

June 9, 2003

Larry Long, Chairperson  
Souris Valley Special Services Unit  
Po Box 179  
Velva, ND 58790-0179

Dear Mr. Long,

The North Dakota Department of Public Instruction (NDDPI) Office of Special Education conducted a Verification Review in the Souris Valley Special Services Unit during April 1-4, 2003, for the purpose of assessing compliance in the implementation of the Individuals with Disabilities Education Act (IDEA) and assisting your Unit in developing strategies to improve results for children with disabilities. The IDEA Amendments of 1997 focus on “access to services” as well as “improving results for children and youth with disabilities.” In the same way, the Continuous Improvement Monitoring Process implemented by NDDPI is designed to focus federal, state, and local resources on improved results for children with disabilities and their families through a working partnership among NDDPI, the Souris Valley Special Services Unit, parents, and stakeholders.

In conducting its review of the Souris Valley Special Services 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 Souris Valley Special Services 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 Souris Valley Special Services Unit staff and Self-Assessment team members during our review. Throughout the course of the review, Ralph Charley, Director of Special Education, was responsive to requests for information and assistance from NDDPI personnel.

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

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

Sincerely,

Robert C. Rutten  
Director of Special Education

Cc: Ralph Charley

Enclosure

## EXECUTIVE SUMMARY SOURIS VALLEY SPECIAL SERVICES UNIT

The attached report contains results of the Collaborative Review and Verification Review phases of the North Dakota Continuous Improvement Monitoring of the Individuals with Disabilities Education Act (IDEA), Part B, implemented in the Souris Valley Special Services Unit during the 2001 – 2002 school year. The process is designed to focus resources on improving results for children with disabilities and their families through enhanced partnerships between the North Dakota Department of Public Instruction (NDDPI), the Souris Valley Special Services 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 Souris Valley Special Services Unit is in compliance with federal and state regulations. The Collaborative Review phase of the monitoring process included the completion of a Self-Assessment by a steering committee comprised of administrators, general education personnel, parents, and special education personnel. Special education teachers assisted the steering committee by providing additional input and consultation through the file review activities. Data for the Collaborative Review Process was compiled from a variety of sources. School district and special education unit policies and procedures were reviewed, student IEPs were reviewed, stakeholder groups were surveyed, and consultation was completed with other agencies providing services to students with disabilities. The Self-Assessment process included a synthesis of the quantitative data collected to address the six principles of IDEA and resulted in the completion of a unit improvement plan.

The Self-Assessment Steering Committee consisted of 21 individuals comprising parents (2), administrators (4), special education directors and coordinators (7), special education personnel (6) and a representative of the Region II Developmental Disabilities Program and the North Dakota Pathfinders Program. Committee representation included administrators from private schools including the Dakota Boys Ranch and a Parochial School. The Self-Assessment Steering Committee facilitated the Collaborative Review Process including completing seven Self-Assessment activities:

1. Parents were surveyed using forms recommended by NDDPI. A total of 56 parent surveys were returned, representing the parents of 3% of the children served through the Souris Valley Special Services Unit.
2. A total of 156 students, representing 8.5% of all students enrolled in the cooperating school districts special education programs, were surveyed using the NDDPI Student Survey form.
3. A total of 282 general education teachers, 110 special education teachers, 18 counselors, and 66 school administrators completed written surveys measuring satisfaction with the Souris Valley Special Services Unit and perceived competence in meeting the special education needs of the students served in the school districts.
4. A total of 30 professionals employed by other agencies in the Minot Region were surveyed to examine their perceptions of the services provided by the Souris Valley Special Services Unit.
5. A total of 281 special education student files were reviewed for compliance with the IDEA regulations for assessment, procedural safeguards/due process, and IEP development, utilizing the form provided in the NDDPI document *Special Education*

*Monitoring Manual: Collaborative Review Process.* The sample consisted of 15% of the files for all students served in special education by the cooperating school districts.

6. A total of 65 files for students with disabilities, ages 14-21, were reviewed using the DPI Transition Checklist.
7. Compliance worksheets were prepared in each of the topical areas including IEP, Procedural Safeguards, Assessment Planning, and Transition. The results were analyzed and recommendations generated for consideration in the design of an Improvement Plan. Programmatic issues were also analyzed and addressed in the Souris Valley Special Services Unit Self-Assessment Report to ensure that comprehensive and accurate information was used to identify issues necessary for the design of the unit improvement plan.

The Verification Review was conducted by NDDPI personnel on April 1-4, 2003 and included a review of the data collected by the Self-Assessment Steering Committee, interviews with school administrators, general education teachers, special education teachers and related service providers. Focused special education file reviews were conducted on the special education records of 27 students following the compliance issues reported by the Special Education Unit Steering Committee in their Self-Assessment report. The *1996 Souris Valley Special Services Unit P.L. 101-476 Compliance Monitoring Report and Three-Year Plan* were reviewed for comparison purposes with the current Verification Review. The *Souris Valley Special Services Unit Policies and Procedures Manual and the Souris Valley Special Services Unit Eligibility Document* (August 31, 2000) were reviewed to ensure that the revisions contained within the *1997 Reauthorization of the IDEA* were addressed in unit policy. Information obtained from these data sources was shared with Ralph Charley, Director, and other Steering Committee members in an exit meeting conducted on Wednesday, May 7, 2003.

The NDDPI staff members express their appreciation to the administrators, special education and general education teachers, students and parents, and other agency personnel in the Souris Valley Special Services Unit who participated in the monitoring activities. The efforts of all members of the Souris Valley Self-Assessment Committee represent a commitment of time and energy without which the multipurpose task of monitoring could not be completed.

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

Education of Children and Youth with Disabilities  
Part B of IDEA

**Strengths**

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

- The Souris Valley Special Services Unit has a staff of very competent, well-trained professionals including Program Coordinators, Social Workers, Psychologists, Related Service Providers, and Administrators. Many of the personnel have extensive experience, have been employed with Souris Valley for a number of years, and are viewed by personnel in the cooperating school districts as a significant strength.
- The extensive array of services available through the Souris Valley Special Education Unit is a significant strength. Examples include social work, nursing, assistive technology assessments, vocational evaluations, occupational and physical therapy, the Project MOVE laboratory, and adaptive physical education consultation.
- The Internal Monitoring Process developed under the leadership of Ralph Charley, Unit Director and used by the Souris Valley Special Education Unit is exemplary. The model provides ongoing monitoring and supervision of cooperating school districts to ensure compliance with the IDEA regulations.
- The collaboration with other agencies in the city of Minot and Region II is very impressive. Interagency collaboration was observed and reported at all levels including Infant Development, Head Start, First District Public Health, Trinity Hospital, Minot State University Communication Disorders Clinic, Developmental Disabilities, Vocational Rehabilitation, Job Service, North Dakota Pathfinders, and the Children's Services Coordinating Council.
- The student evaluation process was a significant strength for Souris Valley. The evaluations are well planned, well documented, and uniformly implemented across all school districts. The evaluations use multiple methods and assessment instruments and are implemented by well-training staff.
- The IEPs written by the special education teachers contained Present Levels of Education Performance that were well-written, gave a clear picture of the present level of functioning, and were written in such a manner that parents and general education teachers could understand them.
- The Souris Valley Special Services Unit has made significant progress in addressing issues related to the Least Restrictive Learning Environment (LRE) since last monitored by the North Dakota Department of Public Instruction in 1996. Several initiatives have been implemented that have resulted in student placements in less restrictive settings. The Justification of LRE sections of the IEPs reviewed by the NDDPI monitors are excellent.

## **Areas of Noncompliance**

NDDPI observed the following areas of noncompliance:

- Required components of additional procedures for evaluating students with specific learning disabilities were missing from integrated written assessment reports.
- Present Levels of Educational Performance (PLEP) were missing some required components.
- Annual goals did not include a desired ending level of achievement, did not contain a measurable intent, and were not attainable within one year.
- Some components of short term objectives, characteristics of services, and consideration of special factors were not fully documented in IEPs.
- Student IEPs did not include all of the required transition components for students age 14 and older.
- Documentation of Transfer of Rights to students at age 18 and notification that graduation constituted a change in placement was not found in student files.

SOURIS VALLEY SPECIAL SERVICES UNIT MONITORING REPORT  
TABLE OF CONTENTS

Introduction.....	6
Background, Administrative Structures and Children Served	
Verification Review and Data Collection	
Improvement Planning	
I. Zero Reject.....	8
A. Suggestions for Improved Results for Children	
II. Nondiscriminatory Evaluation.....	10
A. Strengths	
B. Areas of Noncompliance	
C. Suggestions for Improved Results for Children	
III. Free Appropriate Public Education.....	14
A. Strengths	
B. Areas of Noncompliance	
C. Suggestions for Improved Results for Children	
IV. Least Restrictive Environment.....	21
A. Strengths	
B. Suggestions for Improved Results for Children	
V. Parent Involvement.....	24
A. Suggestions for Improved Results for Children	
VI. Procedural Safeguards.....	25
A. Areas of Noncompliance	
B. Suggestions for Improved Results for Children	

## INTRODUCTION

Background, Administrative Structures, and Children Served: The Souris Valley Special Services Unit is an independent special education unit located in the north-central part of the state. The Unit serves 23 school districts. Special education students (1820) make up 12.9% of the unit's total student population as of December 2001.

The Souris Valley Special Services Unit has a professional staff of 39 professionals supervised by the Director. Special Education Teachers and Paraprofessionals are employed by the individual school districts. The special education staff consists of six school psychologists, a Vocational Special Needs Coordinator, five Program Coordinators, an Adaptive Physical Education Consultant, a Technology Coordinator, and three itinerant special education teachers. The Souris Valley Special Services Unit also employs 20 related services providers and support personnel including a nurse, two Certified Occupational Therapy Assistants (COTA), three bus drivers, two Occupational Therapists, eight Social Workers, a Business Manager, a Counselor, a Paraeducator Trainer, and two secretaries.

Verification Review and Data Collection: The Souris Valley Special Services Unit began the Collaborative Review process on October 2, 2001 by attending the state-wide training session held in Bismarck, ND. The Self-Assessment Report was submitted to NDDPI in March of 2003. The Self-Assessment Report included the data and analysis of student record reviews, survey information, and program performance indicators.

The North Dakota Department of Public Instruction (NDDPI) conducted a Verification Review Site visit to the Souris Valley Special Services Unit on April 1-4, 2003. The NDDPI conducted the site review to validate the Souris Valley Special Services Unit's Self-Assessment. On April 1, 2003, NDDPI staff members met with Ralph Charley, Director of the Souris Valley Special Services Unit, and the Self-Assessment Steering Committee to review and discuss the Self-Assessment Report. NDDPI visited a limited sample of the public school buildings served by the Souris Valley Special Services Unit, including the Minot Public School District and several of the cooperating rural school districts. Student record reviews of the files for 27 students were completed in the central office. The student file reviews consisted of a review of the Individualized Education Programs (IEPs), Integrated Written Assessment Reports (IWARs), and procedural safeguards documentation. A total of 67 interviews were conducted including 41 with special education staff, eight with general education staff members who teach children with disabilities in their classrooms, and 14 with administrators, and four with representatives from other agencies in the Minot region. Preliminary results and findings of the Verification Review Visit were presented to the Self-Assessment Steering Committee in a summary meeting on May 7, 2003.

### Verification Review: Significantly Noncompliant Individual School Building.

NDDPI monitors reviewed summaries and detailed reports of internal monitoring activities conducted within a specific school building served by the Souris Valley Special Services Unit. This school building has been identified to be in need of ongoing facilitated review due to significant noncompliance with the Individuals with Disabilities Education Act, Amendments of 1997 (IDEA 97). On February 24<sup>th</sup> and 25<sup>th</sup>, 2003, errors and omissions were noted in the areas of assessment, IEP components, and procedural safeguards. The internal monitoring team summary identified concerns with discrepancies in Child Count reporting, lack of documentation of Consent for Evaluation, lack of progress reporting to parents, lack of transition planning, and

lack of documentation of the additional requirements for Specific Learning Disabilities. This noncompliant school building will be identified by name in a separate letter to Ralph Charley, Special Education Director of the Souris Valley Special Education Unit.

As part of the NDDPI Verification Review conducted on April 1-4, 2003, Integrated Written Assessment Reports, prior written notices, and current IEPs were reviewed for students with disabilities attending the school building. In addition, NDDPI monitors conducted interviews with special education staff in that school building. The NDDPI Regional Special Education Coordinator made subsequent follow-up contacts for additional monitoring activities. Significant issues and concerns were identified including the use of an unlicensed teacher for the Emotionally Disturbed, isolation and segregation of programs for students with disabilities, improper procedures for the identification and placement in special education, and limited access to the general education curriculum. Intensive facilitated internal monitoring activities, intervention and improvement planning efforts must be conducted within this school building and quarterly reports submitted to NDDPI.

Improvement Planning: In response to this report, the Souris Valley Special Services 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 Souris Valley Special Services Unit will serve as a resource for improvement planning purposes, and will respond in writing to indicate approval of Improvement Strategies submitted by the Unit. If needed, the regional coordinator may be contacted for suggested formats to be used for the development and documentation of the Improvement Strategies.

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

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

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

#### Report Organization

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

## I. ZERO REJECT

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

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

Child Find activities are reported in the Souris Valley Special Services Unit Self-Assessment Report and include a public awareness campaign that is carried out in September of each year to generate increased community awareness of special education programs, parent and students rights, and the need for the early identification and services to children with disabilities. Activities carried out within the Souris Valley Special Services Unit include: (1) preschool selective screening; (2) in-school screening procedures; (3) procedures for addressing potential school dropouts; (4) ongoing inservice training to school personnel, parents, agency representatives, and organizations regarding Child Find activities; (5) coordination and cooperation with other agencies; and (6) transition planning with personnel from the Infant Development Programs in Williston, Minot, and Bismarck.

Planning for the transition from school to post-school environments begins at age 14 and includes the provision of specialized activities and services. The Souris Valley Special Services Unit strives to identify and support students who are at-risk for dropping out. Referrals are made to the Building Administrators to review the student's needs. If the school district personnel suspect a disability, a referral is made for an evaluation.

The Souris Valley Special Services Unit adheres to state and federal guidelines with respect to suspension and expulsion. The policy and procedures governing suspension and expulsion are found in the unit's policy handbook on page 33. There were no students with disabilities suspended for more than 10 days or expelled in the 2001-2002 academic year or thus far in the 2002-2003 academic year.

The Souris Valley Special Services Unit employs six certified school psychologists, eight social workers, and a Program Coordinator, all of whom have training in designing and implementing behavioral interventions. School Counselors and teachers of the emotionally disturbed who are employed by the cooperating school districts are also utilized to help support students with emotional adjustment difficulties. The school psychologists, social workers, school counselors, and special education personnel are involved in assisting in the development of behavioral intervention plans for students with disabilities whose behavior impedes their learning or that of others. Other private agencies, such as the Dakota Boys Ranch, collaborate with the Souris Valley Special Services Unit to ensure a full continuum of options for students with emotional and behavioral adjustment difficulties. Assessment procedures such as observation, functional behavior assessment procedures, and consultation are used to help develop and monitor behavioral intervention plans.

An analysis of the percentages of students served under each disability category indicated that the Souris Valley Special Services Unit is consistent with the state and national averages across

disability categories. The total number of students with disabilities in the special education unit on December 1, 2001, was 1,820. Approximately 12.67% of the student population in the unit are comprised of students with identified disabilities.

The Souris Valley Special Services Unit has a designated building level support team (BLST) in each school district or building that addresses the needs of at-risk students struggling with mastering the curricular content in the respective grades and classes. The BLST process and forms are consistently implemented across most school districts with adequate documentation maintained in the student files.

In surveys conducted as part of the Souris Valley Self-Assessment process, educators (special education teachers, general education teachers, and counselors) and administrators were asked if their school had sufficient pre-referral interventions and support services available to maintain at-risk students within the general education program. The results indicated that 71% of the educators and 79% of the administrators who completed the survey agreed with that statement. When asked whether they agreed or disagreed with the statement that “before their child was referred for special education services, other options within general education were tried or considered,” 60% of parents completing the survey agreed with the statement.

The NDDPI reviewed the files of 27 students on IEPs served through the Souris Valley Special Services Unit. Six out of 27 files (30%) reviewed contained documentation that prior interventions had been implemented with students in the general education setting prior to a referral for an evaluation. In 20 out of 21 applicable cases (95%), where additional needs were evident that could not be met through the general education curriculum, an evaluation had been completed prior to initial placement in special education. Parent involvement was documented in 20 out of 27 of the files reviewed, indicating 74% compliance.

Interviews conducted with general education and special education staff and administrators indicated that the BLST process is not used consistently in the schools. The formality of the team process was reported to vary from structured teams that meet regularly to informal teams that are created to address specific issues that arise. Several cases of school districts with no BLST team were reported. Even in the school districts and buildings reporting active and functional building level support teams, there was very little documentation of those activities contained within the student files.

Several concerns about the identification of students with disabilities in a timely manner were identified by parents and other agency representatives through the surveys and interviews. One parent reported that it took about four months before her child could begin to receive speech therapy. Another parent reported that she had “to beg for her to be tested”. A year and a half later the child was evaluated for a suspected disability. Another parent reported that “it took months before the initial evaluation for a disability was completed”.

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

#### SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

The Building Level Support Team process in many school districts must be revitalized. The teams referred to as Teacher Assistance Teams (TAT) in some school districts, have been

discontinued in many cases. The teams seem to have lost their momentum, mission, and perceived value for many administrators and teachers. Samples of comments made on the Educator Survey used by the Souris Valley Special Services Unit Self-Assessment Committee and during interviews conducted by the NDDPI Monitoring Team consisted of:

- “The building level teams receive little or no support from administrators in our building.”
- “The special education person on each team takes on the leadership role and takes on most responsibilities.”
- “Most team meetings result in referrals to special education, with little or no brainstorming for additional ideas for the classroom.”
- “We don’t have an organized team that meets regularly but the counselors go through the proper steps.”
- “Students are sent to special education by general (education) teachers and I’m not informed if the regular (education) teachers have had any kinds of meetings.”

The Souris Valley Special Services Unit is also strongly encouraged to expand the current internal monitoring procedures to examine pre-referral interventions, referral processes, and timelines.

## II. NONDISCRIMINATORY EVALUATION

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

The Souris Valley Special Services Unit requires assessment to be completed in a non-discriminatory manner. The assessment process includes the areas of planning with parents and teachers, conducting the evaluation, and determining appropriate services after a student is found to be eligible for special education under IDEA. Assessment is conducted in consideration of environmental, social, cultural, economic, and sensory factors in order not to be racially or culturally discriminatory. Policies and procedures relative to the Nondiscriminatory Evaluation process are contained in the *Souris Valley Special Services Unit Policies and Procedures Manual*. The changes in the reevaluation process outlined in the 1997 Reauthorization of the IDEA are addressed in the *Souris Valley Special Services Eligibility Document* (August 2000).

The Souris Valley Special Services Unit has adopted the *Special Education in North Dakota Guidelines: Evaluation Process* (1999) for use in conducting and documenting the evaluation process. Parents are notified and involved when an assessment plan is being written and when a meeting is scheduled to write the Integrated Written Assessment Report.

The Souris Valley Special Services Unit’s Self-Assessment Team conducted file reviews on the assessment reports for 277 students with disabilities and identified 13 out of 22 areas that were at an 85% compliance level or higher. These areas included:

- Ninety-one percent (91%) of the files contained documentation of a current evaluation.
- Ninety-one percent (91%) of the files documented parent involvement in assessment planning.
- Eighty-six percent (86%) documented parent prior notice for the meeting to write the Integrated Written Assessment Summary.
- Ninety-one percent (91%) contained documentation of a consent for evaluation form in the file for an initial evaluation or a reevaluation.

- Ninety-nine percent (99%) contained documentation that an evaluation was completed prior to the initial placement in special education.
- Eighty-eight percent (88%) contained documentation that a reevaluation, or verification by a multidisciplinary team that no additional information is needed, had been conducted every three years.
- Ninety-one percent (91%) of the files were rated as being comprehensive for assessing students in all areas of suspected disability.
- Ninety-seven percent (97%) of the files documented that an assessment was conducted prior to determining that the student is no longer a student with a disability.

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

- Seventy-five percent (75%) contained documentation that parents had received prior notice to attend the assessment planning meeting.
- Seventy-five percent (75%) contained an integrated written assessment report.
- Sixty percent (60%) contained documentation of the Teacher Assistance Team (TAT) process prior to an initial referral for special education.
- Fifty-six percent (56%) contained evidence with documentation of the Step I process (parent/teacher meetings to resolve issue).
- Forty-eight percent (48%) contained evidence with documentation of the Step 2 process (BLST meetings).

The percentage of students with disabilities in the special education unit who participate in statewide assessments is consistent with the statewide averages.

The NDDPI reviewed the assessment files of 27 students served through the Souris Valley Special Services Unit. Seven of the student files were for students identified as having a specific learning disability. The NDDPI Monitoring Team verified many of the strengths identified in the Souris Valley Special Services Unit Self-Assessment Report, including each of the following standards that were found to be in substantial compliance of 85% or higher:

- Evaluation completed prior to initial placement 95%.
- Most current evaluation found in file 93%.
- Student profile complete 88%.
- Assessment comprehensive of all areas related to suspected disability 92%.
- Test instruments administered by trained personnel 100%.
- Multiple measures were used 100%.
- Multi-disciplinary team included a parent, general education teacher, and a special education teacher 92%.
- Multi-disciplinary team included an individual who can interpret the instructional implications of the evaluation results 100%.
- Multi-disciplinary team included other individuals who have knowledge and special expertise regarding the child 100%.
- An Integrated Written Assessment Report (IWAR) was prepared 91%.

The NDDPI Monitoring Team reviewed the files for seven students diagnosed with Specific Learning Disabilities (SLD). The intent of the review was to examine the additional requirements necessary for the documentation of the specific learning disability. None of the standards reviewed in this section were found to be at 85% compliance or higher.

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

### STRENGTHS

The Souris Valley Special Services Unit is consistently using the multidisciplinary team assessment process recommended by the North Dakota Department of Public Instruction. An initial assessment planning meeting is held, the evaluation is conducted and a second team meeting is held to discuss the results of the evaluation. The school districts are to be commended for the consistent use of the team, including all required team members (parents, general education teachers, special education teachers, and administrators). The staff members are consistently using the Souris Valley Special Services Unit form, resulting in unit-wide compliance with a substantial majority of the standards. The process is being used for initial evaluations and three-year reevaluations.

Additional strengths include the use of trained personnel in the administration of all test instruments and the use of multiple measures for the diagnosis of a disability.

### AREAS OF NONCOMPLIANCE

*34 CFR 300.534(b) A child may not be determined to be a child with a disability: (1) if the determinant factor for that determination is (i) lack of instruction in reading or math; or (ii) Limited English Proficiency.*

During file reviews conducted as part of the Souris Valley Special Services Unit Verification Review, the NDDPI Monitors reviewed the files of 23 students for whom an assessment for determination of eligibility had been conducted. The reviews were designed to determine if the files included documentation that prior to initial referral, instruction was provided appropriate to age and ability level in the areas of math and reading instruction and limited English proficiency. This included evidence that the building level support team documented prior interventions. Files reviewed by the NDDPI monitors contained documentation that the disability was not due to lack of instruction in reading or math in only 14 out of 23 files, indicating 61% compliance. Evidence that Limited English Proficiency was not a factor was documented in only 12 out of 21 files reviewed, indicating 57% compliance.

*34 CFR 300.541 Criteria for Determining the existence of a specific learning disability if (a) A team may determine that a child has a specific learning disability if- (1) The child does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in paragraph (a) (2) of this section, if provided with learning experience appropriate for the child's age and ability levels;*

The NDDI Monitoring Team reviewed the files of six students diagnosed with a specific learning disability. The necessary documentation of prior interventions to assure that learning experiences appropriate for the child's age and ability levels had been provided was contained in only three out of six files, indicating 50% compliance.

*34 CFR 300.541 Criteria for Determining the existence of a specific learning disability if (a) A team may determine that a child has a specific learning disability if- (2) The team finds that a*

*child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:*

The NDDPI Monitoring Team reviewed the files of seven students diagnosed with Specific Learning Disabilities and found that the severe discrepancy between achievement and intellectual ability was documented in only three out of seven files, indicating 43% compliance.

*34 CFR 300.341 Criteria for determining the existence of a specific learning disability. (b) The team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of (1) A visual, hearing, or motor impairment; (2) Mental retardation; (3) Emotional disturbance; or (4) Environmental, cultural, or economic disadvantage.*

The NDDPI Monitoring Team found the necessary documentation of the exclusionary components in three out of seven files reviewed for students with Specific Learning Disabilities. This indicated 43% compliance with this regulation.

*34 CFR 300.542. Observation (a) At least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.*

The NDDPI Monitoring Team, in reviewing the files of seven students diagnosed as having a Specific Learning Disability, found documentation of an observation conducted by a team member other than the child's general education teacher in only 3 out of 7 cases, indicating 43% compliance to this regulation.

*34 CFR 300.543 Written Report. (a)(5) The educationally relevant medical findings, if any; (6) Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services; and (7) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.*

The NDDPI Monitoring Team found the necessary documentation for both educationally relevant medical findings and the effect of environmental, cultural, or economic disadvantage in only 5 out of 7 files, indicating 71% compliance with these provisions. The documentation of the need for special education was also contained in only 5 out of 7 files, indicating 71% compliance.

*34 CFR 300.543 Written Report. (b) Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement present his or her conclusions.*

The NDDPI Monitoring Team found the required signature of each team member indicating agreement with the report in four out of seven reports, indicating 57% compliance.

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

NDDPI Monitoring Team reviewed the files for 13 students for whom reevaluations had been considered. The provisions for indicating that no additional information was needed were found in only nine out of thirteen of the Student Profiles (69%) and eight out of thirteen (61%) of the Integrated Written Assessment Summaries. Parents were notified that no additional information was needed in only one out of eight of the evaluations, indicating 12% compliance.

### SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

#### Staff Training:

All special education teachers and other personnel involved in conducting student evaluations would benefit from a review of the basic evaluation requirements contained in the IDEA, Amendments of 1997, with an emphasis on the reevaluation process. Several areas of weakness, some verging on noncompliance, were identified. Although these areas indicate errors of omission, they do not appear to indicate deficits in underlying knowledge or skill development.

The NDDPI Monitoring Team reviewed the files for 24 students who had received a reevaluation. The timelines for assuring an evaluation every three years were documented in only 18 of the files, indicating 75% compliance. The lapses in time ranged from 3 months to up to one year.

The NDDPI Monitoring Team reviewed the files of 25 students for whom an evaluation or reevaluation had been conducted. Current classroom based assessments and observations were found in only 11 out of 14 applicable files, indicating 78% compliance. Observations by a teacher or related service provider were found in only 17 out of 25 files, indicating 68% compliance. Several general education teachers who completed the written survey used by the Souris Valley Special Services Unit Self-Assessment Committee commented on the reliance placed on standardized tests rather than student observations. One teacher commented “Souris Valley Special Services staff members who are not in the schools have a lot to say in the IEP of a student, yet they never observe classroom behavior. Their input holds more weight at times than the classroom and LD teachers. I would like to see the testers do some classroom observations before an IEP meeting. Testing is only a piece of the puzzle”.

The Souris Valley Self-Assessment Team completed a file review of 39 students no longer receiving special education services and found that an assessment had been completed prior to discharge in 38 of the 39 cases, indicating 97% compliance. The NDDPI Monitoring Team, however, identified a file in the random sample of 27 student files reviewed that did not meet this criterion. The Souris Valley Special Services Unit is strongly encouraged to expand the internal monitoring procedures to specifically examine this requirement in all students dismissed from special education.

### III. FREE APPROPRIATE PUBLIC EDUCATION

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

The Souris Valley Special Services Unit’s Self-Assessment Report identified 17 out of 22 areas of compliance with FAPE. Regulations at the 85% compliance level or greater. Areas of identified compliance consisted of:

- Prior Notice provided to parents 92%.
- IEP meeting held within 30 days of determination of eligibility 95%.
- Primary disability listed on the IEP 97%.
- All required team members in attendance 91%.
- File contains documentation of attempts to contact parents not present for participation and input 85%.
- Present levels of educational performance meet criteria 94%.
- Annual goals are present and reflect the Present Level of Educational Performance 90%.
- Short-term instructional objectives are measurable 86%.
- Characteristics of services include participation in general education 90%.
- Adaptations of education services are included 94%.
- Participation in district and state assessment is included 97%.
- Positive behavior intervention strategies are included 96%.
- Physical education is addressed 97%.
- Participation in academic and nonacademic activities is addressed 99%.

All students with disabilities have ongoing access to general education curriculum. Souris Valley collaborates with the special education staff employed by the 23 school districts to ensure that FAPE is provided to each child with a disability. A full continuum of program options is available including student participation the general education classroom and participation in portions of traditional classroom instruction, elective classes, and specific projects being carried out in classrooms. These services within the general education setting are supplemented with resource room special education services, supplemental training, related services, and alternative curriculum when appropriate.

When surveyed by the Souris Valley Special Services Unit Self-Assessment Committee, educators agreed with the statement “Students with disabilities in special classes are provided with similar content area curriculum as that taught to students who do not have disabilities of the same age/grade” in 93% of the cases. Parents agreed with the statement “My child has the opportunity to be involved with students who do not have disabilities in school activities such as clubs, sports, field trips, and assemblies” in 93% of the cases. Of the students who responded to the survey, 93% in grades 6-8 and 96% in grades 10-12 agreed with the statement “I am in classes with students who are not in special education programs.” A large percentage of parents (89%) felt that their child had the accommodations needed to participate in her or her education program. The survey results indicated that 87% of the agency representatives who responded to the survey felt that necessary personnel and other resources are provided to meet the needs of students with disabilities. The survey indicated that 90% of the agency representatives have attended IEP meetings and have had meaningful input into the development of the students’ IEPs.

Students with disabilities are reported to have equal access to, and opportunities to participate in, extracurricular activities to the extent appropriate. Ninety-eight percent (98%) of parents and 97% of staff indicated that the opportunity to participate in all school activities is available to students with disabilities. Students agreed with the item on the student survey that “I have the opportunity to be involved in extracurricular activities” in 98% of the cases. Ninety eight percent (98%) of all students and 94% of all parents surveyed reported that they are satisfied with the education services they are receiving.

The Souris Valley Special Services Eligibility Document states on page 10 that the unit “adheres to the policies, standards, and procedures relating to the Individualized Education Program as set forth in *Guidelines: Individualized Education Program Planning Process*, 1999.” This document, prepared by the North Dakota Department of Public Instruction, addresses all of the necessary components to ensure compliance with the IDEA regulations. The Souris Valley Special Services Unit provides training to all staff members in the fall of each school year on the state recommended policies and procedures.

When students were asked if “Teachers set challenging goals and have high expectations for me,” 94% of the students agreed with the statement. Eighty-seven percent (87%) of the parents agreed with a similar statement “Teachers set challenging goals and have high expectations for my child.” Parents agreed with a similar item “I believe that my child is being taught similar grade level curriculum as that being taught to students who do not have disabilities of the same age/grade” in 96% of the cases.

The Souris Valley Special Services Unit Self-Assessment Committee reviewed the files for 65 students, ages 14 and older. The structured review of transition files indicated compliance rates of 85% or higher in ten out of 37 areas of transition planning. Areas identified by the Souris Valley Special Services Self-Assessment Committee as being in significant compliance consisted of:

- Prior written notice indicates that the IEP meeting will be for the purpose of developing a transition plan 91%.
- The Prior Notice indicates the date, time, location of the meeting and who will be invited 92%.
- The Prior Notice informs the parents that they may invite others 91%.
- The Present Level of Educational Performance includes Jobs and Job Training (95%), Recreation and Leisure (91%), Independent Living (97%), Community Participation (95%), and Post Secondary Services (90%).

Educators completing surveys agreed to the statement “Staff members in my building/program participate in the development and implementation of the transition IEP for students with disabilities age 14 and over” in 91% of all cases. Educators expressed agreement to the statement that “My school collaborates with community-based agencies to provide services to students with disabilities” in 93% of the cases. Several questions on the student survey related to transition topics. Eighty-seven percent (87%) of students 14 years of age or older agreed with the statement that “they were asked to participate in the development of their IEP.” Ninety-three percent (93%) of the students expressed agreement with the statement that “I think my classes and school work will help me later when I am done with high school.” Ninety-three percent (93%) of the students who are 17 years of age or older reported that they had been informed of their rights regarding educational services. Parents expressed agreement to the survey item “Both my child and I have been involved in planning for transition to post-school experiences as part of the IEP development” in 94% of the cases.

The NDDPI reviewed the Individualized Educational Programs (IEP) for 27 students with disabilities. Fourteen of the files represented students of transition age, age 14 years to 21 years. A current IEP was found in the file for each of the 27 student files reviewed, indicating 100% compliance. All 27 files contained documentation that for the initial IEP the meeting was held within 30 days of eligibility determination. Of the students who had been receiving special

education services for more than one year, 78% of the IEPs had been reviewed annually. The NDDPI Verification Review Team verified several of the areas of compliance identified by the Souris Valley Special Services Unit Self-Assessment Team and identified several additional areas of strength. The NDDPI Monitoring Team verified each of the following standards at 85% or higher.

- The IEP team includes all necessary participants including an administrator (96%), a general education teacher (92%), the parent (92%), and the special education teacher (100%).
- For parents not attending the IEP meeting, file documents attempts to obtain participation and input (100%).
- The Present Level of Educational Performance (PLEP) is understandable to parents and general education teachers (96%).
- The PLEP gives a clear picture of present level of functioning in cognitive functioning (100%), academic performance (96%), communication status (96%), motor ability (93%), sensory status (93%) health/physical status (85%), social, emotional, behavioral, and ecological (93%), and functional skills (85%).
- Annual goals are individualized (100%).
- Objectives contain conditions or circumstances under which the behavior is to be performed (85%), specific behaviors (96%) and criteria for attainment (89%).
- Objectives are sequential (89%) and are individualized (96%).
- IEP contains Adaptations section (85%) that is complete and relates to the PLEP (89%).
- IEP contains Progress Reporting to Parents section (100%) that addresses each goal (100%).
- IEP includes a delineation of the special education services to be received including projected dates for the beginning of services (100%), anticipated frequency of services (96%), location of services (96%), and duration of services (100%).

The NDDPI Monitoring team reviewed additional standards relative to the design of transition planning components for 14 students age 14 and older. The following standards were found to be in substantial compliance.

- Transition noted as purpose of IEP meeting (85%).
- The IEP contains the section Statement of Needed Transition Services (87%) that identifies the needs for the student while in high school to accomplish the Post-School Outcomes (87%).

Special education teachers (41) who were interviewed adequately described the IEP planning process including the use of a multidisciplinary team that includes the student and/or parent, the special education teacher, a general education teacher, an administrator, and other team members as needed. All 41 teachers were able to describe how annual goals and objectives are developed for each child and describe how and when assistive technology needs are met for all students.

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

## STRENGTHS

The documentation of the deliberations of the Individualized Education Program (IEP) planning teams is very strong in several areas. The Present Level of Education Performance section was well written in a significantly high number of IEPs reviewed and contained all of the required components. The PLEPs gave a clear picture of the child's present level of functioning in most areas and were written in such a manner that parents and general education teachers could

understand them. The majority of the IEP meetings that were held contained all required team members and documented the attempts to secure input from team members, such as parents and general education teachers, who could not be in attendance. However, as indicated below several specific elements of the PLEP were noted to be missing in IEPs reviewed by NDDPI monitors.

## AREAS OF NONCOMPLIANCE

### Present Level of Educational Performance

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

The NDDPI Monitoring Team reviewed 27 IEPs during the Verification Review visit. Only 18 IEPs (67%) contained an adequate description of how the disability affects the child's involvement and progress in the general education curriculum. Twenty-two PLEPs described patterns of functioning (81%) and 18 PLEPs described the needs for special education (74%). For preschool students, how the disability affects participation in appropriate activities was adequately documented in only one out of two IEPs reviewed, indicating 50% compliance.

### Contents of IEP

*34 CFR 300.347* The Present Level of Educational Performance, of students aged 14 and above, must contain current information relevant to present level of performance in the areas of jobs/job training, recreation & leisure, community participation, independent living, post secondary, and related services. These components were rated by the NDDPI Monitoring Team as being in compliance after reviewing 14 transition IEPs:

- Jobs and job training 78%.
- Recreation and leisure (71%).
- Independent living (64%).
- Community participation (64%).
- Post-secondary training and learning opportunities (71%).
- Related services (57%).

### 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 resulting from the child's disability.*

The NDDPI Verification Review Team verified compliance for goals that contained a behavior or skill, have a basis in the PLEP, and are individualized. Only eight out of 27 (30%) contained goals that included a desired ending level of achievement. Twenty-one out of 27 contained an intent or purpose (78%) and only 10 out of 27 files (37%) contained goals that were rated by the monitors as being reasonable attainable within one year.

The NDDPI Verification Review Team also reviewed approximately 90 sets of objectives contained within the multiple goals for the 27 IEPs reviewed. Although the majority of the objectives contained conditions or circumstances under which the behavior is to be performed, specific behaviors, and criteria for attainment, the evaluation schedules and procedures were often missing. Evaluation procedures were found in 19 out of 27 IEPs, indicating 70%

compliance, and schedules for determining if the objectives are met were found in 14 out of 27 IEPs, resulting in 52% compliance.

#### Characteristics of Services (COS)

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

Out of a total of 27 files reviewed by the NDDPI monitors, only 18 files contained justification for removal of the child from the general education setting, resulting in 67% compliance. Other components of characteristics of service that were often missing included:

- Stating where each goal/objective will be carried out (74%).
- Stating who will carry out each goal/objective (81%).
- Stating who will monitor progress for each goal/objective (70%).
- Providing justification for removal from the general education setting (67%).

#### Special Factors

*34 CFR 300.346 Development, review, and revision of IEP. (2) Consideration of special factors. The IEP team also shall (i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies and supports to address that behavior; (v) consider whether the child requires assistive technology devices and services.*

The NDDPI Monitoring Team reviewed the files for 15 students with emotional disorders as a primary or a secondary disability or students with a significant history or behavior management concerns. It was determined that only seven (7) out of 10 files adequately addressed the interventions, strategies, and supports needed to adequately address the behaviors reported. Behavioral interventions were included in only 11 out of 15 files (73%) and a necessary behavior management plan was found in only six out of 10 IEPs (60%). During interviews conducted by the NDDPI Monitoring Team during the Verification Review, special education teachers were asked to “Describe the kinds of interventions and strategies used to support students with emotional, behavior, or discipline problems.” Concerns were expressed by the NDDPI monitors in 11 out of 41 cases. Three out of 14 administrators and two out of eight general education teachers interviewed were rated as providing responses that were of a concern.

Out of the 27 IEPs reviewed, only 19 adequately addressed whether Assistive Technology devices and services are needed, resulting in 70% compliance. This is consistent with the concerns identified by the Souris Valley Special Services Unit Self-Assessment Team through the file review and educator survey.

#### Transition Services

*34 CFR 300.347 Content of IEP (b) Transition Services. The IEP must include- (1) For each student with a disability beginning at age 14 (or younger if determined appropriate by the IEP team, and updated annually, a statement of the transition services needs of the student under the applicable components of the student’s IEP that focuses on the student’s courses of study (such as participation in advanced-placement courses or a vocational education program); and (2) for each student beginning at age 16 (or younger if determined appropriate by the IEP team) a*

*statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.*

Several areas of noncompliance in writing Transition Plans were identified by the Souris Valley Special Services Self-Assessment Team and verified by the NDDPI Monitoring Team.

Areas found to be in significant noncompliance consisted of:

- The student is invited to his or her IEP meeting was adequately documented in only 10 out of 13 Prior Notice forms, resulting in 77% compliance.
- In those cases where the student was not in attendance, his or her preferences and interests were considered and documented in only three out of seven cases, resulting in 43% compliance.
- The Post-School Outcomes, or goals for after high school, were not adequate in the transition plans. Employment was addressed in only 36% of the IEPs, Recreation and leisure in 29%, Independent living in 43%, Community participation in 29%, and Post-secondary training in 43% of the IEPs.
- Graduation dates were identified in only eight out of 14 cases, resulting in 57% compliance.
- The IEP contained at least one transition goal aligned with the Post-School Outcomes in only three out of 14 cases, resulting in 21% compliance.
- The Statement of Transition Service Needs addressed a complete course of study through 12<sup>th</sup> grade in only 7 out of 14 cases (50%), credits needed for graduation in 5 out of 14 (36%) and course work necessary for preparation of the Post-School Outcomes in only 7 out of 14 cases (50%).
- The Statement of Needed Transition Services addressed Instruction in only 5 out of 8 cases (75%), Community Experiences in 5 out of 8 cases (62%), Employment in 6 out of 8 cases (75%), Related services in 5 out of 8 cases (62%) Adult living/post school settings in 6 out of 8 cases (75%), Daily living skills in 5 out of 8 cases (62%), and Functional vocational assessments in 4 out of 8 cases (50%).
- In a review of the transition plans for eight students age 16 and older, the NDDPI monitors found that agency participation was not adequately documented. The prior notice documented an invitation in only 3 out of 8 cases, indicating 37% compliance. Documentation of the agency role was included in only 3 out of 8 cases (37%). Only 4 out of eight IEPs (50%) identified all parties necessary while the student was in high school and after high school to accomplish the Post School Outcomes. Documentation of the participating agencies' provision of agreed upon services was considered adequate in only 3 out of 8 transition plans. The transition requirements were reviewed and updated annually in only 5 out of 8 plans reviewed, indicating 62% compliance.

## SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

### IEP Review

Although the NDDPI Monitoring Team found that 100% of the IEP's reviewed were current, only 21 out of 27 documented a review within a one-year period, resulting in 78% compliance. IEP lapses that were noted varied from one week to several months. The Souris Valley Special Services Self-Assessment Committee found this to be true in 204 out of 275 cases examined, resulting in 74% compliance. The special education teachers must be reminded of the requirement to review the IEPs within a twelve-month period, and plan accordingly.

### Extended School Year Services.

The NDDPI Verification Review Team found documentation of the ESY considerations for each student with a disability were in 23 out of 27 IEPs, indicating 85% compliance. The Souris Valley Self-Assessment Committee, using a much larger sample of 279 files, also identified 15% of the files (43) that were not in compliance. Concerns were also expressed during the interviews with special education teachers about the appropriateness of the knowledge that the teachers possess about the parameters of these requirements. Special education teachers and administrators who were interviewed expressed inconsistent knowledge of the standard and the implementation of the practice in the Souris Valley Special Services Unit. Misconceptions expressed included addressing only a single criteria (severe regression over the summer), having only general education programs available for students, and making the decision based on a category of disability rather than addressing it individually for every student. It also appeared that the process for consideration of the need for Extended School Year (ESY) services was not being uniformly addressed across all school districts. Although the teachers expressed an awareness of the ESY requirement, and expressed concerns that more of their students may be eligible, the teachers were uncertain about “who” qualifies and “why”.

### Documentation of Nonacademic and Extracurricular activities

File review findings from the NDDPI Verification Review indicated that nonacademic and extracurricular activities were documented appropriately in 17 out of 27 files, indicating 63% compliance. Concerns were also expressed by the NDDPI monitors in four cases when special education teachers were asked to “Describe the planning process for how students with disabilities are involved with extracurricular activities.” When students were asked, however, if “they had received encouragement to be involved in extracurricular activities, 98% agreed with this statement. Parents also confirmed a high level of participation when they responded affirmatively to the same statement in 98% of the surveys. The teachers working within the Souris Valley Special Services Unit would benefit from a review of the requirement to provide a proactive approach to identifying nonacademic and extracurricular services and activities for students with disabilities. This includes differentiating between options considered and options selected, not just listing activities in which the student is currently involved.

### Internal Monitoring Process

It is recommended that the Souris Valley Special Services Unit continue the unit’s internal monitoring process in the area of *IEP review*. In addition to quantitative aspects of compliance monitoring, an emphasis should be placed on qualitative aspects of the development of IEPs. A sequential and systematic method, using a combination of orientation training, training in documenting the IEP and assessment processes, and peer mentoring, would serve as a proactive approach to preventing compliance issues.

## 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 Souris Valley Special Services Unit abides by the federal rules and regulations regarding placement of students with disabilities in general education settings with non-disabled peers to the maximum extent possible. Individual student placement options are discussed and

determined by the student's IEP team. IEP teams always begin these discussions keeping in mind the principle of least restrictive environment (LRE). File review data from the Souris Valley Special Services Unit's Self-Assessment Team indicated that of 279 files reviewed, 223 files (83%) were found to contain adequate justification of LRE including participation in general education.

The Souris Valley Special Services Unit Self-Assessment surveys included questions for administrators, professional and paraprofessional staff, parents, and students to respond to items that addressed the issues and philosophy of least restrictive environment. When administrators were asked if "Students with disabilities are provided with similar content area curriculum as non-disabled students of the same age/grade," 97% of responses were rated as "Agree." When asked if "I have high expectations for students with disabilities and expect them to achieve commensurate with the general education peers," 98% of the administrators responded with "Agree." Ninety-six percent (96%) of the parents completing the survey indicated that their child "was being taught similar grade level curriculum as that being taught to students who do not have disabilities of the same age and grade." Although the parent survey did not specifically address parent satisfaction with the extent of time their child is included in the general education setting, other indexes of parent satisfaction were used to generalize their perceptions of LRE. The parents reported being satisfied with the education program provided to their child (94%), parents understand and participate in the IEP process (96%), and parents think the "teachers set challenging goals and have high expectations for my child" (87%). When students were asked if they agreed with the statement "I am in classes with students who are not in special education programs, 93% expressed agreement. Ninety-four percent (94%) of the students agreed that "My teachers set challenging goals and have high expectations for me," and 98% expressed satisfaction with the special educational services they were receiving.

The NDDPI reviewed the Individualized Educational Programs (IEP) of 27 students served through the Souris Valley Special Services Unit to examine the adequacy of the documentation of the planning process for deriving at the LRE for each student placed in special education. Additionally, interviews were conducted with teachers and administrators to verify the use of a team decision making process in determining the LRE for each child.

The review of 27 student files indicated adequate justification of LRE. The Souris Valley Special Services Unit student files were in significant compliance for each of the following LRE standards:

- Supplementary services are provided in conjunction with general education placements 100%.
- Evidence the child is educated in the neighborhood school unless other arrangements are identified by the IEP team 96%.
- Child's placement is based on the IEP 100%.
- The child is educated with children who are non-disabled 96%.
- Removal from general education environment occurs only when determined necessary by the IEP team-96%.
- Evidence that school/classes attended are age appropriate 96%.
- LRE contains sufficient documentation in justification section of reasons LRE options were chosen and other options rejected 100%.
- Participation in general education is indicated 100%.

Sixty-one educators and administrators were interviewed during the NDDPI Verification Review. When asked to describe the LRE planning processes, the majority of respondents reported a process that used a team approach that considered the least restrictive learning environment in which the outcomes selected for the child could be adequately addressed. There were no concerns expressed by either the educators or the administrators about the willingness of the general education teachers to work with students with disabilities, make modifications, and adapt the general education curriculum to meet the needs of all students. The teachers responding to the survey item “general education staff modify and adapt general education curriculum to meet the needs of students with disabilities in their classes” indicated agreement in 90% of the cases. Administrators indicated agreement to the same item in 92% of the cases.

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

### STRENGTHS

The Souris Valley Special Services Unit has made significant progress in addressing the educational needs of students with disabilities in the least restrictive learning environment. Remarkable progress has been made in the past five years indicating the high priority placed on LRE by the administration of the Souris Valley Special Services Unit. Students with varying ability levels were observed in a constellation of settings across all school buildings. Separate programs for students with emotional disturbances, mild and moderate mental retardation, and preschool students are no longer used as an exclusionary form of intervention. The use of Educational Strategists has been encouraged to enable more students with mild disabilities to be served in their home school districts or neighborhood schools.

The documentation of the LRE planning process was excellent across all IEPs reviewed. Evidence that the child was educated with children who are not disabled and the level of participation in the general education curriculum were consistently included in all IEPs. When parents were asked if their child “has the opportunity to be involved with students who do not have disabilities in school activities,” 98% agreed with this statement.

### SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

The staff members employed in the school districts served by the Souris Valley Special Services Unit would benefit from ongoing training on documenting the assurances for educating students with disabilities in the least restrictive learning environment. Although it is very difficult to question the deliberations of an IEP team when reviewing files at a later date, the vast majority of the files reviewed had checked the item as “no” for the consideration of potential harmful effects. Since some of the IEPs reviewed contained programs requiring removal of the student from the general education setting for more than 60% of the school day, it is doubtful that there is a clear understanding of the requirements of this regulation. The intent is to identify any potential harmful effect for any removal from general education and then to design proactive steps to minimize the anticipated potential harmful effect. Special Education teachers interviewed by the NDDPI Monitoring Team did not express this knowledge.

The administration of the Souris Valley Special Services Unit is strongly encouraged to continue the high priority that has been placed on LRE and to pursue additional systems-change initiatives designed to address LRE for all students with disabilities. There are still a few students with

severe disabilities who are being educated in a self-contained program that is not in an age-appropriate school building (high school). Another concern is for students being educated in one specific building identified as significantly noncompliant. Students in that building are educated in an isolated part of the building, with some students served through a day-treatment program off campus. The administration has identified the concern and is currently taking steps to address the parameters of the issue.

## V. PARENT INVOLVEMENT

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

The Souris Valley Special Services Unit Self-Assessment Team implemented surveys with parents to determine the parents' knowledge of the IDEA regulations and their comfort level in exercising their rights under the IDEA. Fifty-six parents were surveyed, using the State recommended form. When asked if they agreed with the statement, "I am asked to participate in the development of my child's Individualized Education Program," 95% of the parents responded affirmatively. Ninety-three percent (93%) of the parents agreed that they understand what is discussed at the IEP meetings, and feel comfortable asking questions and expressing concern when needed. Ninety-one percent (91%) of the parents agreed that they have the opportunity to participate in both general and special education parent activities.

The Souris Valley Special Services Unit's Self-Assessment Team's *Student Survey* contained questions on the student's perception of their level of participation in their educational program. When asked if they feel "welcome in my school and am treated with respect," 90% of the students agreed. Students age 14 and older agreed 98% of the time to the statement "I am asked to participate in the development of my IEP and to help decide what classes and services I need." Ninety-four percent (94%) of the students agreed with the statement "I am aware of how my disability impacts my educational performance."

The NDDPI reviewed the most recent student evaluation or reevaluation for 27 students. Parents were in attendance at the meeting to discuss the integrated written assessment report in 23 out of 24 applicable cases, indicating 96% participation rate. Documentation of the participation in the IWAR report was included in only 74% of the cases. Parents were in attendance at the IEP meetings in 25 out of 27 cases, indicating a 92% participation rate. The documentation of their contributions in the IEP document was found in only 21 out of 27 cases (78%).

Student participation in the IEP, for students age 14 and older, was documented in only 8 out of 11 cases, indicating 73% compliance. The student's perceived needs for transition-planning outcomes was documented in only 8 out of 14 IEPs, indicating 57% compliance. Student preferences and interests were documented in only 7 out of 14 (50%) of the IEPs reviewed.

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

## SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

NDDPI strongly encourages the Souris Valley Special Services Unit to continue to offer information and training opportunities to families of children with disabilities. Parental involvement has long been recognized as an important indicator of a school's success and parent involvement has positive effects on children's attitudes and behavior. Partnerships positively impact achievement, improve parent attitudes toward the school, and benefit school personnel as well.

Training for the special education teachers in methods for documenting parent and student input into the assessment plans, IEPs, and transition planning process would be very beneficial. Although the Souris Valley Special Services Unit demonstrated a significantly high rate of parent attendance at meetings, the actual contributions made by parents and students was not adequately communicated in the written documents.

Although overall parent satisfaction appears high based on the survey results, it must be remembered that the survey sample was extremely limited. The qualitative data resulting from the verbal comments that some parents wrote on the surveys indicate that many parents are concerned with specific issues such as timeliness in receiving services, feeling valued as a team member, feeling they are not being listened to, and a feeling of being "hurried." Focus group interviews would be very helpful in identifying professional practices that are impacting meaningful parent participation.

### VII. PROCEDURAL SAFEGUARDS

Student records are managed with regard to content, maintenance, security, and disclosure. The special education records are maintained in each school building of attendance. File reviews completed by the Souris Valley Special Services Unit Self-Assessment Team indicated limited access notices were posted, record of inspection forms were in the files, and files were in a secure location within each school building visited during the Internal Monitoring Team visits.

Due Process Procedural Safeguards are explained to parents fully. Parents are provided with a copy of the parents' rights booklet at least on a yearly basis, concurrent with the annual IEP review. Parents are also provided with the brochure describing parental rights with each parent prior notice that is sent out for meetings related to assessment planning, reevaluations, writing an integrated written assessment summary, placement in special education, and dismissal from special education.

The Souris Valley Special Services Unit Self-Assessment Report identified five out of six areas of procedural safeguards that were determined to be at 90% compliance or higher including:

- File found in secured location (99%).
- Limited access notice was posted (99%).
- Record of inspection was in the files (99%).
- File contained information for only one child (99%).
- Record locator was contained in the cumulative file (92%).

File reviews conducted by the Souris Valley Special Services Unit Self-Assessment Team indicated that 257 out of 279 (92%) of the parent prior notices for the IEP meeting were found in

the files. Parents who completed parent surveys reported that they agreed with the statement “I received notices and information from the school in my preferred language” in 100% of the cases. When asked if “I receive written documents and explanation of my rights as a parent of a child with a disability as well as procedures for settling disagreements and filing complaints,” 98% of the parents agreed.

The NDDPI monitors reviewed the special education records of 27 students served through the Souris Valley Special Services Unit.

Parent Consent forms for the initial evaluations were found in 22 out of 24 records inspected indicating 92% compliance. Parent Consent forms for reevaluations were found in 24 out of 5 records for which this standard was applicable, indicating 96% compliance. Parent Consent for initial placements were also documented in 20 out of 27 files, resulting in 74% compliance.

Parent Prior Notice forms were found in 22 out of 25 files (88%) for assessment planning and in 26 out of 27 files (96%) the most recent IEP meetings. The Parent Prior Notice forms for the initial referral for evaluation were documented in 20 out of 21 files, indicating 95% compliance. The parent prior notice form for the initial IWAR meeting were found in all 20 out of 25 files, indicating 80% compliance. The Parent Prior Notice forms contained all essential components in all 27 files (100%).

Six records were examined for the Transfer of Rights at age 18. The files included documentation that training was provided at age 17 in three out of six cases, indicating 50% compliance. Documentation that the rights were transferred at age 18 was contained in two out of four files, also signifying 50% compliance.

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

#### AREAS OF NONCOMPLIANCE

##### Transfer of Rights at age 18:

*34 CFR 300.347(c) Transfer of Rights. In a State that transfers rights at the age majority, beginning at least one year before a student reaches the age of majority under State law, the student’s IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with 300.517.*

The NDDPI Monitoring Team found that this regulation was met in only 50% of the cases reviewed. Although the data identified by the Souris Valley Special Services Self-Assessment Team was higher, it was still found to be out of compliance, evident in 11 out of 15 files, or 73% of the files.

##### Written Prior Notice Required for Graduation:

*34 CFR 300.122(a)(3)(iii) Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice in accordance with 300.503.*

The Souris Valley Special Services Unit Self-Assessment Team reviewed the files of three students who graduated from high school. Notification that graduation constituted a change in placement was included in only two of the prior notices, indicating 33% compliance.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN:

It is very important that the Souris Valley Special Services Unit continue with the current internal monitoring procedures. The excellent processes being used appear to be very effective in assuring that the required procedural safeguards are being implemented. The unit appears to be very competent in the self-identification and immediate correction of compliance issues. The internal monitoring procedures should be continued to ensure ongoing compliance to the IDEA Procedural Safeguards.