interviews conducted by NDDPI as part of the Verification Review, respondents were asked to describe the IEP development process, including specific questions related to: IEP team members; development of annual goals and objectives; determining need for assistive technology devices and services; progress reports for parents; development of characteristics of services; student involvement in extracurricular activities; availability of curriculum and materials for students with limited English proficiency; participation in statewide assessments; intervention and strategies used to support students with emotional, behavioral or discipline problems; transition-planning activities for students 14 and older; and the process for determining extended school year services for students. Since the determination of need for and the provision of extended school year services is an issue for schools across North Dakota, and has also been identified as an area of concern by federal monitors during their most recent visit, this issue was emphasized during interviews with school personnel. Student file reviews completed by NDDPI monitors also included the IEP components indicated above.

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

STRENGTHS

File review by NDDPI monitors noted well-written and comprehensive Present Levels of Educational Performance.

The development of methods and materials to evaluate and provide services for limited English proficiency students with disabilities and their families was noted as an emerging strength.

AREAS OF NONCOMPLIANCE

IEP Team Members

34 CFR 300.344 describes the required IEP team membership: parents, regular education teacher, special education teacher, representative of the public agency who can interpret evaluation results, and, if appropriate the child.

The Rural Cass County Self-Assessment Report noted that all required members were present in 83% of the IEPs that were reviewed. It was noted that attendance was inconsistent among administrative staff, and that there were absences of specialists in the area of the child's suspected disability, and parents in several cases. NDDPI monitors verified this through their file review. This was an area of noncompliance in the 1995 Monitoring Report.

Present Level of Performance Reflects Parental Input

34 CFR 300.344 requires that each public agency take steps to ensure that one or both of the parents of the child with a disability are present at each meeting or afforded the opportunity to participate.

The NDDPI monitors identified nine files where there was no documented evidence of parental input. This was also an area of noncompliance in the 1995 Monitoring Report.

Annual Review of Individualized Education Plan

34 CFR 300.343 states the IEP must be reviewed periodically, but no less than annually.

The Rural Cass County Self-Assessment Report identified that 81% of files reviewed indicated compliance in this area. NDDPI Verification Review team identified one file where an IEP was missing, even though the IEP from the prior year and the following year were on file. Another file indicated that the annual review date was the same date four years in a row including a Saturday and a Sunday. While this is possible, it is unlikely. Three additional files were found where more than a year had passed between reviews and no documentation was found explaining these delays.

Annual Goals and Short-term Objectives

34 CFR 300.347 (2) requires that goals be measurable and include short-term objectives intended to meet the child's educational needs that result from the child's disability.

NDDPI monitors noted that 74% of the IEP annual goals and 62% of short-term objectives reviewed did not contain the required components. The annual goals were not individualized or annual. Also, for some annual goals there was no ending level of performance making it impossible to know when the goals had been met. Many of the short-term objectives that were found out of compliance were not individualized or sequenced when this would have been appropriate. Other short-term objectives did not contain all of the required components.

Characteristics of Services

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 characteristics of services (COS) discussion consider where and how the services will be delivered.*

Both the Self-Assessment report and NDDPI monitors identified needs in this area. File reviews indicated insufficient documentation to confirm that discussions were held to determine the characteristics of services. However, during interviews, most of the special education teachers were able to describe how characteristics of services are developed for each objective.

Assistive Technology Services and Devices

34 CFR 300.5-300.6 and 300.346 (a) (2) (v) *states that IEP teams must consider whether the child requires assistive technology devices and services.*

The NDDPI Monitoring Team identified that 75% of files reviewed did not meet compliance standards regarding assistive technology. Files either did not identify assistive technology needs or failed to document any discussion regarding those needs. There were several cases where a child was identified as having a hearing impairment or other disability, which identified required use of a device, but assistive technology was indicated as not being needed. Interviews with staff identified confusion as to what exactly assistive technology meant.

Extended School Year

34 CFR 300.309 *states that each public agency shall ensure that extended school year services are available as necessary to provide FAPE as determined by each child's IEP team on an individual basis.*

Rural Cass County Self-Assessment and NDDPI monitors indicated that the discussion for the need for Extended School Year Services is not being adequately documented on the IEPs.

Participation in Statewide and District-wide Assessments

34 CFR 300.347 (5)(i)(ii)(A)(B) *states that the IEP will contain a statement of explanation of how the child will participate in state and district-wide assessments and what necessary accommodations will be used.*

Rural Cass County Self-assessment Report and NDDPI Verification Review Team found that 50% of files indicate that documentation of assessment needs are not being documented appropriately by IEP teams. The item is either not found on the IEP form, reasons are not adequately documented; or a statement such as “student is exempt” was found.

Progress Reports

IDEA '97 contains a new requirement, CFR 300.347, for reporting student progress to parents of children with disabilities “*at least as often as the parents of non-disabled children receive reports of student progress*”.

Special education staff indicated that regular school reporting periods are every nine weeks. In several of the files reviewed by the NDDPI Monitoring Team, progress reports were not found and/or there was no indication of planned progress reporting times on the IEP form. When asked to describe how progress on goals and short-term objectives is reported to parent, many special

education personnel reported that progress is reported during parent teacher conferences and two other times in the year. There was inconsistency among staff member as to when the other two times should be. The current staff handbook states that written progress reports must be completed both annually and mid-year and that periodic review dates occur not more than six month after the IEP date. This is inconsistent with the requirements of IDEA.

Positive Behavior Interventions

34 CFR 300.346 (2) (i) As part of the IEP process, the team must consider a variety of “special factors”. In the case of a child whose behavior impedes his or her learning or that of others, the IEP team must consider, if appropriate, strategies, including positive behavior interventions, strategies, and supports to address that behavior. These behavior supports are based upon functional behavioral assessments.

In files reviewed by the Rural Cass County File Review Task Force, 78% were in compliance relating to positive behavior interventions and strategies.

During interviews conducted by the NDDPI Monitoring Team, most special and general education professionals were able to describe different kinds of interventions and strategies used to support students with emotional, behavioral or discipline problems. However, several personnel indicated that students were in trouble because of their disability and were “expected to straighten up” or “get control of their behavior” before being able to participate or return to an activity.

Transition

Interviews conducted by the NDDPI monitors indicated an understanding of the transition process, when it is initiated; who is involved and what components are included. However, documentation of this information was not complete in some of the transition IEPs reviewed by the NDDPI Monitoring Team.

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. File reviews completed by the Unit indicated that 67% of the files reviewed did not address “post school” outcomes and/or did not reflect the student’s input.

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.

Unit file reviews indicated that 50% of files did not contain these statements. In addition, Unit file reviews indicated that 60% of files reviewed did not contain evidence of agency participation in IEPs when this would have been appropriate.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Current IEP

34 CFR 300.342(b) and 300.343(b)(1) *require that IEP must be in effect before special education and related services are provided, and that the IEP must be reviewed not less than annually.*

The current unit IEP form allows for documentation of IEP Meeting Date; IEP Approval Date; Periodic Review Date; and Last Comprehensive Evaluation. Files reviewed by the NDDPI Monitoring Team were inconsistent in the documentation of the IEP Approval Date and the Periodic Review Date. It is recommended that unit staff is informed of appropriate dates to enter in these sections. It is also recommended to incorporate the beginning and ending date of the actual IEP on the current unit IEP form.

Assistive Technology and Devices

34 CFR 300.5-300.6 and 300.346 (a) (2) (v) *One of the new requirements in IDEA 97 is a group of “special factors” that must be considered by every IEP team. One of these “special factors” specifies that every student’s IEP team must consider the need for assistive technology (AT) devices and services.*

Through student file reviews and interviews with staff members, the NDDPI Monitoring Team verified that there is some confusion on what assistive technology is; who is responsible to identify AT needs; and who provides training services. Staff also indicated a desire to have more assistance from someone well trained in assistive technology. It is recommended that the Unit provide training on assistive technology regarding policies and procedures that are updated in alignment with the 1997 IDEA regulations. A major focus of staff training should be on the knowledge and skills needed by all staff to make informed decisions regarding AT for all students with disabilities.

In several of the files reviewed, NDDPI monitors noted that it was not apparent that AT had been discussed when the present levels of educational performance indicated a need to consider AT devices or services. It is recommended that the current IEP form be revised to allow for this discussion. The AT section on the NDDPI state-recommended form provides an example of this. Also, the NDDPI *Guidelines: Assistive Technology for Students with Disabilities*, (March 1999), provide guidance for assessment and IEP planning teams regarding the consideration of assistive technology.

Transition

The NDDPI Monitoring team reviewed transition components of several IEPs for students 14 years of age and older, and interviewed unit personnel working with these students. NDDPI monitors noted that IEP documentation of all transition activities could be improved. A recommended “Transition Requirements Checklist” will be sent to the Rural Cass County special education director under separate cover. It is recommended that special education staff members receive training for use of the checklist to improve compliance with transition requirements.

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 NDDPI Monitoring Team review of files indicated that 63% of the files reviewed provided a complete LRE justification statement [300.550-300.556]. During interviews conducted by the NDDPI Monitoring Team, respondents were asked to “Describe the process for determining and documenting LRE”.

Staff raised concerns regarding adequate support provided to implement each student's IEP. Concerns regarding sufficient modifications and adaptations of the general curriculum by general educators to meet the needs of students with disabilities in their class were noted. Both special educators and general educators agree that they have ongoing communication with other staff involved in the education of students with disabilities with whom they work. During interviews conducted by NDDPI monitors as part of the Verification Review, respondents were asked to “Describe how general education teachers are supported when students with disabilities are in their classroom” and “Do you feel general education staff modify and adapt general education curriculum to meet the needs of children with a disability?” Several special education staff identified frustration with some educators who “refuse to follow the IEP”. The majority felt that all teachers need more training in the area of “how” to make modifications as well as “why” they need to modify.

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

STRENGTHS

Both general education and special education staff members expressed an appreciation for the continuous and positive collaboration that occurs between them.

Elementary teachers are seen as cooperative and supportive of children with disabilities in their classrooms.

Special Education teachers were very supportive of students and proactive in meeting their needs.

AREAS OF NONCOMPLIANCE

General Least Restrictive Environment Requirements

34 CFR 300.550 requires that, to the maximum extent appropriate, children with disabilities are educated with children who are not disabled. In addition, removal of children with disabilities from the general education environment may occur only when the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.

Through student file reviews, the NDDPI Monitoring Team verified the Rural Cass County Self-Assessment Report findings regarding incomplete documentation of LRE discussions. Complete LRE justification was found in only 63% of files. In some files reviewed, there was no documentation within the justification section. In others, there was only one option considered. There were instances where “no services” was considered as an option.

Placements

34 CFR 300.552 (d) states that in selecting the LRE, consideration must be given to any potential harmful effect on the child or on the quality of services that he or she needs.

Some of the files reviewed by NDDPI Monitors did not document discussion of potential harmful effect when previous sections of the student’s IEP indicated a need to discuss these effects. In several files, the section addressing harmful effect could not be found.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Internal Monitoring Process and Training

It is recommended that the Rural Cass County Special Education Unit expand the unit’s internal monitoring system in the area of LRE. It is recommended that special education staff members who have demonstrated proficiency in LRE decision-making be encouraged to lead staff discussions regarding components of characteristics of services, LRE justification, and harmful effect. Ongoing file reviews by special education staff would afford them additional opportunities to discuss good examples of documentation in the area of LRE.

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.

As part of the file review of the Rural Cass County Self-Assessment report and the NDDPI Verification Review, results indicated that parents were present at the IEP meetings. Parents stated that they felt that they were welcome in their child's school and treated with respect. They also reported that they were satisfied with the special education program and services provided to their child. As stated in the Rural Cass County School District IDEA-B Application, the unit's Family Educator Enhancement Team (FEET) provides several opportunities throughout the year for parental involvement: an informative newsletter at least three times per school year; yearly workshops for families presented collaboratively with other agencies and school districts; and a resource library that provides a variety of resources for families in the district.

During interviews conducted by NDDPI monitors, school personnel were asked to "Describe the extent to which parents are involved in evaluation/IEP meetings and unit trainings". Further probes requested information regarding the involvement of parents in the decision making process, training opportunities for parents, and reporting progress to parents and awareness of community services. Student file reviews completed by the NDDPI Monitoring Team included a specific question regarding parent participation in the evaluation and IEP process.

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

STRENGTHS

Parents are involved in their children's IEP meetings.

Through surveys conducted as part of the self-assessment process, it was evident that parents feel respected and welcome in their child's school.

The Rural Cass County Multi-District Special Education Unit offers parents a variety of materials and training opportunities.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

NDDPI strongly encourages the Rural Cass County 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 parents' attitudes toward the school, and benefit school personnel as well.

NDDPI monitors found that parental input was not well documented in files. Documentation of parental input regarding discussions that take place during team meetings is very important and yet often forgotten when it is not documented. Continual file reviews and discussions with teachers will assist in reminding special education staff of the importance of such documentation.

VI. PROCEDURAL SAFEGUARDS

Procedural safeguards, which ensure the fairness of educational decisions, include impartial due process hearings, the right to an independent educational evaluation, written notification to parents explaining their rights, parental consent, and appointment of surrogate parents, when needed.

Parent Prior Notice of Assessment Planning [300.504] was found in 57% of files reviewed by the NDDPI Monitoring Team. Indication that parents were involved in assessment planning was evident in 48% of files. Prior Notice for most recent IEP [300.504] was found in 36% of files reviewed; and Prior Notice for Assessment Summary or (IWAR) was found in 43% of files. Parent consent for initial evaluation [300.505] was missing in one file. Record of Inspection [300.563] was completed properly in 56% of files reviewed.

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

STRENGTHS

Special education teachers appear to be aware of what procedural safeguards are needed. Many identified feelings of frustration with the computerized IEP program as being the cause of some of the missed documentation.

Parents seem to feel that they are being kept informed according to the Unit survey.

AREAS OF NONCOMPLIANCE

Prior Written Notice

34 CFR 300.503 states that written notice must be given to parents of a child with a disability a reasonable time before the public agency either proposes to initiate or change the identification, evaluation, or educational placement of a child or the provision of FAPE to the child, or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

Interviews with special education staff members indicated an understanding of when to send prior written notices but a few staff felt that the prior notice was over used and sent for everything instead of at IDEA regulation required times. The current Horizon software requires that the case manager send the parent a three-page document when sending a prior notice, i.e. a two page Meeting Notice Form, and a Prior Written Notice. It is recommended that these three pages be combined to resemble the structure of the state recommended prior notice form.

The following statement was found on the unit's form, "If you have previously received a copy of the booklet, 'Procedural Safeguards- Parent Rights', and would like an additional copy, please contact the principal and another copy will be sent to you, or you may request a copy at the meeting". As stated in IDEA regulation 300.504(a), "*A copy of the procedural safeguards of a child with a disability must be given to the parents, at a minimum: upon initial referral for evaluation; upon each notification of an IEP meeting; upon reevaluation of the child; and upon receipt of a request for due process under section 300.507*".

Through file reviews, NDDPI monitors found that 57% of the files reviewed did not have a prior written notice for assessment planning.

In 64% of files reviewed, prior written notice was given for the most recent IEP meeting. In some files the prior notice was included but was incomplete. In one file the notice was dated two days before the meeting and in another it was dated one day before the meeting.

Record of Inspection

34 CFR 300.563 states that each participating agency shall keep a record of parties obtaining access to educational records collected, maintained or used under the Act.

File reviews completed by NDDPI monitors indicated that Record of Inspection forms were completed properly or found in 56% of files reviewed.

Record Locator

34 CFR 300.565 states that each public agency shall provide parents upon their request, a list of the types and location of education records collected, maintained and used by the agency.

Six of the files reviewed by the NDDPI Monitoring Team were not in compliance with this regulation. In several of the files, the monitors could not find a Record Locator, and in others the form was outdated or completed incorrectly.

Parent Consent

34 CFR 300.505 states that informed parent consent must be obtained before conducting an initial evaluation, reevaluation or initial provision of special education and related services to a child with a disability.

As stated in the *Special Education Monitoring Manual: Collaborative Review Process*, some violations are considered serious enough to be cited if even one incident is noted. Consent for placement and evaluation are important procedural safeguard documents that must be in each student's file. In one student file, consent for initial evaluation could not be located. Rural Cass County must ensure that consent for initial evaluation, reevaluation and placement are contained in every student's file.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Current Paper File System

The NDDPI Monitoring Team found the current paper file system cumbersome and disorganized. The NDDPI monitors found it difficult to locate many important procedural safeguard documents. NDDPI encourages Rural Cass County Special Education Unit administrators to continue to develop and refine an efficient and effective system of record management. In addition to this, it would likely prove useful to area special educators to be involved in yearly file reviews in order to more fully understand the need for thorough documentation. The special education teachers may be a valuable resource in assisting the Unit in making needed revisions in their current file system and computer program.

Internal Monitoring Process and Staff Handbook

It is recommended that the Rural Cass County Special Education Unit expand the current internal monitoring system in the area of procedural safeguards. It would also be valuable to compare the current Rural Cass County Special Education Unit staff handbook to the previous unit handbook (August 1996) and the revised IDEA 97 regulations to assure that all areas relating to procedural safeguards are part of the current handbook.