

April 27, 2004

Art Conklin, Chairperson  
PO Box 330  
Oakes, ND 58474-0330

Dear Mr. Conklin:

The North Dakota Department of Public Instruction (NDDPI) Office of Special Education conducted a Verification Review in the Sheyenne Valley Special Education Unit February 24-26, 2004, for the purpose of assessing compliance in the implementation of the Individuals with Disabilities Education Act (IDEA) and assisting the 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 Sheyenne Valley Special Education Unit, parents and stakeholders.

In conducting its review of the Sheyenne Valley 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 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 Sheyenne Valley Special Education Unit should ensure that all improvement strategies are consistent with the 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 Sheyenne Valley Special Education staff during our review. Throughout the course of the review, Carol Jabs, 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 with the Sheyenne Special Education Unit in partnership to continue to improve the lives of individuals with disabilities.

Sincerely,

Robert C. Rutten  
Director of Special Education

Cc: Carol Jabs, Director, Sheyenne Valley Special Education Unit

Enclosure

## EXECUTIVE SUMMARY

### SHEYENNE VALLEY 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 Sheyenne Valley Special Education Unit. 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 Sheyenne Valley 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 Sheyenne Valley 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. The NDDPI commends the Sheyenne Valley Special Education Unit for the well-planned process used to complete the Unit's Self-Assessment. The Steering Committee was comprised of special and general education teachers, parents of students with disabilities, principals, a superintendent, a private school principal, agency representatives, and the Unit director. It had as its main tasks: determination of committee needs; establishment of committees; analyzing survey and file review results; development of Improvement Plans; and finalization of the Self-Assessment Report.

The Sheyenne Valley Special Education Unit identified three major Self-Assessment activities as part of its Collaborative Review:

1. Parents, students with disabilities, school staff, including paraeducators, special educators, related service providers, public and private school educators, and public and private education administrators, were surveyed. 269 surveys were sent to general and special educators with a 60% response rate. 298 surveys were sent to parents with a 40% response. Students in grades seven through twelve were surveyed. Of 184 surveyed, 115 responded (63%). Survey forms were adapted from models supplied by NDDPI. Data from the surveys were analyzed to determine significant strengths and targeted areas of needed improvement.
2. Thirty-five special education student files were reviewed for compliance with the IDEA regulations. The File Review Committee was comprised of special education and related service staff. The Committee divided into teams to review files at each school within the Sheyenne Valley Special Education Unit. Data from the file review was analyzed to determine significant strengths and targeted areas of needed improvement.
3. Data from the Sheyenne Valley Special Education Unit was analyzed to compare the local school districts to the statewide average on the *ND Performance Goals & Indicators*. This included: the percentage of students with disabilities who participate in

statewide assessments; percentage of students with disabilities proficient in reading/English language arts and math; students educated in the least restrictive environment; drop-out rates; students with disabilities who exit schooling through graduation; students who are employed one year out of school; students who participate in post-secondary education programs; students living in a setting of their choice; and the number of appropriately qualified personnel in the Sheyenne Valley Special Education Unit.

The Verification Review was conducted by the ND Department of Public Instruction on February 24-26, 2004. Interviews with private and public school administrators, general educators, special educators, and related service providers were conducted during the Verification Review. The NDDPI wishes to thank Carol Jabs for arranging these interviews. Focused special education file reviews were completed by NDDPI monitors following the compliance issues reported by the local Special Education File Review Team in their Self-Assessment Report. Information obtained from these data sources was shared in a meeting on February 26, 2004 that was attended by members of the Sheyenne Valley Special Education staff, parents, administration, 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 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.

Education of Children and Youth with Disabilities  
Part B of IDEA

**Strengths**

NDDPI observed the following strengths:

- Special education unit administrator and professional service providers are dedicated, respected, and accessible.
- Proactive and comprehensive training opportunities for other agencies, parents and staff are provided by the Unit.
- Progress reporting to parents is documented in a consistent manner.
- Well-written and comprehensive Present Levels of Educational Performance.
- Positive feedback from parents indicated satisfaction with school services.
- Comprehensive planning to assure that the least restrictive environment is available for all students with a disability.
- The Unit has made considerable improvement in the area of procedural safeguards since the previous Unit monitoring report.

**Areas of Noncompliance**

NDDPI observed the following areas of noncompliance:

- Inadequate assessment documentation relating to the: Student Profile planning form and Integrated Written Assessment Reports (IWAR); and determination of needed evaluation data.
- Inadequate documentation on Individualized Education Programs (IEPs) in the following areas: annual goals and short-term objectives; nonacademic and extracurricular activities; extended school year services; and transition IEPs.
- Incomplete parent prior notices.

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## INTRODUCTION

Background, Administrative Structures and Children Served: The Sheyenne Valley Special Education Unit is a multidistrict unit serving five school districts and one private school, St. Catherine Elementary School, located in Valley City. The public schools served by the unit are located in the following communities: Valley City, Rogers, Oakes, Oriska, Tower City, Buffalo, Hope and Page. The mission of the Unit is, “ The Sheyenne Valley Special Education Unit is committed to provide all children with disabilities a free and appropriate public education by offering a full continuum of services in the least restrictive environment”.

As reported through the Sheyenne Valley Special Education Unit Self-Assessment Report, special education students made up approximately 13.8% of the district’s total student population based on the 2002-03 enrollment figures. This is lower than the 2001-02 figures of 14.3%.

Verification Review and Data Collection: The Sheyenne Valley Special Education Unit began the Collaborative Review process in May 2002. The Sheyenne Valley Self-Assessment Report was submitted to NDDPI in December 2003. The Self-Assessment Report included the Unit demographic information, data and analysis of student record reviews and surveys, review of ND Performance Goals and Indicators, and compliance worksheets. Also included in the Unit’s Self-Assessment Report were Unit Improvement Strategies.

NDDPI visited schools in the Sheyenne Valley Special Education Unit on February 24-26, 2004 for the purpose of collecting data to verify information provided through the Collaborative Review process, including requirements under the IDEA Amendments of 1997 and to review compliance to findings from the 1998 Sheyenne Valley Compliance Monitoring Report. NDDPI visited one private school and eight public school buildings that receive services from the Sheyenne Valley Special Education Unit. Student record reviews, including Individualized Education Programs (IEPs) and Integrated Written Assessment Reports (IWARs), were conducted at the Unit office. Interviews were conducted with special education staff members responsible for developing and implementing IEPs, general education staff members who teach children with disabilities in their classrooms, related service professionals, and school administrators. Preliminary results and findings were presented at a meeting on February 26, 2004.

Improvement Planning: In response to this report, the Sheyenne Valley 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 Sheyenne Valley 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. If needed, please contact the regional coordinator for suggested formats to be used for development and documentation of Improvement Strategies.

## 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.*

Procedures are in place for the identification of students with disabilities ages 3-21. As reported through the Sheyenne Valley Special Education Unit Eligibility Document, the Sheyenne Valley Special Education Unit participates in ongoing efforts to identify, evaluate, and serve children with disabilities. Project Child Find is conducted each September at the state level and local level. As stated in the Eligibility Document, activities carried out within the Sheyenne Valley Special Education Unit for Child Find purposes include: 1) preschool selective screening; 2) in-school screening procedures; 3) potential school dropout procedures; and 4) ongoing inservice to school personnel, parents, agency representatives, and organizations regarding Child Find.

The Unit has developed a prereferral form for Head Start staff and other childcare providers to assist in documenting needs and to provide guidance when making referrals. Head Start staff was provided an inservice regarding this form and the referral procedures. The Unit prereferral form has been revised to improve the discussion and documentation of prior interventions. This form is used and appreciated by schools within the Unit.

In surveys conducted as part of the Self-Assessment process, general and special education personnel were asked if they felt their school had sufficient prereferral interventions and support services available to support at-risk students within general education programs. From the individuals responding to the survey, 63% of all special and general education personnel agreed with this statement and 11% disagreed with the statement. Over 45% of the parents surveyed as part of the Self-Assessment process agreed that other options within general education were tried or considered before their child was referred for special education services while 16.9% disagreed with this statement.

During the interviews that NDDPI conducted as part of the Verification Review, respondents were asked to "Describe the BLST activities in your school". Further probes included questions regarding: improvement of the process; sufficient prereferral interventions; and support services to maintain at-risk students in the general education program. In addition, student files were reviewed to determine if BLST information was included.

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 Performance Goal and Indicators section of the Unit's Self-Assessment Report, data was gathered relating to the percentage of students with disabilities who drop out of school. During the 2002-03 school year, a total of 14 students exited school prior to graduation. Three were students with disabilities.

As stated in the Unit's Eligibility Document, "The Sheyenne Valley Special Education Unit has established screening and identification procedures for secondary level students who may have dropped out or for other reasons have not received an adequate education program. Services include evaluations, programming, and referrals to other agencies when appropriate. An outcome of this activity is to identify students who may have disabilities and provide the appropriate supports for them". The Sheyenne Valley Special Education Unit Policy and Procedure Handbook contain policies and procedures relating to suspension and expulsion of students with disabilities.

The Unit has provided and supported several training opportunities for parents, general educators and special educators on behavioral issues. Some of the trainings focused on functional behavior assessments, therapeutic intervention, and nationally recognized classroom management programs.

Unit staff responsible for the review of files for the Unit's Self-Assessment reported that in some schools there is a lack of: 1) early identification efforts to locate students who are at-risk of dropping out; 2) interventions tried in some schools for behaviors prior to out of school suspensions; and 3) fair and effective procedures for handling disciplinary situations involving students with disabilities.

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

#### STRENGTH

The Sheyenne Valley Special Education Unit has developed new forms for the Unit's prereferral process. The forms are appreciated by participating school districts. The prereferral process is used successfully throughout the unit; especially at the elementary level. Interviews conducted by NDDPI indicated that those interviewed were knowledgeable about the prereferral process.

#### SUGGESTION FOR IMPROVED RESULTS FOR CHILDREN

##### At-Risk Students

The Unit's Handbook contains policy relating to suspension and expulsion of students with disabilities. It is recommended that this information be updated with the current NDDPI Policy Paper relating to this area. Because Child Find obligations extend until students graduate from high school, 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. The Unit should develop formal procedures for schools to identify students at risk of dropping out while supporting initiatives for prevention that continue to include training opportunities for special and general educators.

NDDPI recommends that a long-term study be developed which compares suspension and expulsion, dropout rates and graduation rates for all students. A wide variety of factors must be carefully considered in this study, i.e. disability category, ethnic background, skills of staff, building-by-building comparisons. It is hoped that this study will provide valuable insight into student and local programming needs.

## 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.*

Files reviewed as part of the Self-Assessment process showed over 85% compliance in 9 of the 18 “Student Assessment/Procedural Safeguard” areas monitored. Targeted areas of needed improvements focused on the additional requirements in the Integrated Written Assessment Reports (IWAR) for students with specific learning disabilities (SLD).

Comments reported by the Unit’s file review teams focused on the improvement of the additional requirements in the area of SLD and the correlation of the components of the evaluation process including: Student Profile, Assessment Plan, and the Integrated Written Assessment Report (IWAR).

In surveys conducted as part of the Sheyenne Valley Self-Assessment Report, 77% of the special education and general education personnel agreed that student assessment information is reflective of student progress and is valid and meaningful for planning student instruction while 6% disagreed with this statement.

As reported in the Unit’s Self-Assessment Report, “in March 2001, 97 of 105 (92.4%), eligible students with disabilities participated in statewide assessments. The statewide averages were 92.2%. Four students were given the alternative assessment”. Training on the ND Alternate Assessment process was provided to principals, counselors and teachers.

As a result of the Self-Assessment process, committees were formed to review the appropriateness of the Unit’s percentage of students placed in each IDEA disability category. The committee members are reviewing placement criteria relating to each disability category and how the determination for related services is decided.

During interviews, NDDPI conducted as part of the Verification Review, respondents were asked to “Describe the evaluation planning process”. Further probes included questions regarding: completion of the evaluation process; independent evaluations; and incorporating general education input into the process. In addition, respondents were asked about the process that is followed when the team determines that no additional data is needed. Individuals involved in the completion of assessments for SLD students were asked to describe how additional SLD requirements are addressed in the Integrated Written Assessment Report (IWAR). Copies of student profiles, assessment plans and the IWAR were also reviewed during the student record review process.

NDDPI reviewed and analyzed the data and identified the following areas of noncompliance and suggestion for improvement.

## AREAS OF NONCOMPLIANCE

### Evaluation Procedures

34 CFR 300.532 states that in evaluating a child with a disability, the evaluation must be sufficiently comprehensive to identify all of the child's special education and related service needs. The Sheyenne Valley Special Education Unit Handbook states that the Unit has adopted the state recommended Student Profile form to provide a comprehensive picture of the child which assists in identifying patterns of current student functioning and provides areas where further information is needed. Of the files reviewed for a Student profile, 50% had an appropriately completed Student Profile. In the remaining files, either the Student Profile was not found or the information was incomplete.

As part of the assessment process, the multidisciplinary team completes an Integrated Written Assessment Report (IWAR). The IWAR integrates findings from all sources to assure that all current and relevant data have been gathered and reviewed to make disability determination decisions.

In IWARs reviewed by NDDPI monitors, 5 of 14 IWARs did not include findings from all current and relevant sources and did not document input for all team members. Eight of the IWARs were not written in a manner that was understandable to parents or others due to test scores and jargon. Of the 14 IWARs reviewed by the monitors, only one integrated findings. The unit's form, "Summary of Findings/Present Level 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 in most files, this information is not presented in an integrated manner. A student's unique pattern of functioning, particular 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.

### Determination of Needed Evaluation Data

34 CFR 300.533(d) describes the requirements when the team determines that no additional assessment data is needed to determine whether the child continues to be a child with a disability. As part of the interview process, special educators were asked to describe in detail the process used when a team determines that no additional assessment information is needed. Approximately 60% of the professionals interviewed provided a thorough description of this process.

The current Unit's Assessment Summary form contains the appropriate statement regarding the Determination of Needed Evaluation Data but it was not found in all files reviewed by the NDDPI monitors. The implementation of this regulation was inconsistent within the Unit. For two files reviewed by NDDPI monitors, this statement was used appropriately with the parent signature included. However, in other files, assessments were completed yet the parent signature was obtained for this section when it was not needed. It is recommended that the Unit provide additional training to assure that all staff members understand the Unit procedures and forms regarding this regulation.

## SUGGESTION 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 (SLD). Professionals responsible for providing services for SLD students were interviewed regarding the additional SLD requirements. Most interviewees were able to consistently describe all additional SLD requirements and the process required for including them in the Integrated Written Assessment Report (IWAR). NDDPI monitors reviewed the Integrated Written Assessment Reports for five students identified as having specific learning disabilities. Most required information was found in the five files reviewed, although the location of the information varied with each file. These findings show an improvement from the data reported in the Unit's Self-Assessment Report. The recent trainings and improvements to the Unit's computer software program and observation form can be seen in recent evaluations. Because these improvements are only recently emerging, it is recommended that the Unit continue to monitor for these requirements to assure thorough understanding and documentation.

## 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.*

File reviews conducted by the Sheyenne Valley file review teams showed over 95% compliance in 18 of the 19 Individualized Education Program (IEP) areas monitored. Surveys completed by general and special education personnel showed strengths in: collaboration among staff members to provide students with disabilities with appropriate programming; progress reports to parents; and opportunities for students with disabilities to participate in academic and extracurricular activities. Some of the areas of concern were: high expectation for students with disabilities; input into identification of staff development needs and the planning of training needs; adequate amounts of training, materials or information relating to implementation of the each student's IEP; and time constraints to complete necessary paperwork and meetings.

Surveys conducted as part of the Sheyenne Self-Assessment process indicated that 33.1% of the 44.1% parents responding agreed that both they and their child had been involved in planning for transition to post-school experiences. Forty-one percent of the 66% general educators and special educators responding agreed that staff members in their building participate in the development and implementation of the transition plan for students with disabilities ages 14 and older. Of the age appropriate students, 62.6% of the 74.8% responding agreed that a transition plan has been developed to help them move from high school. Eighty percent of the students responding agreed that they participate in the development of their IEP. As part of the Self-Assessment process, the Unit completed the Transition Requirements Checklist. Some of the areas noted as strengths on this checklist were: inviting student to the IEP: completion of the section relating to the Statement of Transition Services Needs: completion of the section relating to the Statement of Needed Transition Services: and yearly updates of all transition requirements. Some of the areas of needed improvement were in: attendance of students and the documentation of student preference and interest if they did not attend: addressing transition in the PLEP: and involvement

of appropriate agencies at the IEP meetings. Transition was designated as an area of improvement in the Unit's Self-Assessment. An Improvement Strategy has been developed by the Unit "to provide in-service training to write transition IEPs" during the 2003-04 school year.

In response to results from the Unit's Self-Assessment, the Unit has provided staff training regarding the IEP process. As part of the staff evaluation, at least three files will be reviewed to determine if the IEP process is being followed.

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; present levels of educational performance; development of annual goals and objectives; progress reports for parents; student involvement in extracurricular activities; participation in statewide assessments; transition process; characteristics of services; intervention and strategies used to support students with emotional, behavioral or discipline problems; and the process for determining extended school year services for students. 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 strength, areas of noncompliance and suggestion for improvement.

#### STRENGTH

NDDPI monitors noted well-written and comprehensive Present Levels of Educational Performance. Progress reporting to parents was documented in a consistent manner.

#### AREAS OF NONCOMPLIANCE

##### Annual Goals and Short-term Objectives

34 CFR 300.347 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 identified IEP annual goals and short-term objectives that did not contain the required components. Seventy-three percent of the annual goals were not individualized or annual. Also, for 60% of the annual goals there was not an ending level of performance making it impossible to know when the goals have been met. Of the short-term objectives that were found out of compliance: 57% were not sequenced when it would have been appropriate; 27% did not contain the conditions/circumstances under which the behavior is to be performed; and 40% did not contain the timelines for determining if objectives have been met.

##### Nonacademic and Extracurricular Activities

34 CFR 300.306 and 300.553 requires that children with disabilities are provided nonacademic and extracurricular services and activities in the manner necessary to afford an equal opportunity for participation in those services and activities. As stated in the NDDPI *Guidelines*:

*Individualized Education Program Planning Process*, the deliberation of the team, including current options discussed and new options to be developed, must be documented. Student survey findings from the Sheyenne Valley Self-Assessment Report reported that 71.3% agreed and 16.5% disagreed with the statement that they have received encouragement to be involved in extracurricular activities. However, parents and special and general education educators generally agreed that students with disabilities participate in nonacademic and extracurricular

activities. Ninety-seven percent of the files reviewed by the Sheyenne Valley file review teams contained sufficient documentation relating to participation in academic and nonacademic activities.

In interviews conducted by the NDDPI, general and special education staff successfully explained that students with disabilities are encouraged to be involved in extracurricular activities. However, several of the files reviewed by the NDDPI Verification Team did not document child specific discussion relating to this requirement or contained a prescribed statement that the student is able to participate in nonacademic, extracurricular, and enhancement activities with nondisabled peers.

#### Extended School Year Services

34 CFR 300.300 requires that a free appropriate public education be made available to all children with disabilities. 34 CFR 300.13 requires that services be provided in accordance with an appropriate IEP. In addition, 34 CFR 300.309 states that extended school year (ESY) services must be available as necessary in order to provide free appropriate public education to children with disabilities. The Sheyenne Valley Self-Assessment Report indicated that 100% of the files reviewed contained sufficient ESY documentation. The Unit director reports ESY training has recently been completed with staff. It was also reported that ESY services are provided in each school for those who need these services. However, this was not verified through interviews conducted by the NDDPI monitors.

Through file reviews of students' IEPs, NDDPI monitors determined that discussion to justify ESY services was not found in 33% of the files reviewed. During interviews conducted by NDDPI, there was limited understanding of the process to be used in determining the need for extended school year by some of the special education professionals interviewed.

#### 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. The purpose of this requirement is to identify courses that will lead to graduation and post schools outcomes. This requirement specifies that all anticipated coursework for the remaining high school be identified as thoroughly as possible to assist in determining if the coursework will lead to the determined post school outcomes. Eight files were reviewed for this requirement. In five of the eight transition files reviewed, this section was either not found or completed incorrectly.

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. The Statement of Needed Transition Services section of a student's IEP provides a coordinated plan for seamless services that identifies and specifies what must be done to prepare the student for adult life. Five files were reviewed regarding this requirement. In three of the five files reviewed, this section was either not found or sections were completed incorrectly. In addition, three of the five files reviewed did not address agency participation in IEPs when this would have been appropriate.

## SUGGESTION FOR IMPROVED RESULTS FOR CHILDREN

### Transition

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 students 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. This section differs from the Present Levels of Educational Performance (PLEP). Post School Outcomes identify a student's goals after graduation, while the PLEP identifies a student's current status. As a student gains skills and knowledge and moves towards graduation, there should be less variance between the two sections. In a few of the files reviewed, the PLEP and Post School Outcome section was combined into one document. The Department recommends that the Unit provide continued guidance to professionals responsible for writing transition IEP on the sequence and purpose for each of the transition requirements. There is "a flow" to the transition process that when done correctly will lead to a comprehensive, long-range, multi-year plan to prepare each student for adult life.

## 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.*

As indicated in the Sheyenne Valley Self-Assessment Report, 100% of the files reviewed provided a complete LRE justification statement. The summary of survey information included in the Self-Assessment showed that 61% of the general and special educators agreed that they received adequate information, training, materials, and personnel supports to implement each student's IEP. Eight-one percent stated that they have the opportunity to participate in staff development and training activities. Ninety-two percent of the educators surveyed, agreed that they have ongoing communication with other staff involved in the education of students with disabilities with whom they work. Eighty-three percent of the education staff surveyed stated that staff modify and adapt general education curriculum to meet the needs of students with disabilities in their classes.

As stated in the Unit's Self-Assessment Report, "the team feels that all students with disabilities within SVSEU are integrated with their peers to the greatest extent possible. This includes children in the 3-5 age group who are in regular kindergarten classes, early childhood programs within the school or who are seen as needed by itinerate special education staff in private preschool settings. Of the 367 students on the May 2003 Child Count, 72.2% are served primarily in the regular classroom setting, 14.2% receive resource room assistance, and 6.8% receive instruction primarily in a separate classroom. Students for whom LRE is Separate Classroom participate in classes such as Physical Education and Music with peers in most instances". On an annual basis, the Unit completes a building-by-building needs assessment to determine staffing needs. The results are used to provide needed information to determine

revision or increase of staff assignments for each building to assure that the least restrictive environment is available for each student with a disability in their home school.

During interviews conducted by the NDDPI monitoring team, respondents were asked to describe: the process that is used for determining the least restrictive environment for a student with a disability; the nature of the collaborative efforts between general education teachers and special education teachers; how general education teachers in the school system are supported when students with disabilities are in their classroom; how general education staff modify and adapt general education curriculum to meet the needs of children with a disability; and, how paraprofessionals participate in the provision of services for students with disabilities. Student file reviews included a check of documentation of LRE decisions, discussion of harmful effect and participation in general education.

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

#### STRENGTH

The Unit has completed a comprehensive needs assessment to determine staffing needs that would assist in the planning to provide the least restrictive environment for all students with disabilities. Several special education staff members have multiple special education credentials, which enhance the opportunity to provide comprehensive services.

The Unit works cooperatively with the local private school by providing services to students with disabilities attending the school.

#### SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

##### 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. A series of questions can be used to guide the decision regarding potential harmful effect, e.g. Will this student be stigmatized or feel excluded from the general education setting as a result of this placement? Will there be a detrimental effect on the child's social relationship if he does not attend his neighborhood school? Some of the files reviewed did not document discussion of potential harmful effect. NDDPI suggests further training in this area.

##### Modifications and Adaptations

In interviews conducted by the NDDPI monitors, staff members stated the need for improvement in efforts to modify and adapt the general curriculum to meet the needs of children with a disability. The Unit has provided training to both general and special education professionals in this area. It is recommended that the Unit continue to provide guidance and support in this area.

## 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 Sheyenne Valley Self-Assessment Report, 100% of the files reviewed indicated that the parents were involved in the assessment and IEP meetings. Of the 298 surveys sent out as part of the Collaborative Review process, 118 surveys were returned. Of the 40% of parents that responded, 94.1% felt that they were welcome in their child's school and treated with respect and 85.65% reported that they were satisfied with the special education program and services provided to their child. When asked if they understand what is discussed at the meetings to develop their child's IEP, and if they feel comfortable asking questions, expressing concerns, and offering their opinions, 89.8% agreed with this statement. Sixty-one percent of the parents responding to the survey agreed that they have been invited to participate in both general and special education parent trainings. Eleven percent disagreed with this statement.

Based on the analysis of returned parent surveys, the Sheyenne Valley Special Education unit has developed an Improvement Strategy to "increase parental understanding of the special education process, the characteristics of various disabilities recognized under IDEA, and the importance of parental involvement in the education of their children with disabilities".

The Unit has a Family and Educators Enhancement Team (FEET) that produces a newsletter and meets three times a year. The Unit has hosted a variety of trainings for parents such as FACTS for Families that relates to the special education process and a behavior management class for parents, daycare providers, Head Start and private preschool providers.

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 reporting progress to parents. Student file reviews completed by the NDDPI monitoring team included questions regarding parent participation in the evaluation and IEP process.

NDDPI reviewed and analyzed the data and identified the following strengths.

### STRENGTHS

The Sheyenne Valley Special Education Unit has demonstrated a strong commitment to involving parents in the educational process. 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 Unit provides a variety of parent opportunities relating to the special education process and to support communication between parents and between parents and the Unit.

## 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.*

The Sheyenne Valley Self-Assessment findings indicated that 97% of the files reviewed did contain the parent prior notice for assessment meetings and 100% contained the parent prior notice for IEP meetings. Over 94% of the parents surveyed reported they had received a written notice in their preferred language.

All of the files reviewed by the Unit's file review teams had a Record of Inspection form and a Record Locator form. A consent for the initial evaluation or reevaluation was found in 89% of the files.

During interviews conducted by the NDDPI monitors, respondents were asked, "When do you send prior notices to parents?" Student file reviews completed by NDDPI monitors during the Verification Review process included specific items for: prior notices, Record of Inspection form, Record Locator form, and parent consent for initial placement and for the initial evaluation and reevaluation.

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

### STRENGTH

In the previous monitoring report for the Sheyenne Valley Special Education Unit, the Unit was found out of compliance in several areas relating to procedural safeguards including: consent forms, Record of Inspection forms, and Record Locator forms. The Unit has made major improvements in all of these areas.

### AREA 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 education 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 staff members indicated an understanding of when to send prior written notices. Most of the files reviewed by the NDDPI monitors contained the prior notices but many of the required sections which provide additional explanation of the proposed action(s) were not included on the form. It appears that the Unit's computer software allows the user to eliminate these components instead of assuring that each component is added and completed. Unit training should focus on the requirement to complete all sections of the prior notice form appropriately.

### SUGGESTION FOR IMPROVED RESULTS FOR CHILDREN

The NDDPI monitors observed that the current paper file system varies greatly from school to school. The NDDPI team found it difficult to locate many important documents in some of the files. NDDPI encourages Sheyenne Valley Special Education Unit Director and Board to review the current record keeping systems being used by each school to determine which method is most efficient and then promote one common standard for an efficient and effective system of record management.